



Report Reference Number 2015/1033/FUL (8/55/241/PA)

To: Planning Committee
Date: October 2018
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APPLICATION NUMBER:	2015/1033/FUL	PARISH:	Hillam Parish Council
APPLICANT:	Johnson Mowat Planning & Development Consultants	VALID DATE: EXPIRY DATE:	8 October 2015 7 January 2016
PROPOSAL:	Full planning permission for the demolition of one dwelling and the residential development of 33 dwellings, means of access, layout and landscaping		
LOCATION:	Land off Main Street Hillam Leeds West Yorkshire		
RECOMMENDATION:	REFUSE		

This application has been brought before Planning Committee at the decision of the Head of Planning.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The site is 2.28 HA of land on the North West side of Hillam village. The majority is outside the development limits. The south east corner lies within the Hillam Conservation Area. The site comprises almost the entire the area of land designated as safeguarded land at Hillam under Policy SL1 of the Selby District Local Plan 2005. A small strip of the southern portion of the SL would remain as it is excluded from development.
- 1.2 The land is bounded to the north by private gardens from residential properties on Mill Close, to the east by the residential properties of Main Street and to the south

by further residential properties which are accessed from Betteras Hill Road. To the west, the site is bounded by a Site of Importance for Nature Conservation (SINC) which includes a large pond. A Public Right of Way dissects the site east to west. The Site is located within Flood Zone 1.

The Proposal

- 1.3 The original submission by Redrow Homes was for 52 dwellings. The application was put on hold at the applicants request due to Geological investigations. The investigations resulted in part of the site being undevelopable. Stonebridge homes took over the application and submitted a revised scheme which reduces the number of dwellings. The proposals originally included two main street dwellings (No 86 Main Street and Hill Crest House) being demolished but now only one (No 86) to make way for the main access. The revised scheme indicates a layout with 33 dwellings within the red line area but is in fact 32 dwellings net with Hill Crest House being an existing retained dwelling. On-site open space and landscaping is proposed in the centre/west side forming a buffer between the development and the SINC (Site of importance to Nature Conservation (local designation)) to the east. The proposed development includes a mix of 2, 3 and 4 bedroom properties.
- 1.4 It is important to note that the application site doesn't comprise the whole of the allocated safeguarded site (a small portion of the southern part of the safeguarded land is excluded). The remaining small strip of land has frontage to Betteras Hill Road at the western boundary and it is not therefore 'land locked'. However, due to the fault line the anticipated capacity of this remaining area is approximately only 1 dwelling.
- 1.5 The application was again held in abeyance at the applicants request in order to provide more detailed Ecological information following consultation responses with the County Ecologist. A grass survey was required and could only be done during May to July. The results of that survey delayed the application further due to the need for a mitigation scheme for the losses and the negotiations around the proposals.

Relevant Planning History

- 1.5 The following historical applications and appeals are considered to be relevant to the determination of this application.-

PREAPP/2014/0588- (advice given on 02.03. 2015) – Pre- Application advice given on a request for residential development of circa 50 dwellings with an indicative layout plan.

SCR/2015/0004 - (EIANOT- 26.03.2015) Screening opinion requested for residential development of circa 50 dwellings. SDC considered the proposal would not comprise EIA development.

2.0 CONSULTATION AND PUBLICITY

2.1 Contaminated Land Consultants

The report is detailed, comprehensive and compliant in respect to contaminated land content. Two Standard conditions CL1 and CL5 are recommended.

2.2 NYCC Highways Canal Road

No objections to the amendments- Conditions recommended.

2.3 Public Rights Of Way Officer

Temporary closure of PROW needed during construction but the PROW will again be available to the public once the development is completed. Permanent diversion order may not be necessary.

2.4 The Environment Agency

Site is in Flood Zone 1 and the EA have no objections. No further comments.

2.5 Selby Internal Drainage Board

Guidelines given and condition recommended.

2.6 Yorkshire Water

Comments made and conditions recommended.

2.7 NY Sustainable Drainage Systems/ Flood Risk Management

Satisfied with run off rate and drainage. Minor remaining queries can be resolved through conditions.

2.8 NYCC Heritage Officer – Archaeology

Recommends condition.

2.9 Education Directorate North Yorkshire County Council

Shortfall of school places would arise and a developer contribution would be sought for primary education facilities. No contribution sought for secondary school facilities. S106 developer contribution levy if outside of CIL charging arrangements.

2.10 Environmental Health

Condition recommended in relation to construction due to the scale of the development and the potential for noise, dirt and dust.

2.11 Yorkshire Wildlife Trust

Previous relevant comments:

- An ecological design for the Green Infrastructure within the development using native species, and a fully funded long term management plan should be provided.
- Accept the SINC pond is used by anglers so is less valuable for wildlife and GCN's unlikely to be present.
- Information not yet been provided on plans for native species planting in a landscaping scheme or an ecologically sensitive lighting plan.

- Clarification on the ecological value of grassland at the site has still not been provided with species richness unaccounted for. Once there is certainty as to where or if there is more species rich grassland appropriate conditions, translocation etc. may be possible.
- Information on hedgerows at the site has also still not been provided. If found to be "important" under the Hedgerow Regulations they would need protecting through appropriately worded conditions.

Conditions recommended for protection of wildlife.

Recent response in relation to compensation proposals discussed with by developers

A very valuable contribution to our work at Barlow would be the renewal of rabbit proof fencing around meadow areas on the reserve. The fencing will protect orchids and other wildflowers and improve the floral diversity of the site. Cost of the fencing for all the meadow areas would be £8090 and administration would be £700 making a total of £8790. This would be a very specific proposal which would increase the enjoyment of the site for visitors as the footpaths are adjacent to the meadow areas. The fencing would also improve the biodiversity of the site. This would be appropriate compensation for the development at Hillam.

2.12 County Ecologist

Earlier consultations with conclusions on each issue:

Final bat survey has now been undertaken. The precautionary approach to demolition of the building and removal of the tree are supported in relation to bats.

Great Crested Newts – following the additional required amphibian report, no further survey work or specific mitigation is required for GCN, but care should be taken during any site works and should amphibians be discovered works should stop and advice sought from a licensed ecologist.

Water Voles - no objections raised but comments that the Water Vole survey was very late in the year.

