



**Report Reference Number:** 2018/0743/FUL

**To:** Planning Committee  
**Date:** 16 January 2019  
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| APPLICATION NUMBER: | 2018/0743/FUL   | PARISH:                     | Hambleton Parish Council   |
| APPLICANT:          | York House Leisure  | VALID DATE:<br>EXPIRY DATE: | 2 August 2018<br>1 November 2018<br>E of T agreed until ~18 January 2019 |
| PROPOSAL:           | Demolition of buildings and removal of concrete hard standing and redevelopment of site to create a retirement village comprising a change of use of land to site 168 residential park home caravans, temporary reception lodge, shop and sales office, community centre with meeting hall, kitchen, toilets, office, shop, outdoor terrace, village green, and provision of lakes, ponds, public and private amenity spaces, estate roads, car parking, bus laybys, refuse stores, maintenance building and yard |                             |  |
| LOCATION:           | Former Mushroom Farm<br>Gateforth New Road<br>Brayton<br>Selby  |                             |  |
| RECOMMENDATION      | Minded to APPROVE subject to conclusion of a planning obligation  |                             |  |

This application is to be determined by the Planning Committee as the application is a Departure from the Development Plan and there are material considerations which would support the recommendation for approval.

## 1. Introduction and background

## **The Site**

- 1.1 The application site lies between the classified Gateforth New Road to the south and the A63 by pass south of Thorpe Willoughby to the north and is the site of a former mushroom farm also known as Linkside Mill that had been operated variously by Middlebrook, Stanley Middlebrook and Gateforth Park Mushroom Farms, since at least the late 1970's until the site closed in 2008 and was mostly cleared some time before 2013.
- 1.2 The northern half of the site is partially regenerated woodland with concrete structures and hardstandings amongst it whilst the southern half is almost entirely covered by extensive concrete slabs and is open but for some remains of upstanding former mushroom farm sheds and buildings. There is a bunded former lagoon in a part of the site that projects out beyond the main site to the west and this area is surrounded by regenerating grassland and sparse woodland. Vehicle access is principally from Gateforth New Road but there is an informal pull-in and parking areas off the A63 since the woodlands are used for informal access and recreation. The more formalised crossing of the A63 where Field Lane crosses the by-pass is some 100m along the A63 to the west.
- 1.3 The total site area is 18.32 ha (45.5 acres), its immediate neighbour to the east is Selby Golf Course whilst there is agricultural land to the west with the east coast York/Doncaster branch line beyond. The site is in EA Flood Zone 1.

## **The proposal**

- 1.4 This is a full planning application for the redevelopment of the site as a retirement village with 168 two bedroomed residential park home caravans on the southern part of the site, to be developed in three phases. The development includes a Phase 1 reception building and shop and all homes would be accessed from the internal access roads with on plot parking of two spaces with additional visitor parking.
- 1.5 The Phase 2 layout includes a communal resident's building of community rooms and lounge/ reception and shop; across this phase there are three ponds, amenity and recreation spaces. The former lagoon area would become a lake land setting for 48 of the homes. All boundaries have additional landscape and buffer zones proposed and there is selected use of low bunds to screen some homes from the spine/ internal access roads.
- 1.6 The road network gives full access to the entire site and all areas are served by mini bus pick up/drop off points since the application includes proposals for a subsidised taxi/minibus service for the residents to further enhance the sustainability of the site. This will be a service to the Fox Inn bus stop and local shops nearby in Thorpe Willoughby. This service will be synchronised with selected Arriva 402/403 routes servicing Selby and Leeds.
- 1.7 The existing woodland and grassland areas in the northern part of the site will be retained as an area of private and public open spaces to be used for leisure/ dog walking with a footpath and access network controlled by the Landscape Management Plan. This northern area includes a proposed fishing lake which, the applicants say, will be constructed at the beginning of development to allow it to establish and to give the best ecological advantage prior to occupation.

- 1.8 Park Homes are built to a British Standard and are transported to site. They are residential caravans that can provide a similar single storey accommodation to the same internal standards as a newly built bungalow, but generally at a more affordable price in an often dedicated retirement community with shared community facilities and an on-site warden. The rights of owners are protected by the Mobile Homes Acts that amended the Caravan Sites and Control of Development Act 1960 (CSCDA 1960); residents own the house but rent the pitch on which it is sited and have the right to use it as a permanent residence rather than holidaying accommodation. Residential parks also require a site licence under the CSCDA 1960 but it is a requirement that planning permission is in place before a local authority site licence can be issued.
- 1.9 The homes come in a variety of accommodation types, and in, for example lengths of 36, 40, 42 and 45 feet. Generally they have brick/ brick slip plinth with rendered clad finishes and pressed steel coloured roofs. The applicants, York House Leisure own and operate a number of retirement and holiday parks across Yorkshire; the nearest residential park for the over 50's is Quarry Moor and New Park in Ripon. Five full time permanent jobs would be created on this site.

