



Report Reference Number: 2016/1337/OUTM (8/18/453A/PA) **Agenda Item No:** 7.2

To: Planning Committee
Date: 10 January 2018
Author: Louise Milnes (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2016/1337/OUTM 8/18/453A/PA	PARISH:	Hemingbrough
APPLICANT:	York Diocesan Board of Finance	VALID DATE: EXPIRY DATE:	3 January 2017 4 April 2017
PROPOSAL:	Outline application for residential development of up to 21 dwellings (with all matters reserved) on land to the east of School Road, Hemingbrough		
LOCATION:	School Road, Hemingbrough, Selby, North Yorkshire, YO8 6QT		
RECOMMENDATION:	REFUSE		

1. Introduction and background

- 1.1 This application has been brought back before Planning Committee following consideration at the 14 June 2017 meeting, where Members resolved to support the Officer recommendation to grant planning permission subject to the signing of a S106 Agreement.
- 1.2 The permission was not issued prior to the confirmation of the Council's 5 year housing land supply position which was endorsed on the 24 July 2017 and is as set out in the 2017-2022 Five Year Housing Land Supply Statement. Subsequent to this on the 15 November 2017, the Director of Economic Regeneration & Place at Selby District Council formally endorsed an updated five year housing land supply Methodology, as set out in the 2017-2022 Five Year Housing Land Supply Statement – 30 September Update.
- 1.3 As such Planning Committee need to re-consider this application in light of this material change.

2.0 Consultation and publicity

Since the resolution at Planning Committee on 14 June 2017 the following additional comments have been received:

2.1 Planning Policy – The key issues which should be addressed are:

- 1) Impact on the Council's Housing Land Strategy
- 2) Principle of Development
- 3) Previous Levels of Growth and the Scale of the Proposal
- 4) Relation of Proposal to the Development Limit
- 5) Design Quality.

2.2 North Yorkshire Fire and Rescue – No objections.

2.3 Principal Landscape Architect – The proposed development would be unacceptable as it would impact on the openness of the countryside and adversely affect the landscape character and setting of Hemingbrough and would potentially encourage future development pressure on land to the south.

2.4 Neighbour Comments – One additional letter of objection was received raising concerns with the traffic generation.

4.0 Appraisal

4.1 The main issues which require re-consideration since the application was last presented to Committee are:

- The Principle of the Development
- Impact on the Character of the Area

The Principle of the Development

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

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

4.4 The application site is located outside the defined development limits of Hemingbrough, which is a Designated Service Village as identified in the Core Strategy, and is therefore located within the open countryside.

4.5 Policy SP2A(c) of the Core Strategy states that "Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances."

- 4.6 The proposal does not meet Policy SP2A(c) as it is not for rural affordable housing need and there are no special circumstances. The application should therefore be refused unless material considerations indicate otherwise.
- 4.7 On the 15 November 2017, the Director of Economic Regeneration & Place at Selby District Council formally endorsed an updated five year housing land supply Methodology and resultant housing land supply figure, as set out in the 2017-2022 Five Year Housing Land Supply Statement – 30 September 2017 Update. The fact of having a five year land supply cannot be a reason in itself for refusing a planning application. The broad implications of a positive five year housing land supply position are that the relevant policies for the supply of housing in the Core Strategy (SP5) can be considered up to date and the tilted balance presumption in favour of sustainable development does not apply.
- 4.8 The NPPF is a material consideration and this is predicated on the principle that sustainable development is about positive growth and states that the Planning System should contribute to the achievement of sustainable development. Paragraphs 18 to 219 of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Sustainability of the Development