Grassland- earlier comments prompted a survey of grassland during May to July 2018. Following receipt of this in summary the updated report recommends the preparation of a Biodiversity Enhancement Plan in order to prevent a significant impact upon local biodiversity. There will be a loss of an area of semi improved grassland and the hedgerows at the centre of the site. The plan should include measures to mitigate and compensate for the losses as well as providing enhancement measures. In addition the updated report recommendation is for the plan to include faunal boxes and wildlife friendly lighting which in itself will not provide compensation for the loss of grassland or the loss of hedgerows which provide a number of functions including supporting bat foraging and barn owl prey species.

Support the need for a Biodiversity Mitigation and Enhancement Plan but this must include all necessary measures to mitigate and compensate for the impacts identified. If compensation for the loss of grassland and hedgerows cannot be provided on site then the applicant will need to make provision offsite. Commitment to the provision of this compensation should be provided prior to determination.

Recent consultation response in relation to compensation proposals discussed with by developers

It is confirmed that from an ecological perspective that they are satisfied with the proposals put forward by the Yorkshire Wildlife Trust. This fencing will protect and enhance an area of species rich grassland (Sara confirmed approx. 2.7ha) which will provide a satisfactory compensation for the habitat impacts of the development, making a good contribution to biodiversity in the short and long term compared to the seeding/plug planting that was proposed on site. As Barlow Common is also a local nature reserve the biodiversity benefits can be enjoyed by a greater range of people than the area at Main Street, Hillam.

2.13 North Yorkshire Fire & Rescue Service

No objections.

2.14 Designing Out Crime Officer

Previous issues addressed. Minor issues on security of boundaries.

2.15 Rural Housing Enabler

The revised application is for 33 no. units. Policy SP9 requires 40% affordable housing on housing schemes of 10 units or above, which on this application would be 13 no. units. We continue to seek mainly 2 and 3 bed affordable homes with a tenure split for the affordable units of 30-50% intermediate sale and 50-70% rented.

2.16 Hillam Parish Council

- Affordable housing grouped together should be spread around the site.
- Queries re sewage pipe/drainage.
- Hedging would be preferable to fencing when bordering the development and properties.
- Can the Help to buy scheme be employed to give local people more chance of purchasing.
- Trees removed - should be replaced within the development.
- The more affordable homes should be mixed within the development, not all in one place.
- Retain original walls as much as possible, they are a feature characteristic of the village.
- Visibility at the road junction – some concerns.
- Query who will be responsible for the maintenance of the green/recreational space?
- Buildings should be finished in stone and render to keep in character with other village developments.
- Access/safety concerns - busy already at school drop off/pick.
- Queries re road construction materials and adoption.
- No full street view included in plans.
- Concerns over ability of power supply to support the development.
- PROW already closed as if a pre-disposed approval has been granted.
- Request construction management condition to manage traffic and hours.
- Roads should be restored to a good condition.

- Funding for local projects from this development should be considered.

2.17 Monk Fryston Parish

- Increase volume of traffic – hazard created particularly on Water Lane where there is an existing hazard at the already substandard Water Lane / A63 junction.
- Monk Fryston CofE Primary School is full and would be incapable of absorbing new pupils.
- Water Lane is only provided with footpath lighting. If a development is approved it should be upgraded to current road lighting standards to provide a safe environment to accommodate the increased road and pedestrian traffic and provide safe access to the school.

2.18 Publicity

The application was advertised by site notices, press notices and neighbour notification letters resulting in 31 letters of objection to the original scheme for 52 dwellings and a further 8 letters of objection to the revised scheme for 33 dwellings. A further 3 letters of objection were received following the most recent consultation. Comments made are summarised as follows;

Comments received from Campaign to Protect Rural England

Objection - Safeguarded land should not be released at this time.

The fields are valued by the local community for their flora and fauna and as ancient heritage. The amenity value of the area is enhanced by the presence of protected trees and a public right of way. The site provides a green oasis within the village but also acts as buffer between the built environment of the village and the area immediately to the west which clearly has importance for local nature conservation. Hillam is unlikely to have adequate infrastructure to cater for the scale of development proposed. This indicates that some of the claims made by the applicant in relation to the requirements of the NPPF are unsubstantiated.

Grounds of Objection to revised scheme

8 letters - Note many of these comments on the original scheme and state that their objections are still relevant.

- No need for this development - 5 year supply exists.
- Other land not safeguarded is available.
- Contravenes SP2 A (c).
- Previous applications around this site have been refused by Secretary of State
- Land is still viable for agriculture.
- Adverse effects on ecology – adverse effects on Bats, toads, frogs, meadow grass, loss of trees and previous hedgerow was removed without permission.
- Detailed comments about previous hedges removed, additional trees and hedges proposed for removal and lack of mitigation measures or replacement planting.
- Boundary treatments not appropriate.
- Overlooking into adjacent gardens - loss of privacy.
- Affordable units should be better spread to create a better sense of community.
- Not keen on housing growth being met on mass on one site. More smaller sites would be better.

- Traffic risk assessment is an underestimate – there is more congestion and accidents than referred to in the report.
- Access via Betteras Road would be better.
- Access via Betteras Road should not be allowed.
- Increased flood risk.
- Current hedgerows are home to diverse range of wildlife and will be at risk due to proximity of new houses.
- Reduced scale development is still excessive.
- Query the need for more executive housing.
- Sewers at full capacity.
- PROW has already been closed.