### **Planning History**

- 1.10 There are a number of previous planning applications relating to the mushroom farm use since the late 1970's and it appears that the use ceased in 2008. Previously it appears that the site was first developed for a wartime land girls accommodation and training centre in the early 1940's and subsequently became a POW camp (Sandbeds Camp, Brayton) with a capacity for 1,975 staff and prisoners.
- 1.11 The relevant post mushroom farm history can be summarised as:
- 2010/1072 An application on the northern part of the site (6 ha) directly off the A63 for twelve individual show people's residential plots, storage and play areas was withdrawn in June 2011 since insufficient information had been received to make it valid.
- 2010/1073 The same application site as above was the subject of an application of the same description for show people's accommodation which was refused by Planning Committee in January 2011. The six reasons for refusal related to that a required economic social need had not been established, and insufficient information had been provided to enable a full highways assessment, flood risk, drainage, pollution, contamination, controlled waters and ecological implications.
- 2012/0028 A resubmission of the January 2011 refusal was refused by Committee in July 2012. The subsequent appeal against this refusal was allowed (planning permission granted) in March 2013 and a full award of costs was made against the Council.
- 1.12 Of relevance here is that the Inspector concluded in the 2013 decision that the site was close to Thorpe Willoughby and its range of local services and facilities (Inspector's para 14 /2182714 14 March 2013).
- 1.13 In addition, it is important to be aware of a more recent nearby appeal decision at Field Lane on a 4.65 ha site which extends from the informal crossing point here

over the A63 opposite the northern part of this application site along the south side of Field Lane back towards Thorpe Willoughby (2016/1345). The outline application for up to 108 houses was dismissed at appeal in March 2018 (ref: /3181460). In assessing whether it was an appropriate location for development, the Inspector described that appeal site as on the edge of the built up area (of Thorpe Willoughby) and within walking distance of local shops, other facilities and services. In view of the use of bus stops on Field Lane, the Inspector concluded that the site would provide access to shops and other facilities by sustainable means.

- 1.14 This decision has relevance as although the appeal failed on matters to do with the scale of growth already experienced in Thorpe Willoughby, the Council being able to demonstrate a five-year supply of housing sites and that it was outside of development limits, the Inspector's conclusions about proximity to the settlement and sustainable transport demonstrated that it was a sustainable location.
- 1.15 There have been no other applications registered since the mushroom farm use ceased and the planning permission for show people's accommodation was not implemented.
- 1.16 Officers (including the Council's Housing Enabler) have been engaged with the applicants on pre-application discussions for some months. These discussions have included exploring how the proposals could be regarded as a form of 'affordable housing' that could be acceptable beyond defined settlement development limits.

## **2 Consultation and Publicity**

- 2.1 The application has been advertised as a Departure through press and site notices and neighbours in the vicinity have been notified directly.

### **2.2 Thorpe Willoughby Parish Council**

The response states that the Council had unanimously resolved that it had no objection and that it would be a good development for the location which would overcome historic problems and concerns.

### **2.3 Gateforth Parish Council**

The Council responded that it was generally supportive since it would improve a derelict area which is attracting fly tipping and anti-social behaviour. Express some concerns about additional traffic generated, although this would be partly mitigated by the introduction of a 30mph speed limit through the village.

Officer comment: The Highway Authority has confirmed that there are no planned or proposed 30mph speed limits on Gateforth New Road.

- 2.4 **The County Highway Authority is yet to respond in full.**

It is anticipated that that the specifications and final location of the access to the site off Gateforth New Road, to ensure appropriate visibility will be the subject of appropriate recommended conditions or further design detail. The blue land to the north is also the subject of ongoing negotiation.

### **2.5 North Yorkshire Police Designing out Crime Officer**

The officer has commented that the overall design and layout is acceptable. Curtilage parking complies with best practice and recommendations are made in respect of lighting and windows/door sets complying with the appropriate British Standard.

## 2.6 **Environmental Health**

Initially raised concern about the proximity of both the A63 and the railway line to the site and requested a condition to protect properties from noise/ requested a Noise Assessment. Subsequently the applicants carried out noise monitoring and the Assessment received, it was confirmed, was carried out in accordance with EHO recommendations. The Environmental Health authority has responded with a recommended condition that the development is carried out in accordance with that Assessment.

## 2.7 **North Yorkshire Fire and Rescue**

Has responded that at this stage it has no objection/observation to make and that it will make further comments when the building control body issues a statutory Building Regulations consultation to the fire authority.

## 2.8 **The Lead Local Flood Authority**

The Authority responded by requesting further information in the form of infiltration testing, ground investigations to demonstrate ground water level and details of the proposed permeable paving. Although the infiltration testing that had been carried out showed good rates, a larger representative coverage of the site was requested. The applicant suggested that this further work request could be controlled by condition, as agreed by Yorkshire Water, since those areas that had been surveyed showed good infiltration rates and other construction details could also be controlled by condition on any approval.

2.9 The LLFA remains concerned about the need to provide infiltration testing across representative parts of the site but given the view of the applicants were advised of this approach and of the ability to control by condition on any approval. No further response has been received.

## 2.10 **Yorkshire Water**

Commented that the Flood Risk Assessment and Outline Drainage Strategy were acceptable and requested a number of standard and site specific conditions on any approval.

## 2.11 **Shire Group of IDBs**

The Group has replied with a standard response that the impermeable areas of the site will be increased and that the applicant should satisfy themselves that any existing or proposed surface water system has the capacity to deal with the increased discharge.