- 4.9 In respect of sustainability, the site is outside the development limits of Hemingbrough which is a Designated Service Village as identified in the Core Strategy, where there is some scope for additional residential and small scale employment to support rural sustainability. The village of Hemingbrough contains a primary school, local shop including post office, two public houses and two churches, a number of local businesses and a sports field for bowling and cricket. In addition, there is a regular bus service between Goole and Selby which provides onward links to York, Leeds and other cities and a school bus service. It is therefore considered that the settlement is well served by local services.
- 4.10 It is noted that the village of Hemingbrough has been identified as a Designated Service Village, both within the Selby District Local Plan and the Core Strategy, which demonstrates that the Council has considered the village a sustainable location in a rural context. The village is considered to be "more sustainable" in Core Strategy Background Paper 5 Sustainability Assessment of Rural Settlements, Revised July 2008 meaning that three of four indicators assessed were in the highest two categories. The type and range of facilities, public transport accessibility and access to employment opportunities identified in Hemingbrough was broadly similar in the PLAN Selby Site Allocations, Designated Service Villages, Growth Options Report, Draft For Stakeholder Engagement, June 2015 (recognising that there are some differences with the studies). Furthermore, the situation in respect of the sustainability of Hemingbrough has remained broadly similar since June 2015 to date. Having taken these points into account, despite the fact that the site is located outside the defined development limits of Hemingbrough, it would be served by the facilities within this sustainable settlement and as such would perform highly with respect to its sustainability credentials in these respects, however this needs to be considered alongside the levels of growth of the settlement.

Previous Levels of Growth and the Scale of the Proposal

- 4.11 Core Strategy Policy SP5 designates levels of growth to settlements based on their infrastructure capacity and sustainability. This policy sets a minimum target of 2000 new dwellings for Designated Service Villages (DSVs) as a whole over the period 2011 to 2027. The most recent monitoring indicates that this figure has been exceeded by completions and permissions in these settlements as a whole. However, the Core Strategy does not set a minimum dwelling target for individual Designated Service Villages, so it is not possible at this point to ascertain exactly whether Hemingbrough has exceeded its dwelling target.
- 4.12 In order to assess the scale of housing allocations to apportion to each Designated Service Village in the Site Allocations Local Plan, the Council published a Designated Service Villages Growth Options Report as part of the evidence base for the PLAN Selby Site Allocations Local Plan Document in June of 2015; this document was subject to a 6 week public consultation.
- 4.13 The evidence set out in the Growth Options report provides a guide for decision making as to the amount of housing development that is appropriate in Designated Service Villages. The research and analysis undertaken in the Growth Options report included a numerical assessment of the housing supply per village and a detailed assessment of the services and infrastructure of each village, in order to determine its sustainability.
- 4.14 This approach accords with the spatial strategy of the Core Strategy which envisages only “limited” growth in Designated Service Villages to support rural sustainability. Any other approach would inevitably lead to unsustainable levels of housing development in the villages and a fundamental undermining of the spatial strategy.
- 4.15 The Growth Options report indicates minimum growth options of between 33-54 dwellings for Hemingbrough. To date, Hemingbrough has seen 15 (gross) dwellings built in the settlement since the start of the Plan Period (13 net) in April 2011 and has extant gross approvals for 14 dwellings (14 net), giving a gross total of 29 dwellings (27 net). Taking into account the range of growth options identified for this settlement, the scale of this individual proposal, at 21 dwellings, is considered to be appropriate to the size and role of this Designated Service Village. However the individual scale of the proposal must also be considered in terms of the cumulative impact it would have on previous levels of growth in this settlement that have occurred since the start of the plan period. If the scheme were to be approved, the cumulative impact would increase the number of approvals to 50 dwellings (48 net) which is within the identified growth levels for Hemingbrough. It is therefore considered that the level of growth proposed, in this instance, is acceptable for Hemingbrough as a Designated Service Village. However this should be balanced against the location of the proposal, outside development limits and the impact it would have on the character of the settlement which is discussed further below.