Grounds of Objections to original scheme – 31 letters

- Overdevelopment, not suited to current size and layout of Hillam.
- Insufficient infrastructure to absorb 52 houses. This would increase the village by 15% in one go. Maximum number envisaged for Hillam was 36 in the local plan.
- Adverse impact on the Conservation Area.
- Unimaginative mass produced modern design and housing layout.
- Local services and facilities are at capacity and can't cope with extra houses.
- Road networks can't cope with the extra volume.
- The new access creates a busy junction and heightens risks of accidents occurring.
- No consideration given to improvements in sustainable forms of transport, impact of construction traffic, health implications of extra traffic, conditions for cyclists, improving current traffic issues in the locality.
- No mention in traffic statement of school drop off and pickup times.
- No provision for access from Betteras Hill Road which would greatly ease the situation.
- Queries in relation to the existing public footpath through the site and its potential loss.
- Electricity supply is regularly power cuts. Construction of a large new housing estate will exacerbate the problem.
- surface water drainage, foul drainage, telephone and broadband and roads are all struggling to cope with the existing population.
- Hedgerows and trees have been uprooted illegally (allegedly).
- Redrow Homes Yorkshire are not trusted and any proposals put forward viewed with a considerable degree of scepticism.
- Concerns that a large willow may be removed which is an ancient, longstanding nesting site for our pair of Great Spotted Woodpeckers.
- Objections to loss of open fields, the wild grasses and flowers which have established and for the quiet enjoyment of the rural area for walking/dog walking etc.
- Increased pressure from proximity of development and increased numbers of people on surrounding rural area and protected wildlife.
- Objections made to the way the planning application has been handled and consider Redrow Homes have been given more opportunity to be heard by SDC Consider residents are being kept in the dark.
- Quotes from NPPF regarding the need for planning to be a creative exercise in finding ways to enhance and improve places.
- Concerns that Selby DC, won't discuss any detail with any villagers and this contravenes the policy laid down in the National Planning Policy Framework.

- Any negotiated agreement should leave all parties feeling that a fair solution has been reached. The only way we can work together to achieve a fair and successful outcome for all is by working together in the first place.
- There is no provision of bungalows.
- Contrary to Policy.
- Loss of safeguarded land.
- Detailed comments about individual plots and effects on existing dwellings in terms of light, overlooking and loss of amenity.
- Drainage and flooding problems in the village will be exacerbated.
- Flood tanks will be built and then discharged into culverts on Betterass Hill Road. Query who will pay for the on-going maintenance of the culverts and the probable increase in house insurance for those householders bordering the development.
- The area does contain wildlife of note. Bats, foxes, hedgehogs, shrews, woodpeckers and many other birds/butterfly etc. are all frequently seen and deer have been seen on occasion.
- Scope of Ecological survey doesn't look beyond the site.
- Little employment in the village and with Poor bus and train services to the major employment centres therefore people will use their car.
- Social housing is not well mixed on the site but stuck in a row on the outer edge of the northern part of the site.
- Village does not need a new play area. It needs improvement to the existing facilities.

Grounds of Support

Support in principle since numbers reduced to 52 but detailed comments made about road safety.

- Support reduction of affordable housing from 40% to the 15 % offered.
- Support that Hillam should have some additional housing.

3.0 POLICY CONTEXT

- 3.1 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 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 2013 (CS)

- 3.2 The relevant Core Strategy Policies are:

SP1 - Presumption in Favour of Sustainable Development
 SP2 - Spatial Development Strategy
 SP4 - Management of Residential Development in Settlements
 SP5 - Managing Housing Land Supply

SP8 - Housing Mix
SP15 - Sustainable Development and Climate Change
SP18 - Protecting and Enhancing the Environment
SP19 - Design Quality
SP9 - Affordable Housing

Selby District Local Plan 2005 (LP)

3.3 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 213 of the 2018 NPPF which states "existing policies should not be considered out of date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, 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 can be given).

3.4 The relevant Selby District Local Plan Policies are:

SL1 - Safeguarded Land
ENV1 - Control of Development
H2 - Location of New Housing Development
ENV25 - Development in Conservation Areas
ENV2 - Environmental Pollution and Contaminated Land
T1 - Development in Relation to Highway
T2 - Access to Roads

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

3.5 The National Planning Policy Framework (July 2018) replaces the first NPPF published in March 2012. The Framework does not change the status of an up to date development plan and where an application conflicts with such a plan permission should not usually be granted (paragraph 12). This application has been considered against the 2018 NPPF.

3.6 Other Guidance/Policies

- Affordable Housing Supplementary Planning Document, 2013
- Developer Contributions Supplementary Planning Document March 2007

4.0 APPRAISAL

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

1. Principle of the development.
2. Character and form of the village
3. Highway Safety conditions
4. Nature Conservation, Ecology and Protected Species
5. Heritage Assets
6. Flood Risk, drainage and climate change
7. Residential Amenity
8. Contaminated land and ground conditions
9. Recreational Open space

- 10. Education Healthcare and waste recycling
- 11. Affordable Housing

The Principle of development

- 4.2 Policy SP1 of the CS 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 NPPF" and sets out how this will be undertaken.
- 4.3 Policy SP2 of the CS sets out the long term spatial direction for the District and provides guidance for the proposed general distribution of future development. The settlement hierarchy is ranked in order of the Principle Town of Selby, Local Service Centres, Designated Service Villages (DSV's) and smaller villages. The majority of development in Selby District is based on the principles of the majority of development being directed to towns Service centres and more sustainable villages. DSV's are considered to have some scope for additional residential growth to support rural sustainability.
- 4.4 Policy SP2 identifies Monk Fryston with Hillam as a DSV. Policy SP4 of the CS relates to the management of residential development in settlements and sets out the types of development which will be acceptable in principle *within* Development Limits. A small part of the application site, (around the existing dwelling to be demolished for the access) is within the development limits. However, the majority is outside but adjacent to the defined development limits (as defined in the adopted development plan) and therefore is located in open countryside.
- 4.5 Policy SP2A(c) specifically 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 At the time of writing this report, the Council can confirm that they have a five year housing land supply. This cannot be a reason in itself for refusing a planning application. The applicants do acknowledge the Council have a 5 year supply but think the position is lower than stated. However, they don't provide evidence to substantiate this statement. Moreover, the Councils latest housing land supply position which was recently updated in September 2018 indicates that as of 31st March 2018 the district now has a 6.5 year deliverable supply of housing. This is an increase from the position in December 2017 of 6.2 years supply. The broad implications 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.
- 4.7 The proposal does not constitute any of the forms of development set out under SP2A(c). In light of the above policy context the proposals for residential development are contrary to Policy SP2 of the Core Strategy. Substantial weight to the conflict with the development plan (and the related conflict with the intentions of the Framework) should be given in this case. The proposal should therefore be refused unless material considerations indicate otherwise.