## 2.12 **Natural England**

Replied that that it had no comments to make and referred to its standing advice.

## 2.13 **Yorkshire Wildlife Trust (YWT)**

The Trust replied initially in requesting further survey information including further assessment of the grassland and woodlands. A further Ecological Impact Assessment was submitted to address these comments and in October it was updated again in the light of new information/ survey work.

2.14 As a result of this further information, the Trust confirmed that it was now satisfied with the updated Reports and seeks conditions relating to:

- a sensitive landscape plan which shows the retention of woodland and grassland and how they will be enhanced as part of the proposals
- Ecological/Environmental Management Plan to show how the site will be managed in the long term to ensure net gain in biodiversity
- Sensitive lighting scheme which will protect foraging corridors for bats
- Bat and bird box plan which shows the number, location and type of boxes to be installed
- Construction Environmental Management Plan (CEMP) which will detail precautionary working methods for species potentially present on site including reptiles and amphibians.

#### 2.15 **County Archaeologist**

Referred to the former WW2 POW camp and said that below ground remains are unlikely to be present and requested, initially, an archaeological scheme of investigation. Upon further consideration of the condition of the site, responded that no further archaeological comment or intervention was necessary.

#### 2.16 **Selby Contracts Team Leader**

On waste and recycling facilities, commented on what the minimum requirements would be for the number of homes in terms of whether there were communal collection points or, as the applicants would wish, individual collections 'kerbside' for each property. The latter would have implications for the layout, so that the freighter did not have to reverse or manoeuvre around the current cul de sac areas. The agreed way forward is that in those areas of short cul de sacs where the freighter would not enter, small scale presentation/ collection points can be provided by condition. In addition, a planning obligation is sought to address the necessary provision of waste and recycling receptacles.

#### 2.17 **Council's Contaminated Land Consultant**

Members will be updated on comments received at Planning Committee.

#### 2.18 **Publicity**

No neighbour representations have been received. The applicants held a public drop in session at The Owl on 12 September 2018 and have submitted the survey/questionnaire sheets that were completed by people who visited over the course of the day.

2.19 The applicants have summarised the responses to that drop-in and say that twenty-nine forms were completed. In response to the three questions posed, all 29 agreed that it would be 'positive development for the site'. Twenty-seven out of the 29 say they would support the application. The third question was, 'if over 50 would you consider park home living' and 21 indicated that they would be interested. The applicants see this final response as indicative of the need for this type of accommodation and a number even asked to be kept informed of progress that they might be interested in downsizing but staying in the local area.

### **3. Site Constraints and Policy Context**

#### **Constraints**

3.1 The site is in the open countryside without allocation.

3.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that "where in making any determination under the planning Acts, regard is to be had to

the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise". There are material considerations that are considered to significantly weigh in favour of approving the proposal and these are discussed further below.

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

- 3.3 The National Planning Policy Framework (July 2018) replaced 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.

The NPPF also confirms that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise

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

- 3.4 The relevant Core Strategy Policies are:

- SP1: Presumption in Favour of Sustainable Development
- SP2: Spatial Development Strategy
- SP13: Scale and Distribution of Economic Growth
- SP15: Sustainable Development and Climate Change
- SP19: Design Quality

### **Selby District Local Plan**

- 3.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework. Paragraph 213 provides as follows:-

*"213. ....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 may be given)."*

- 3.6 The relevant Selby District Local Plan Policies are:

- ENV1 - Control of Development which would permit good quality development subject to normal development management criteria.
- ENV2 – Pollution and contaminated land would not permit development that could be affected by, of relevance here, levels of noise or contamination unless satisfactory remedial or preventative measures are in place.
- ENV3 – Light Pollution would only permit outdoor lighting schemes that represent the minimum necessary for security and operation; designed to minimise pollution, not affect highway safety and not significantly detract from character of the rural area.
- T1: Development in Relation to the Highway Network. Proposals are to be well related to the network and will only be permitted where it has adequate capacity and can safely serve the development, unless appropriate off-site improvements are undertaken.

- T2: Access to Roads. The intensification of the use of an existing access would be permitted provided there is not detriment to highway safety.

## 4. APPRAISAL

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

1. Assessment against the development plan/Principle of the use
2. Appropriate in scale and type to its location
3. Sustainable transport connections
4. Ecology and Protected species
5. Contamination
6. Affordability in perpetuity
7. The nature of any conditions/ planning obligation

### Principle of the Use

4.2 The proposal is for a large scale mobile park home development for 168 residential park homes which would provide permanent accommodation for the over 55s (with an age occupancy restriction). This proposed development as a mobile park home would amount to a sui generis use and would not be subject to the policy requirements that apply to development that falls within Use Class C3 (dwelling houses). The site is situated within the open countryside.

4.3 Policy SP2 of the Core Strategy sets out the long term spatial direction for the District and provides guidance for the proposed general distribution of future development. 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. This proposal for a large scale mobile park development is not considered to accord with any of the exceptions listed or the 'other special circumstances set out in Policy SP2 of the Core Strategy. Therefore the proposals are contrary to Policy SP2 and whilst the proposals will meet some of the requirements of other development plan policies (such as Policies ENV1, ENV2, ENV3, T1 and T2 of the Local Plan and SP13, SP15 and SP19 of the Core Strategy); they will not comply with the development plan as a whole.