Safeguarded Land

- 4.8 Given the site's saved designation as safeguarded land, the main issue for consideration is whether the site should be kept free of permanent development at the present time in order to maintain the site's availability for development in the longer term.
- 4.9 Policy SL1 (Safeguarded land) is a carried forward policy from the SDLP. It states that *"...within areas of safeguarded land as defined on the proposals map, proposals for development which would prejudice long term growth beyond 2006 will not be permitted. It is intended that the release of safeguarded land, if required, will be carried out in a controlled and phased manner extending over successive reviews of the Local Plan."*
- 4.10 Paragraph 139 (c) of the 2018 NPPF confirms that when defining Green Belt boundaries plans should where necessary identify areas of safeguarded land between the urban area and the Green Belt in order to meet longer term development needs stretching well beyond the plan period. NPPF paragraph 139 (d) states that *"...Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development"*.
- 4.11 The release of SL was intended to be undertaken in a controlled and phased manner through future Local Plan reviews. The applicants point out that the identification of housing allocations as anticipated in the Core Strategy has been delayed and no part 2 documents are currently adopted. Nevertheless Policy SL1 is fully and clearly consistent with the NPPF (para 139) and taking into account para 213 of the NPPF on weight to be attached to development plan policies, significant weight can still be afforded to this policy.
- 4.12 Other safeguarded land in the district includes the land around Sherburn. However, it is important to note that Sherburn, alongside Tadcaster is one of only two Local Service Centres(LSC) in the district and is not a DSV. Therefore it was always expected to take a greater proportion of development than the DSV's. Some of the land (Hodgsons Gate) has been released for development but it should be noted that this was on appeal at and was considered against the background of not having a 5 year housing land supply. The Inspector for the appeal decision on land to the east of the application site at Hodgson's Gate (APP/N2739/W/16/3144900 dated 06 December 2016) commented that:
- "The site was safeguarded some 11 years ago as a resource for accommodating residential growth beyond 2006. It has been kept free of permanent development all of this time and its release now reflects the changed circumstances in the District with regard to the slow delivery of new residential development to meet a new housing requirement."*
- 4.13 The Inspector concluded that in the specific circumstances, that being a lack of five year housing land supply, given its status as a parcel of a larger area of safeguarded land, it would not be necessary for the appeal site to be kept free of permanent development at the present time in order to maintain its availability for development in the longer term. The release of further safeguarded land around Sherburn is currently resisted due to the existence of a 5 year land supply, the high levels of growth that has already occurred at Sherburn and the need to retain further safeguarded land for the future plan period.

- 4.14 The Council still have a robust housing land supply and therefore the justification which existed at Hodgsons Gate in releasing safeguarded land does not exist at Hillam now. The site has not been proposed for development in any review of the current Local Plan. Since Policy SL1 of the Local Plan conforms to the NPPF the decision to release safeguarded land for housing development should be resisted, unless material considerations clearly outweigh the conflict.

Sustainability

- 4.15 In terms of sustainability the application site abuts Hillam which is a DSV in the Core Strategy. The settlement is combined with Monk Fryston which together can provide the main basic services of Primary school, store, post office and doctor's surgery. In the Council's background paper No 5 (Sustainability Assessment of Rural Settlements) 2010 it ranks 1 within the range of settlements ranked 1-4 (4 being the lowest) in terms of sustainability. It is acknowledged that this survey took place some time ago but it was and remains a useful indicator of the level of facilities within the DSV's. Therefore in terms of access to facilities and a choice of mode of transport, despite the site being located outside the defined development limits of the settlement, the site can be considered as being in a reasonably sustainable location within the district.
- 4.16 However, paragraph 12 of the NPPF makes clear that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. When a planning application conflicts with an up to date plan permission should not normally be granted.
- 4.17 Given the position with the 5 year land supply it is considered that the site should be kept free of permanent development at the present time in order to maintain its availability for development in the longer term, having regard to the requirements of local and national planning policy.

Previous levels of growth

- 4.18 CS policy SP5 designates levels of growth to each of the 3 main towns, the group of Designated Service Villages and the group of Secondary Villages based on their infrastructure capacity and sustainability. This policy sets a minimum target of 2000 for DSVs as a whole which the most recent monitoring indicates has been exceeded by completions and permissions in those settlements as a whole. The CS Policy does not set a minimum dwelling target for individual DSVs.
- 4.19 The applicants consider the 2000 dwellings for the DSV's equates to approximately 110 each when divided equally and therefore the growth for this individual DSV has not been exceeded. However, the scale of distribution of the anticipated 2000 dwellings was not apportioned to each DSV and was not envisaged to be divided equally for each DSV as suggested. There is nothing within the policy which recommends a specific approach for apportioning development to DSV's. Such an approach would constitute bad planning, as amongst the 18 DSV's there is a wide range of service and amenity provision which can be argued can support differing amounts of new development. The DSV's are also various sizes, with some having much greater populations than others. A pro rata approach would lead to over development in some DSV's resulting in a negative effect on the rural character of the smaller settlements. It can also be seen in Policy SP2A(a) that some DSV's are meant to receive more development than others:

“The following Designated Service Villages have some scope for additional residential and small-scale employment growth to support rural sustainability and in the case of Barlby/Osgodby, Brayton and Thorpe Willoughby, to complement growth in Selby.”

Splitting the 2000 dwellings on a purely pro rata basis would therefore be contrary to Core Strategy Policy SP2.

- 4.20 The Council put forward various growth options for the DSVs as part of the development of PLAN Selby in 2014 and 2015. The DSV growth options study although not adopted policy, has been recognised by inspectors in recent appeals as being as being the most appropriate method of apportioning growth to the various DSV's in the absence of any adopted policy. Para 32 of decision APP/N2739/W/17/3175463 states:

“I accept that the Growth Options report is part of an evidence base for the emerging Selby Site Allocations Local Plan Document and as such the weight that can be attached to it is limited. Nonetheless, it does provide some informed indication of future growth scenarios relevant to the spatial development strategy of the Core Strategy.”

Similar wording can also be found in paragraph 31 of appeal decision APP/N2739/W/17/3183958 and paragraph 37 of appeal decision APP/N2739/W/17/3181460.