### Sustainability of the Development

4.4 In terms of sustainability, the site is located outside the development limits of Thorpe Willoughby which is a Designated Service Village as identified in the Core Strategy where there is scope for additional residential growth to support rural sustainability. The village of Thorpe Willoughby is the closest settlement to the application site and the village adjoins the application site on the north of the A63. The village has two pubs, a primary school, village hall, post office, and is connected to the application site by a crossing of the A63. The Selby Golf Course adjoins the application site and Brayton Village is located 1.5 miles away to the east and has a number of local shops and facilities including a small supermarket, junior school, church and eateries.



- 4.5 The closest bus stop to the application site is located 100 metres to the north of the site along Field Lane which is accessed via a footpath that avoids the A63 and is served by the number 6, 7 and 403 buses which provide frequent services to both Selby and Leeds. The closest train station is a 10 minute drive away in Selby Town Centre which serves Hull Trains, Transpennine Express, Virgin Trains and Northern, serving routes to Hull, Manchester, York and London.
- 4.6 The proposals would also provide the residents with their own community building, shop, area of recreational open space, and fishing lakes. The applicants are also proposing to provide a subsidised taxi/mini bus service and pedestrian access to the facilities in Thorpe Willoughby such as pubs, shops, and bus services which will be secured through the use of a planning obligation.
- 4.7 As mentioned previously in the Planning History section of this report there have been two appeal decisions in which Planning Inspectors have commented on the sustainability of this location. In the appeal decision for the change of use of the land formerly used in association with the Gateforth Mushroom Farm and sewage treatment works into Showmen's Quarters, the Inspector highlights that the application site is close to Thorpe Willoughby and its range of local services and facilities, also concluding that it is not located away from existing settlements. In a more recent appeal decision (albeit not on the application site but on a site that is immediately adjacent), the Inspector concluded that the adjacent site was within walking distance of local shops, other facilities and service. The Inspector also concluded that bus stops on Field Lane provide access to shops and other facilities. Therefore both these appeal decisions support the principle that the application site is a sustainable location in terms of access to services and facilities and this is a view shared by Officers. It is also considered that any future residents would also help to further enhance the sustainability credentials of the location by using these local shops and services in the area thereby generating additional spending and creating additional demand for services

The proposals would remedy a 'problem' site and make efficient use of brownfield land without encroaching into the open countryside

- 4.8 The site is currently a former mushroom farm comprising approximately 17.22 hectares of land with derelict agri-industrial buildings some of which are now fire damaged or otherwise vandalised. The site has extensive areas of hardstanding including large tarmacked areas, concrete slabs and derelict and burnt down buildings. The red line of the application site extends to 18.32 hectares but it is principally only the previously developed, concrete areas of the site which will be the main focus for the redevelopment.
- 4.9 The proposals would effectively restore this brownfield site and this would also have the added benefits of improving biodiversity, landscape character and appearance of the site by removing all the derelict buildings and sterile hard-standing and replacing them with park homes in a landscaped parkland environment with large areas of open space, lake, ponds and planting.
- 4.10 The NPPF in paragraph 170 supports the remediation and mitigation of despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Officers consider that the redevelopment of this site would have such environmental benefits.

The proposals for low cost permanent accommodation for over 55s which would meet a specific growing need

- 4.11 Officers consider that the proposals would help to address an identified need for affordable accommodation for an ageing population.
- 4.12 Paragraph 59 of the NPPF points to the importance placed upon the needs of groups with specific housing requirements being addressed. Paragraph 61 of the NPPF continues that in the context of a local housing needs assessment, the housing needed for different groups in the community (including, for example, 'older people') should be assessed and reflected in policy. The NPPG, on Housing Needs Assessment, refers to the need to provide housing for older people as critical since people are living longer lives and the proportion of older people in the population is increasing.
- 4.13 The current publically available Strategic Housing Market Assessment (SHMA) for Selby goes into some detail about the specific need for housing to meet those needs of the elderly in the District. The SHMA does not set housing targets, this is the role of the Local Plan, but it gives objective assessment of the housing need. Until there are further local plan documents available, this is the current expression of need in the District.
- 4.14 On age structure changes, for example, the SHMA shows that the largest growth in numbers will be in people aged 60 and over, a growth of 55% in numbers between 2014 and 2037. The aged over-75 populations will grow by 116%. A similar analysis over a shorter period, just for Selby, to 2027 shows increase of 23% and 68% in those two age groups respectively (Chapter 3).
- 4.15 The SHMA identifies a demand from older households for bungalows (Chapter 8) with a concluded need to increase delivery of bungalows and to provide opportunities for households to downsize (p.143). Thus although the SHMA makes no mention of specific opportunities provided by a park home caravan development of this nature, this scheme would nevertheless contribute to meeting those defined needs. It is also considered appropriate to attach an age occupancy restricted planning condition to any consent granted to ensure that the proposal is provided permanent accommodation for an specific growing need.

It is considered that this form of accommodation would provide low cost accommodation. Furthermore, the applicants suggest that park home caravans can provide housing which is at least 30% cheaper than a brick built equivalent. The applicants continue in the Planning Statement that park homes retain this relative affordability in perpetuity due to the nature of ownership (the occupier owns the home, but rents the pitch on which it is sited), and as they do not have permitted development rights allowing for extension that apply to dwelling houses in Use Class C3 and furthermore the site cannot be redeveloped into 'bricks and mortar' housing without applying for planning permission, which is not only contrary to the signed Written Statement of the Mobile Homes Act but would unlikely to be passed as local planning authorities seek to keep park homes as a source of affordable housing which meet a specific housing need for elderly people.

- 4.16 The applicants' case is that having assessed the local housing market and the value of transactions through 2016 and 2017, this shows a range of prices for the twelve second hand bungalow sold in this period of £120,000 to £240,000. Prices for new

detached bungalows at Privet Drive sold within the same period are in the range £240,000 to £310,000.

- 4.17 By comparison, the applicants say that the asking price of new park homes on this site will range from £120,000 with the bulk in the £150,000 region and a few premium sales with particularly high internal specifications at £180,000.
- 4.18 This, the applicants say is evidence that the site is affordable, being between 33% and 50% lower in price than the market value for new build properties. The lower priced, second hand properties, they continue would generally require work or refurbishment and would thus not be to the same specification or energy efficiency as a new park home caravan.
- 4.19 As a type of affordable accommodation the applicants say that the park home can fit many of the parts of the definition of affordable housing and they will remain affordable in perpetuity since the market keeps them at that price and since:
- The more restrictive nature of ownership suppresses prices
  - In many cases limited by park rules to the over 50s, or higher and thus this is a restricted and limited market overall
  - There are no permitted development rights so they cannot be extended without permission into family sized homes
- 4.20 Thus the applicants conclude that park home sites operate in a market of their own that is by definition a lower cost product. Given the above, Officers consider that the case that the applicants have put forward that the proposals would provide low cost permanent accommodation for a specific age group should be supported.
- 4.21 Officers considered that the proposals are also supported by Policy SP13 of the Core Strategy which supports sustainable development on both Greenfield and previously developed sites in rural areas in the case of, of relevance here for example, 'redevelopment of existing and former employment sites'. In all cases such development is to be appropriate in scale and type to its location and not harm character or amenity. On the face of it, it appears that subject to compliance with normal development management criteria, the redevelopment of former employment sites and commercial premises is supported by Policy SP13 of the Core Strategy.
- 4.22 To conclude, this proposal is considered to conflict with Development Plan policies, namely Policy SP2 of the Core Strategy. Despite the departure from policy, Officers consider that there are significant benefits of the scheme such as the proposals would tidy up the site and make efficient use of brownfield land without encroaching into the open countryside and would provide low cost permanent accommodation for over 55s which would meet a growing need. Officers also consider that the application site is in a sustainable location and future residents would have access to local service and facilities as well as helping to sustain these local shops and services in the area by generating additional spending and creating additional demand for services.

### **Appropriate in scale and type to its location**

- 4.23 The red line site extends to 18.32 ha but the main focus of the development proposals will be concentrated on the previously developed, concrete covered areas of the site. Thus, in terms of the scale of the development proposals, they do not seek to develop land outside of the existing site boundaries or generally beyond the previously developed areas. On the site area alone, the scale is considered to be appropriate.
- 4.24 The site has Selby Golf Club as its neighbour and whilst the Club has not made representations, it is reasonable to conclude that a retirement village could have some synergy with a golf club in terms of recreation and social opportunities; together with the use of the proposed fishing lake.
- 4.25 The extensive planting and landscaping proposals around single storey lodges would be appropriate and provide a good standard of amenity. This would be a positive enhancement and improvement to the area given the previous and current now derelict and industrialised landscape.
- 4.26 Whether this is an appropriate 'type' of development to this location is a matter of planning judgment but Officers are of the view that open market housing in this location that is not intended to cater for an identified housing need would be far more difficult to justify. This is supported by the appeal decision on Field Lane almost adjoining to the north and that the identification of what would be a major site for open market housing is a matter that should be determined through the Site Allocations local plan. On a total site area of over 18ha, 168 park homes would give a housing density of ~9 per ha. This is exceptionally low density overall and would further support that this is considered to be appropriate in scale and type in an environment that is proposed to be of high quality.
- 4.27 Part D to Policy SP13 seeks to ensure a good standard of amenity and that the character of the area would not be harmed. There are no neighbour amenity considerations as such; the nearest residents are across the railway line to the west, to the south west across Gateforth New Road and adjacent to the golf club entrance, some 700m to the east. The character of the area can only be improved so both Policies SP13 and ENV1 are satisfied.