- 4.21 The growth options for Monk Fryston and Hillam was indicated in this evidence base to be less than some other settlements with more services. The research indicated minimum growth options of between 0-36 dwellings for the settlement. To date, it has seen 25 gross (22 net) dwellings built since the start of the Plan Period (April 2011) and has extant approvals for 7 dwellings gross (6 net), giving a gross total of 32 dwellings (30 net). Although this is slightly under the minimum for this settlement, the total amount for DSV's across the district has now been exceeded.
- 4.22 The applicants point out that considerable growth has occurred in other DSV's since the start of the plan period except in Hillam. They provide a list of DSV's with large growth rates. However, the large growth rate in other villages was almost entirely due to PP's given when we the Council did not have a 5 year supply. This resulted in the overall growth rate being exceeded. Notwithstanding this there are many DSV villages which have not had considerable growth including Appleton Roebuck, Cawood, Byram/Brotherton, Escrick, Hemingbrough, Kellington, North Duffield - therefore it's not just Hillam.
- 4.23 Taking into account the range of growth options identified for this settlement, the scale of this individual proposal, at 32 net dwellings is not individually inappropriate to the size and role of a settlement designated as a Designated Service Village. However it must also be considered in terms of the cumulative impact it would have with the previous levels of growth in this settlement (Hillam and Monk Fryston combined) that have occurred since the start of the plan period. In this case the gross total for the plan period of 30 net dwellings when added to this individual proposal of 32 would result in a cumulative development of 62 dwellings for the settlement which is well beyond the growth option recommended.

The applicants state that no alternative sites exist for this DSV due to its Green Belt constraints. However, since the minimum target of 2000 set in Policy SP5 of the Core Strategy for the DSV's as a whole has been exceeded and the proposed development would result in the growth option identified for the individual village being significantly exceeded. It is acknowledged that only limited weight should be given to the Growth options Paper, however, there can only be limited justification given to releasing the land on the basis of limited growth in this settlement in the context of the position overall.

Deliverability

- 4.24 In terms of deliverability, the development is considered to be highly deliverable and the scheme can be implemented upon receipt of the necessary consents. The application seeks full planning permission and the developers have indicated they are ready to make a start following the grant of permission. The NPPF aim of boosting and maintaining the supply of housing is a material consideration when evaluating planning applications. An approval on this site would provide additional dwellings to the housing supply which add some weight in favour of the proposal.

Impacts of the Development

Character and form of the settlement

- 4.25 Core Strategy Policy SP18 aims to protect the high quality and local distinctiveness of the natural and man-made environment. The site is mostly located in the countryside and outside of Development Limits. From PLAN Selby evidence on the sensitivity of the landscape to development it is considered that the overall landscape assessment parcel for the area to which the application relates is of high sensitivity to development, with the settlement fringe considered of high quality.
- 4.26 The site is currently open undeveloped grass land with hedgerows and trees. It slopes down away from the village development boundary and abuts a SINC. This consists of a large pond surrounded by established trees and hedgerow. A small part of the south east corner of the site falls within the village conservation area. The proposal would significantly change the current open character of the site. In this respect the development would be reduce the high quality of the settlement fringe.
- 4.27 It is considered that the SL area is strongly defined and remains a potentially valid location for future development with a western edge clearly limited by the pool features and is bounded to the south, east and north by residential development. The overall area of the SL at 2.6ha is not disproportionate in scale to the overall settlement.
- 4.28 The site is bounded by residential development on three sides to the north, east and South. Furthermore, both the SINC and Betteras Road to the west and south west form a natural boundary within which, given the physical extent of the existing settlement, the development of this site would naturally round off this side of the village albeit to a large scale. Similar development at depth from the main road frontage already exists within the village and therefore this scheme would not be inconsistent with the form and character of developments already established in the village. Furthermore, the layout proposed includes a substantial buffer of public open space between the new housing and the SINC to the west which would form a new softer landscaped edge to this part of the settlement. If the development were

to proceed, it is considered that it would create a new boundary on this west side of the settlement which would be durable permanent and defensible since it would be surrounded on three sides by existing development and with public open space graduating to the boundary of a SINC to the west. The site is relatively enclosed and screened from the wide countryside with limited views afforded from the south west. As such a new permanent visual edge to the settlement could be maintained for the future.

- 4.29 In terms of the layout, the amended layout plan is a significant improvement on the previous scheme for 57 dwellings. The dwellings are spread across a smaller part of the site with open space and longer gardens on the west side. Only one dwelling on the main street frontage is now to be removed with Hill Crest House, an individual detached dwelling, now being retained.
- 4.30 Amendments have been sought to the layout, the design and the materials in order to achieve a development which contributes positively and which would be more in keeping with the form and character of the area. These relate to the design of Plot one fronting the main street, the retention and use of stone wall frontages, more use of stone materials to reflect the original character of the village, improvements to the layout and arrangement and position of some of the dwellings. The revised layout is considered broadly acceptable and is a significant improvement over the original scheme submitted.
- 4.31 It is considered that the proposal would form a new defensible boundary to the settlement. As such it is considered that although there would be some harm to the quality of the settlement fringe, the revised scheme provides a development which is more in character with the existing village and rounds off the village providing a new durable defensible boundary edge for the future. Overall there is both a positive and a negative effect. However, the harm to the sensitivity of the settlement edge is considered to be outweighed in this case by the positive benefits to the character and form of the settlement as described above
- 4.32 The scheme would not therefore result overall in a materially harmful impact on the character, form and setting of the village and would not conflict with the aims of Policies SP1, SP18 and SP19 of the Core Strategy, ENV 1 of the Local Plan or with the NPPF.

Heritage Assets

- 4.33 A small part of the south-eastern section of the site falls within the Hillam Conservation Area, a designated heritage asset, and as such redevelopment proposals will potentially impact directly and indirectly, upon the heritage significance of the Area. No other designated heritage assets are considered to fall within sufficient proximity to the site to give rise to potential impacts upon setting. The part of the site that is in the Conservation Area is a small portion of open field to the rear of existing dwellings.
- 4.34 In accordance with the NPPF paragraph 189 the Local Planning Authorities require the applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The Planning (Listed Building and Conservation Areas) Act 1990 requires that, with respect to any buildings or land in a Conservation Area, special attention be paid to the desirability of preserving or enhancing the character or appearance of the area.