### **Sustainable transport connections/ highways**

- 4.28 Policy in respect of access and other highway considerations is provided by Policies ENV1 (2) T1 and T2 of the Selby District Local Plan and Section 9 of the NPPF. A previous mentioned an Inspector's decision has noted that part of the site is close to Thorpe Willoughby. Although the Field Lane appeal was dismissed, the Inspector nevertheless observed that site was within walking distance of Thorpe Willoughby's facilities. Although the residential part of this site is approximately 500m from Field Lane and the Field Lane appeal site together with its adjacent bus stops, these two appeal decisions do suggest that the site is well connected to transport facilities.
- 4.29 There will be an onsite shop in a permanent building in Phase 2 which will reduce the need to travel for everyday convenience and grocery supplies. The Park Home Residents will be restricted to an over 55's occupancy clause and thus residents will be unlikely to contribute significantly to peak hour traffic flows based upon comparator other park home data and the highway authority has agreed that this comparison is appropriate.

- 4.30 The pedestrian routes to the north and across the bypass are considered to be in need of enhancement and planning obligations will be needed to secure those improvements/ connections. The highway authority has similarly agreed that a travel plan will be required and work is continuing to draft an obligation to secure this connection and TP provisions.
- 4.31 The application also includes a proposal to provide a subsidised taxi/mini bus service from the site to the Fox Inn bus stop (Fox Lane) off the A1238 Leeds Road through Thorpe Willoughby where it would be synchronised with the 402/403 Selby/Leeds service. This level of subsidy/duration has not been defined and would be part of the travel plan and its mechanism set out in a planning obligation, which your officers will report further upon.
- 4.30 The final comments of the highway authority are awaited and are anticipated to relate to design and visibility on the Gateforth Road site frontage and the A63 connections and car parking. The recommendation is subject to satisfactory receipt of those final comments, imposition of conditions (to follow) and subject to the conclusion of a planning obligation in any event.

### **Ecology and Protected Species**

- 4.31 The scheme has evolved with guidance from the Yorkshire Wildlife Trust. Following the receipt of further surveys and updating of reports it has been agreed that any outstanding matters may now be addressed by condition.
- 4.32 The value of the grassland had originally been overemphasised since upon further survey it was agreed that since it is on previously developed land, it has the title of 'semi improved' which is actually species-poor. It does nevertheless have some wildlife value and they are thus to be retained in their current state as far as practicable and subject to management/mitigation recommendations.
- 4.33 The remaining building shells and frames have very low bat potential due to the extent of arson and vandalism but the requested conditions relate to a sensitive lighting scheme – to protect bat foraging corridors and the provision of bat and bird boxes. The accuracy of the reptile surveys was similarly constrained by the presence of quantities of cladding and plywood which could be refuges.
- 4.34 The plantation woodland in the northern part (Phase 3) is no more than 30 years old and does not have high ecological value and is ground species fauna-poor. There is no evidence of GCN and as a precaution pre-commencement badger, reptile and bird surveys are recommended. Thinning and ground cover management will increase ecological value and the natural pond areas will be replaced by the three proposed lakes.
- 4.35 Active management of the retained areas will improve the ecological value and this will be addressed through an Ecological Enhancement Management Plan (EEMP) and a Construction Environmental MP. The relevant conditions are set out in the recommendation at Conditions 4 and 6. It is considered that the proposals would accord with Policy ENV1 (5) of the Local Plan, Policy SP18 of the Core Strategy and the NPPF with respect to nature conservation.

### **Contamination**

4.36 There is potential for contamination of the existing site and the Phase 1 Environmental Report is being assessed by the Council's Contaminated Land Consultant. Initial comments are that the recommended site investigation will be needed and it is likely that a number of conditions on any approval will be recommended. The full response will be referred to in the Officer Update report in advance of Committee. The proposals are therefore acceptable with respect to contamination in accordance with Policy ENV2 of the Local Plan and Policy SP19 of the Core Strategy.

#### **Nature of conditions/ planning obligation**

4.37 A condition to restrict the age of residents is to be attached to any consent granted to ensure that the proposal is providing for a specific identified need in the District.

4.38 The suggested conditions below address ecology and site management/maintenance together with necessary landscaping/ planting, noise, contamination and revisions for refuse collection points.

4.39 The Highway Authority is yet to respond in detail so this will need to be the subject of an Officer Update note to address the details of the site access and visibility onto Gateforth New Road. The recommendation below is on the basis that a suitable access can be formed and would thus be the subject of condition(s) to follow.

4.40 A planning obligation under s.106 of the Act would need to be entered into for the mechanism of implementation and funding of the Travel Plan and a subsidised mini bus provision. It is considered that the situation in respect of other blue land and the connection to the public right of way to the north can be the subject of a negative condition or be addressed by a planning obligation dependent upon the identity of any third party land ownerships. The applicants are agreeable to entering into such a deed. Since an obligation is required, it is practical to add the provision of the waste and recycling receptacle in accordance with the Developer Contributions SPD, to any obligation.

### **5. Legal Issues**

5.1 Planning Acts: This application has been determined in accordance with the relevant planning acts.

5.2 Human Rights Act 1998: It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

5.3 Equality Act 2010: This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

### **Financial Issues**

5.4 Financial issues are not material to the determination of this application.

### **6. Conclusion**

- 6.1 To conclude, this proposal is considered to conflict with Development Plan policies, namely Policy SP2 of the Core Strategy. Despite the departure from policy, Officers consider that there are significant benefits of the scheme such as the proposals would tidy up the site and make efficient use of brownfield land without encroaching into the open countryside and would provide low cost permanent accommodation for over 55s which would meet a growing need. Officers also consider that the application site is in a sustainable location and future residents would have access to local service and facilities as well as helping to sustain these local shops and services in the area by generating additional spending and creating additional demand for services.
- 6.2 Although final access details are yet to be resolved, it is anticipated that this is a matter of design given the existing site accesses and the previous uses and it will be addressed by the imposition of to-be-defined planning conditions on any updated recommendation and approval. The further details of the Travel Plan and bus service, together with access and connections from the north will also be the subject of the Officer update.
- 6.3 There are no other outstanding issues or representation that may not be dealt with by conditions or obligation as part of any approval and thus subject to the satisfactory highways response and update, the recommendation will be one of approval subject to the necessary planning obligation (para 4.32).

## **7. Recommendation**

7.1 It is recommended that :

**A:** Committee resolves that it is Minded to Approve the application subject to the satisfactory completion of a planning obligation under s.106 of the Act in accordance with the Heads of Terms set out in this report, and

**B:** authority is delegated to the Planning Development Manager to approve this application upon the conclusion of the planning obligation and subject to the imposition of the conditions below. That delegation to include the alteration, addition or removal of conditions from those set out if amendment becomes necessary as a result of continuing negotiations and advice and provided such condition(s) meet the six tests for the imposition of conditions and satisfactorily reflect the wishes of Committee.

7.2 Recommended conditions:

1. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the application dated 14 June 2018 and specifically in accordance with the associated approved plans and documents referenced:
  - Red Line Existing Location Plan Dwg No 1353/6 Rev A
  - Proposed Masterplan Dwg No 1353/1 Rev C

- Proposed Lake and Sections Dwg No 1353/8
- Communal Building Floor Plan Dwg No 1353/5
- Communal Building Elevations Dwg No 1353/4
- Maintenance Building Dwg No 1353/3
- Recycling Station Dwg No 1353/2
- Fence detail Dwg No 1353/7
- Omar Park Homes Plans 4802, 4406, 3421, 5106
- Prestige Homeseeker Plans and elevations reprise, Minuet, Sonata II
- Noise Assessment (ref: 296877 -02[00])

Reason: For the avoidance of doubt.

3. The Age Restricted Dwellings hereby permitted shall not be occupied other than by persons who have attained the age of 55 years or the spouse or partner of such persons including a widow or widower.

Reason: To ensure that the proposal is providing accommodation for a specific need group.

### **Pre-Commencement Conditions**

4. Prior to the commencement of development a Development Strategy and Phasing Plan to identify the contents of each Phase (as defined on the Masterplan Dwg No 1353/1 Rev C) and the order of site clearance, development of planting, landscaping, bunding and lake construction within each phase and how the phase under development relates to and takes account of undeveloped phases in terms of ecological mitigation and enhancement and contamination shall be submitted to and approved by the local planning authority. The Plan shall thereafter be implemented in accordance with the approved details.

Reason: This is a pre-commencement condition that is necessary in order that the phased site clearance and development takes account of the existing and to be retained environments that form a part of the wider application site in order to accord with Local Plan policies SP13, SP15, SP19 and ENV1.

5. Prior to the commencement of development a Construction Environmental Management Plan to provide details of precautionary working methods in each phase (as defined on the Masterplan Dwg No 1353/1 Rev C) to take account of the potential presence of reptiles and amphibians shall be submitted to and approved by the local planning authority. The CEMP shall thereafter be implemented in accordance with the approved details.

Reason: This is a pre-commencement condition that is necessary in order that the phased site development takes account of the existing and to be retained environments that form a part of the wider application site in order to accord with Local Plan policies SP13, SP15, SP19 and ENV1.

6. Prior to the commencement of development in Phase 2 or Phase 3 (as defined on the Masterplan Dwg No 1353/1 Rev C) a sensitive Landscape Management Plan, including details of retention of grassland and details of all trees to be removed and details of trees to be retained and measures for their protection in that area, long term maintenance and enhancement objectives shall be submitted to and approved



by the local planning authority.. The sensitive Landscape Management Plan shall thereafter be implemented in accordance with the approved details.

Reason: In accordance with the details of the application and to ensure the retention and management of landscaping and planted areas in order to protect the amenities of the area and in the interests of the character and amenities of the area in order to comply with Plan Policies SP18, SP19, ENV1 and ENV12.

7. Prior to the commencement of development an Ecological/Environmental Management Plan to show how the site will be managed in the long term and to ensure a net gain in biodiversity shall be submitted to and approved by the local planning authority. The Plan shall include detailed measures for the protection, mitigation, compensation and enhancement required to support protected species and habitats and to ensure a net gain in biodiversity within the site. The Plan shall also include a timescale for implementation, phasing, monitoring and long term management by a suitably competent body. The Plan shall thereafter be implemented in accordance with the approved details.

Reason: This is a pre-commencement condition that is necessary in order to ensure mitigation in accordance with the MAB revised Ecological Assessment dated September 2018 and paragraph 175 of the NPPF and Plan Policy ENV1.