- 4.35 The applicant has provided the results of an archaeological geophysical survey. The results did not suggest a significant concentration of archaeological feature that would preclude development. The Heritage Officer from NYCC is now satisfied that a condition imposed to require archaeological recording would be acceptable.
- 4.36 The Heritage statement submitted with the application sets out that the Hillam Conservation Area was designated by the Council in 1969 with subsequent boundary revision in 2002. This revision removed the majority of the agricultural fields falling within the site from the Conservation Area. One area, formerly an enclosed paddock or orchard, to the rear south-west of Prospect House, was retained within the Area and this is the part that falls within the south-east corner of the site.
- 4.37 The boundaries of the Conservation Area largely follow the linear form of the historic village as it extends along Main Street and Chapel Street. Views within and out from the Conservation Area tend not to be expansive and are enclosed by surrounding residential estate development. Visual connectivity with the surrounding countryside from public vantage points is similarly constrained although more extended views are available at from Chapel Street at the western and eastern edges of the Area. These elements are positive contributors to the setting of the Conservation Area although elsewhere setting is largely neutral. The application site forms part of the wider historic agricultural setting of the village although its visual contribution, from currently public vantage points within the Conservation Area, is not prominent. The land itself is enclosed to its western and southern boundary by tall hedgerows and tree belt with residential development on Mill Close visible to the north. The two properties falling within the site are of inter-war and later 20th century construction and, whilst reflective of prevailing architectural styles at the time, hold limited heritage interest and make no substantive contribution to the setting of the Area.
- 4.38 The proposed development will remove an element of the agricultural setting of the Conservation Area which holds a degree of evidential value in illustrating the agrarian foundation of settlement. The land itself makes no substantive contribution as open space, for example as a public focal point or in facilitating significant views, and is largely enclosed and isolated from the village centre. As such its contribution to the significance of the Conservation Area is limited.
- 4.39 Overall it is concluded that the proposals would not result in the loss of a key element contributing to the significance of the Conservation Area. It will however marginally diminish the historic agricultural setting of the area. The loss of this area is offset to a small degree by the provision of an area of open space within the layout which will be of public benefit and which will be visible from the main access on Main Street.
- 4.40 It can be concluded that the proposals would give rise to harm to the Heritage Assets, which is less than substantial. In these circumstances paragraph 196 of the NPPF makes clear that this harm should be weighed against the public benefit of the proposal. In the event that housing was required on this site then the benefits of the housing provision and the affordable housing provision would be considered to outweigh this harm. The benefits of a small amount of public open space within a village which already has open space provision is not sufficient benefit by itself to offset the harm. However, where adequate housing provision exists within the district then the harm is not outweighed by any public benefits of further housing

provision and the development would conflict with Policies ENV1 of the Local Plan, Policies SP18 and SP19 of the Core Strategy and the NPPF

Highway Safety conditions

- 4.41 Access to the site would be via the Main Street in Hillam. One dwelling between number 84 Main Street and the dwelling Hill Crest House would be demolished to make way for a new access. The scheme originally proposed the demolition of Hill Crest House. However, this is now to be retained in this revised proposal. A footpath would be provided along the access linking in to the main street. The housing would be arranged around two cul-de-sacs. A PROW runs through the site from east to west linking to a footpath running alongside the pond. The footpath would need to be temporarily closed during the construction phase but the route would be maintained within the proposed development. It would not therefore be adversely affected in the longer term.
- 4.42 The Highway authority is satisfied with the revised layouts and raises no objections subject to the imposition of suitable conditions. Having had regard to the above it is considered that the scheme is acceptable and would not harm road safety conditions in accordance with Policies ENV1(2), T1, T2 and T7 of the Local Plan and the NPPF.

Nature Conservation, Ecology and Protected Species

- 4.43 The site slopes down to the west towards a large pond which is a SINC. A group of trees surrounds the northern section of this pond. A Phase 1 Habitat Survey was submitted with the original application and updated reports looking at GCN's, Water Vole, Bats and the Grassland species have been received.
- 4.44 It is now accepted the SINC pond is less valuable for wildlife due to its use by anglers. As such it is unlikely that GCN's will be present. Yorkshire Wildlife Trust consider conditions to ensure that the pond is not negatively affected by the development are still essential. Updated surveys on Water Voles have been received also on the presence of GCN on other nearby ponds and no specific concerns are raised. The most recent Bat survey does not raise any issues and the County Ecologist advises the standard precautionary approach to demolition of the building within the site and removal of the tree.
- 4.45 In relation to the hedgerows, concerns were raised when the application was first submitted that hedgerows had been removed. However, no evidence has been provided on whether these were 'important' under the Hedgerow Regulations. Trees and hedgerows along the western boundary would be retained. The opportunity exists to plant new hedging as part of the boundaries to the scheme as part of a landscaping scheme. Details can be conditions for subsequent approval.
- 4.46 The updated extended Ecological survey and grass survey earlier this summer resulted in concerns regarding the loss of an area of semi improved grassland and the hedgerows at the centre of the site. It was advised that there was a need for a Biodiversity Mitigation and Enhancement Plan to include all necessary measures to mitigate and compensate for the impacts identified. If compensation for the loss of grassland and hedgerows cannot be provided on site then the applicant was advised to make provision offsite. Commitment to the provision of this compensation needed to be resolved prior to determination.

- 4.47 The initial response was to provide a new area of grassland on site as informal open space to mitigate for the loss. However, this was considered unsatisfactory because the public access to the site would likely lead to damage to species and regular need to keep these areas mown and tidy for use by nearby residents.
- 4.48 As such the applicants have discussed possible options with the County Ecologist and with the Yorkshire Wildlife Trust (YWT). Since on-site mitigation has not proved possible, a scheme for off-site mitigation has been explored. A contribution to pay for an off-site scheme has been considered which would make a very valuable contribution to the work of the YWT at Barlow Common Nature Reserve. This would be for the renewal of rabbit proof fencing around meadow areas on the reserve. The fencing will protect orchids and other wildflowers and improve the floral diversity of the site. Cost of the fencing for all the meadow areas would be £8090 and administration would be £700 making a total of £8790. This would be a very specific proposal which would increase the enjoyment of the site for visitors as the footpaths are adjacent to the meadow areas. The fencing would also improve the biodiversity of the site and help to increase the long term survival of meadow species.
- 4.49 Without adequate mitigation the loss of the grassland and hedgerows would lead to unacceptable harm to ecological interests. As mitigation cannot be provided on site, offsite mitigation in this way would overcome the harm and meet all of the 6 tests required for planning conditions as set out in Para 55 of the NPPF. As it is a financial contribution a S106 is the most appropriate way to secure the payment and meets the tests set out in para 56 of the NPPF.
- 4.50 It is concluded that this scheme would be appropriate Ecological Mitigation and compensation for the loss of semi improved grassland and hedgerow at Hillam as it would enable a larger area of meadow to thrive which is of wider public benefit. The developer would, under the terms of the S106, pay the money to Selby DC upon commencement of the development. SDC would then be bound under the S106 to ensure the money is used towards the agreed scheme. YWT would apply to SDC to release the funds for the project. A condition should be imposed to ensure the recommendations of the Ecological Assessments are adhered to.
- 4.51 Subject to the above conditions and the satisfactory completion of the S106, the scheme can be considered to be acceptable and compliant with ENV1 of the Local Plan, SP18 of the Core Strategy and with the NPPF.