8. Prior to the commencement of development a surface and foul water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development shall be submitted to and approved by the Local Planning Authority. The drainage strategy should demonstrate that the surface water run-off generated up to and including the 1 in 100 critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: This is a pre-commencement condition for each phase since it is necessary to have this information before substantial works commence to prevent the increased risk of flooding, both on and off site in order to comply with Plan Policies SP15 and ENV1.

### **Highways / access**

9. Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
  - (a) the proposed highway layout including the highway boundary
  - (b) dimensions of any carriageway, cycleway, footway, and verges
  - (c) visibility splays

shall have been submitted to and approved by the local planning authority before the first use of the first home on the site and the accesses to the site shall be laid out and constructed in accordance with the approved plans before first occupation.

Reason: In accordance with policies ENV1, T1 and T2 of the Local Plan and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

10. No home shall be first occupied until the carriageway and any footway/footpath from which it gains access has been constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network.

Reason: In accordance with Policies ENV1, T1 and T2 of the Local Plan and to ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of prospective users of the highway.

11. There shall be no vehicular or construction access to the site other than from the approved access point(s) on Gateforth New Road.

Reason: In order to ensure that the impacts of the development on the network are mitigated in order to comply with Plan Policies ENV1, T1 and T2.

12. No development shall commence within a particular phase (as defined on the Masterplan Dwg No 1353/1 Rev C) until a Construction & Environmental Management Plan for that phase to include:

- hours of construction working
- on-site parking capable of accommodating all staff and sub- contractors vehicles clear of the highway
- on-site materials storage area capable of accommodating all materials required for the operation of the site
- details of measures for the mitigation and monitoring of effects upon identified species in the CEMP and their protection during development
- details of any temporary or construction lighting
- Soil Management Plan
- Wheel washing facilities, and
- explanation of its relationship to any previously approved Construction and Environmental Management Plans for the site

has been submitted to and approved by the local planning authority. The approved Plan shall be implemented throughout the construction phase of that phase of the site to which the plan relates.

Reason: This is a pre-commencement condition which is necessary in order to address construction management issues before works commence and in the interests of protecting the character and amenities of the area in order to comply with Plan Policies SP18, SP19, ENV1, T1 and T2.

13. Prior to the first occupation of any home in a phase (as defined on the Masterplan Dwg No 1353/1 Rev C), details of the location of revised bin and waste recycling collection points at the end of cul de sacs on the layout where the refuse freighter will not be able to enter shall be installed in accordance with details that have previously been submitted to and approved by the local planning authority.

Reason: In order that the layout of the site provides for the proper storage and presentation for collection of site refused and recycling in accordance with Local Plan Policies SP15 and ENV1.

## **Landscaping/planting/Ecology**

14. No development shall take place in a particular phase (as defined on the Masterplan Dwg No 1353/1 Rev C) until full details of both hard and soft landscaping works for that particular phase have been submitted to and approved by the local planning authority.

Reason: To ensure for the landscaping and planting of areas not covered by buildings and in order to protect the amenities of the area and in the interests of the character and amenities of the area in order to comply with Plan Policies SP18, SP19, ENV1 and ENV12.

15. All of the approved landscaping/planting works for each phase (as defined on the Masterplan Dwg No 1353/1 Rev C) shall be carried out in accordance with the approved details within the first available planting season following the first occupation of the building hereby approved.

Reason: To ensure for the preservation and planting of trees in accordance with s.197 of the Act and in accordance with the details of the application and in the interests of the amenities of the area in order to comply with Plan Policies SP18, SP19, ENV1 and ENV12.

16. Prior to the installation of any external lighting, lighting columns or street lighting details of a Site External Lighting Strategy and to address mitigation of impacts upon protected species and protect bat foraging corridors shall have been submitted to and approved by the local planning authority. All lighting units shall be installed and retained in accordance with the approved Strategy

Reason: In order that the local planning authority may be satisfied on the nature and location of any external lighting, prior to its installation in the interests of the character and amenities of the area in order to comply with mitigation in accordance with the MAB revised Ecological Assessment dated September 2018 and paragraph 174 of the NPPF and Plan Policy ENV1.

17. Prior to the first occupation of a home in any Phase (as defined on the Masterplan Dwg No 1353/1 Rev C) the scheme of bat and bird box installation shall have been implemented in accordance with a scheme for that phase that has previously been submitted to and approved by the local planning authority.

Reason: In accordance with the details of the application, to accord with the MAB revised Ecological Assessment dated September 2018 and in order to ensure for the enhancement of biodiversity in accordance paragraph 175 of the NPPF and Plan Policy ENV1.

## **Contamination**

18. Prior to the commencement of development a remediation strategy to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. No development shall take place other than in accordance with the approved remediation strategy.

Reason: This is a pre-commencement condition since it is necessary to have this information before substantial works commence in order to take account of the potential contamination of the site in order to comply with local plan Policy ENV1.

19. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution and to prevent deterioration of the water quality of controlled waters, in line with paragraph 109 of the National Planning Policy Framework and Plan Policy ENV2.

**Noise**

- 20.0 The development hereby approved shall be carried out in full accordance with the Noise Assessment (ref: 296877 -02[00]) which forms a part of this approval

Reason: In order to protect the residential amenities of future residents in accordance with Selby Local Plan Policies SP19 and ENV2.

**Case Officer:**

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**Appendices:**

None