Flood Risk, drainage and climate change

- 4.52 The application site is located in Flood Zone 1, which comprises land assessed as having a less than 1:1000 annual probability of flooding. It is therefore low risk and is considered to be at a low probability of flooding.
- 4.53 The application is accompanied by a Flood Risk Assessment which examines potential flood risk as above and considers the options for Surface water drainage and Foul water drainage. The Environment agency, Yorkshire Water and the IDB raise no objections subject to a series of conditions and informative which are attached.
- 4.54 The Flood Risk Management officer required further information which has now been provided. They have been re-consulted and recent response recommends conditions.

4.55 The scheme can be considered to provide acceptable drainage and to be in accordance with Policy SP15 of the Core Strategy and Policy ENV1 of the Local Plan.

Residential Amenity

4.56 One of the core planning principles of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The key considerations in respects of residential amenity are considered to be the potential of the proposal to result in overlooking, overshadowing and overbearing.

4.57 The layout plan is a significant further improvement over the previous scheme. The distance and relationship between the proposed dwellings and existing properties is acceptable with more than the required minimums. The layout plan demonstrates that a satisfactory standard of residential amenity which respects the amenity for current occupants can be achieved. A satisfactory standard of amenity for the proposed dwellings is also demonstrated. Full planning permission is sought and therefore it is considered appropriate to impose a condition limiting the number of dwellings on the site so that these are not increased through revisions.

4.58 Comments have been received raising concerns over the noise and disturbance from construction. However, the construction phase of the development is a temporary situation and does not affect the planning considerations for the permanent development of the site. However, a construction management plan (by condition) which would help to alleviate the worst harm arising from the impacts of the site construction and to protect the amenity of local residents. The Environmental Health and Highway Authority both recommend the imposition of a condition to control the impact of noise, vibration, dust and dirt on existing residential properties and traffic and parking associated with the construction.

4.59 It is therefore considered that an appropriate scheme could be designed which would ensure that no significant detrimental impact is caused to existing residents through overlooking, overshadowing or creating an oppressive outlook in accordance with Policy ENV1(1) of the Local Plan and the NPPF.

Contaminated land and ground conditions

4.60 The Council's Contamination Consultant (WPA) was consulted and considered that the submitted Phase 1 Investigation comprehensively meets the requirements of good practice. Standard conditions CL1 and CL5 are advised.

4.61 The proposals, subject to conditions would therefore 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

4.62 Policy RT2(b) states that for schemes of more than 10 but less than 50 dwellings there are four options for the provision of recreational open space and that these are subject to negotiation. The applicants have indicated that they will provide an area of recreational open space compliant with the required open space requirements.

- 4.63 In terms of the general provision of the ROS land, the position within the site and the quantum of space provided is acceptable. It meets the requirements of RT2 in terms of the amount of land provided. The area will be in the centre of the site providing an open landscaped area which will link in with the PROW. The details of the laying out, planting and landscaping could be covered by a condition.
- 4.64 The Parish Council have raised questions about future maintenance. However, it is understood this would be managed by an appropriate body and made available for residents of the site and the village as a whole.
- 4.65 It is considered that subject to a Section 106 agreement to secure the on-site provision of Recreational Open Space and its future maintenance, the proposals are appropriate and accord with Policies RT2 of the Local Plan, Policy SP19 of the Core Strategy and the NPPF.

Affordable Housing

- 4.66 Policy SP9 states that the Council will seek to achieve a 40/60% affordable/ general market housing ratio within overall housing delivery. In pursuit of this aim, the Council will negotiate for on-site provision of affordable housing up to a maximum of 40% of the total new dwellings on all market housing sites at or above the threshold of 10 dwellings.
- 4.67 The policy goes on to state that the actual amount of affordable housing to be provided is a matter for negotiation at the time of a planning application, having regard to any abnormal costs, economic viability and other requirements associated with the development. The applicants have agreed to the provision of 40% AH at this stage in accordance with Policy SP9.
- 4.68 The Selby District Council Strategic Housing Market Assessment 2009 has identified a need for both 2 and 3 bedroom affordable homes with a required tenure split of 30-50% Intermediate and 70-50% Rented. The Section 106 agreement would secure up to the 40% provision on site and would ensure that a detailed Affordable Housing Plan is provided setting out the size and tenure mix. However, a different mix may be considered if it has been agreed in principle with an identified Registered Provider (RP) partner. The outline scheme proposes a total of 33 no. units, and as such our Core Strategy requires a contribution of up to 13 units. The applicants have agreed to this level of provision which could be secured by way of a Section 106 agreement.
- 4.69 The applicants consider that the 40% Affordable Housing provision would be a material consideration weighing in favour of the proposal. No other planning consents with AH has been granted for this settlement. However, no current need has been identified for Hillam and there is nothing to indicate a greater need in Hillam than in other DSV's or that this DSV has less provision than others. The applicants say that demand exist from registered providers in Hillam. However, this does not justify overriding the spatial strategy for the district since demand may exist everywhere and there is no comparison to show any greater demand here than any other location. The applicant provides information to demonstrate that affordability rates are higher in Hillam than in other villages. However, the figures provided show higher prices for the larger houses but average prices for smaller semi-detached dwellings. Also the figures provided are house sales that have occurred and are not based on average house values for the village as a whole

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

Education Healthcare and waste recycling

- 4.71 Policies ENV1 and CS6 of the Local Plan and the Developer Contributions Supplementary Planning Document set out the criteria for when contributions towards education, healthcare and waste and recycling are required. However, education is now covered by CIL. The education authority say that additional primary school places would be needed as a result of the development and prior to CIL a contribution would be sought.
- 4.72 With respect to Waste and Recycling, a contribution of £65 per dwelling would be required and this would therefore be secured via Section 106 agreement.
- 4.73 Since the applicant has agreed to make appropriate contributions by way of section 106 towards re-cycling facilities the proposals comply with policies ENV1 and CS6 of the Local Plan, Policy SP19 of the Core Strategy and the Developer Contributions SPD with respect to developer contributions.

5.0 CONCLUSION

- 5.1 The proposal would be the release of a large Greenfield site outside of development limits. It would therefore conflict with the fundamental aims of Policies SP1 and SP2 and SP5 of the Core Strategy which should be afforded substantial weight.
- 5.2 The proposal does not constitute any of the forms of development set out under SP2A(c). The development would be contrary to Policy SP2 of the Core Strategy. Substantial weight to the conflict with the development plan should be given. The proposal should therefore be refused unless material considerations indicate otherwise.
- 5.3 The site is safeguarded land which has been set aside from the Green Belt and has been considered as suitable for future development beyond the 2006 plan period. There is no specific time period for a review, only that it should take place through a future Local Plan Review. The Core Strategy deals with Green Belt issues and Policy SP3 replaced all the SDLP Green Belt policies although it did not replace the Safeguarded Land policy. That is because, as the Inspector noted in his report:

“It is the role of this Core Strategy to set out the factors that will govern any Green Belt boundary reviews that are deemed necessary at the SALP stage.”

The existing SDLP SL1 policy is site specific and identifies the sites and protects them from development and still stands (until replaced or deleted by a future plan). The process of reviewing SL as part of a LP review has been clear at Selby but has not yet reached the stage where it is considered appropriate.

- 5.4 The existing Selby District Local Plan Policy SL1 is site specific and identifies the sites and protects them from development and still stands (until replaced or deleted by a future plan). Moreover, the Council still has a robust 5 year housing supply. The decision to release safeguarded land for housing development should therefore be resisted. If it was to be released now, at a time when the Council does have a 5

year supply, then the Green Belt itself could become threatened at a time when it does not.

- 5.5 It is acknowledged that the site is in a reasonably sustainable location and it is acknowledged that a development of this scale would help make a positive contribution to the overall sustainability of local services and facilities and would enhance the vitality of the rural community. However, paragraph 12 of the NPPF makes clear that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. When a planning application conflicts with an up to date plan permission should not normally be granted.
- 5.6 The case put forward by the applicants that Hillam has had very little growth and have not met the 'apportioned' quantum of housing envisaged for the DSV's is not correct. The overall level of development for the DSV's envisaged in CS Policy SP5 has been exceeded. Moreover, the cumulative level of development for the DSV taking into account previous completions and permissions with the proposed development would exceed the growth option advised for the DSV. As previously indicated growth options have limited weight but provide the best guide and have been acknowledged as such in recent appeal decisions. The other sites in the settlement mentioned in the growth levels are mainly within the settlement. For the same reason, little weight can be attributed to the lack of alternative sites due to the village being surrounded by Green Belt.
- 5.7 The fact the Council now has a 5 year land supply does not mean that all applications should be refused. There is a need to continue to maintain that supply. This provision of 32 houses which would contribute to the supply is a factor providing some weight in favour of the proposal. Similarly the 40 % Affordable Housing provision amounting to 13 units in the village would be a positive benefit especially since no other planning consents with AH has been granted for this settlement. However, for the reasons stated in the report this does not justify overriding the spatial strategy for the district. Overall it is concluded that the benefits of the housing and AH provision are not so significant in this location to provide justification to set aside the conflict with the development plan.
- 5.8 In terms of the impacts of the proposal, no specific harm is identified in terms of the impact of the development on the Character and appearance of the area, Highway Safety, Flood Risk, Residential Amenity, Recreation, Contamination and Waste Recycling. In terms of Ecology, harm is identified but the applicants have provided an acceptable compensation package to mitigate the loss. In terms of Heritage Assets, the harm is considered to be 'less than substantial'. In these circumstances the NPPF makes clear that this level of harm should be weighed against the public benefits of the proposal which have not been proven to be provided in this case. As such the development would conflict with Policies ENV1 of the Selby Local Plan, Policies SP18 and SP19 of the Selby Core Strategy and the NPPF in this respect.
- 5.9 It is therefore concluded that the weight in favour from the housing provision does not outweigh the other conflicts with the development plan and the harm to the spatial strategy for the district. It is therefore considered that material circumstances do not exist which is sufficient to outweigh the conflict with the development plan and the application should therefore be refused.

6.0 RECOMMENDATION

That the application be REFUSED for the following reasons;

- 01 The site is Safeguarded Land as identified in the Selby District Local Plan 2005 and the release of any safeguarded land, if required, should be carried out in a controlled and phased manner extending over successive reviews of the Local Plan. As such the site should be kept free from permanent development at the present time in order to maintain its availability for development in the longer term. The release of this safeguarded land at Hillam at a time when the Council have a robust housing land supply and where the target for housing in DSV's has been exceeded would conflict with the requirements of the Policy SL1 of the Local Plan, Policies SP2 and SP5 of the Selby District Core Strategy and with the NPPF and could lead to encroachment into the Green Belt should further housing land be needed in the future.
- 02 The Designated Service Settlement of Hillam/Monk Fryston already has extant approvals on smaller sites for a total of 31 dwellings and capacity for growth therefore already exists in the village and the minimum target for DSVs in the district has been exceeded by completions and permissions in those settlements as a whole. The development would therefore result in a level of expansion of the settlement which would undermine the spatial integrity of the development plan and the ability of the council to deliver a plan led approach. There are no other material considerations which in the opinion of the Local Planning authority outweigh the conflict with Policies SP1, SP2, SP4, and SP5 of the Core Strategy and with the NPPF.
- 04 The proposed development would give rise to harm to the Heritage Assets, which is less than substantial. Since adequate housing provision exists within the District then the harm is not outweighed by any wider public benefits due to the provision of housing or any other public benefit. The development would therefore conflict with Policy SP18 of the SDCS LP and with the NPPF.

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