Impact on the Character of the Area

- 4.16 Given that the application site is divorced from the settlement boundary the application has been assessed by the Council's Principal Landscape Architect and his comments are set out below:
- 4.17 The site is located within a small arable field with managed boundary hedgerows and occasional hedgerow trees. The site is situated directly off School Road near the junction with the A63 Hull Road and is in a visible and prominent location, particularly when travelling southwards along the A63 and on approach into the village along School Road from the west.
- 4.18 The main village of Hemingbrough has evolved centred along Main Street and Landing Lane to the west. The 1846-63 historical map shows that the settlement and field pattern around the site is relatively un-changed in recent time, reflecting an early pre-industrial layout. The main part of the village has evolved to the west of the site, along Main Street and Landing Lane with later infill development to the east side up to Chestnut Garth and St Mary's Avenue.
- 4.19 Some additional residential development has evolved on the A63 to the east of the junction with School Lane, but this reads as outlying development and separate to the main 'gateway' and approach to the village along School Lane. The main 'gateway' and approach in to the village along School Road is characterised by mature trees and gardens fronting individual detached properties. Housing is intermittent and low density intermixed with small agricultural fields and playing fields.
- 4.20 The Settlement Setting Landscape assessment Selby District Council October 2015 (updated Draft 27/6/2016) describes the landscape and settlement setting in the area of the site as Medium Sensitivity to development due to the mixed land use and with open landscape and extensive views found on approach along the A63. The assessment also states that development next to older properties and Hemingbrough Hall needs to be carefully considered to avoid any effect on the 'green' gateway entrance.
- 4.21 The proposed development area forms a significant extension into open countryside beyond the existing defined development limit. The proposed development would be unacceptable as it would impact on the openness of the countryside and adversely affect the landscape character and setting of Hemingbrough, particularly the character of the 'gateway' and approach into the village from the west. This is contrary to Selby District Local Plan policy ENV1 (1) and (4) and Policy SP 18, SP19 of the Core Strategy.
- 4.22 Although it is noted that this is an outline scheme with layout approved for future consideration, the indicative layout shows development occupying approximately half of the existing field area. Internal access driveways are indicated that encompass areas of housing and seem out of proportion for the area of housing proposed. There is an area of green space indicated to the south side of the southern access road. The proposed indicative layout would be unacceptable as it does not demonstrate good design and best use of land, potentially encouraging additional future development pressure on land to the south which would adversely

affect the character and setting of the village. This is contrary to Selby District Local Plan policy ENV1 (1) and (4) and Policy SP18, SP19 of the Core Strategy.

5.0 Conclusion

- 5.1 The proposed dwellings would be located outside the defined development limits of Hemingbrough and would therefore be located within the open countryside, where in accordance with the overall Spatial Development Strategy for the District, development will be restricted to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13 or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances. The proposals to develop this land for residential purposes are therefore considered to be contrary to Policy SP2A(c) of the Core Strategy and the proposal is not acceptable in principle. Given that the Council have a 5 year housing land supply, there are no other material considerations of sufficient weight which would enable the Council to depart from the Development Plan.
- 5.2 Whilst the proposals are considered acceptable with respect to the sustainability of the development and are within the anticipated growth options identified for Hemingbrough, the proposals are considered to have a detrimental impact on the openness of the countryside and adversely affect the landscape character and setting of Hemingbrough, particularly the character of the 'gateway' and approach into the village from the west. Furthermore the proposals encourage additional future development pressure on land to the south which would adversely affect the character and setting of the village. This is contrary to Selby District Local Plan policy ENV1 (1) and (4) and Policy SP 18, SP19 of the Core Strategy.

6.0 Recommendation

The application is recommended for REFUSAL for the following reasons:

1. The proposed dwellings would be located outside the defined development limits of Hemingbrough and would therefore be located within the open countryside, where in accordance with the overall Spatial Development Strategy for the District, development will be restricted to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13 or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances. The proposals to develop this land for residential purposes are therefore considered to be contrary to Policy SP2A(c) of the Core Strategy and the proposal is not acceptable in principle. Given that the Council have a 5 year housing land supply, there are no other material considerations of sufficient weight which would enable the Council to depart from the Development Plan.
2. The proposals are considered to have a detrimental impact on the openness of the countryside and adversely affect the landscape character and setting of Hemingbrough, particularly the character of the 'gateway' and approach into the village from the west. Furthermore the proposals encourage additional future

development pressure on land to the south which would adversely affect the character and setting of the village. The proposals are therefore contrary to Selby District Local Plan policy ENV1 (1) and (4) and Policy SP 18, SP19 of the Core Strategy.

Contact Officer:

Louise Milnes
Principal Planning Officer

Appendices:

Appendix 1 – 14 June 2017 Planning Committee Report

Report Reference Number: 2016/1337/OUTM

Agenda Item No:

To: Planning Committee
Date: 14 June 2017
Author: Calum Rowley (Senior Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2016/1337/OUTM 8/18/453A/PA	PARISH:	Hemingbrough Parish Council
APPLICANT:	York Diocesan Board of Finance	VALID DATE: EXPIRY DATE:	3 January 2017 4 April 2017
PROPOSAL:	Outline application for residential development of up to 21 dwellings (with all matters reserved) on land to the east of		
LOCATION:	School Road, Hemingbrough, Selby, North Yorkshire		

This application has been brought before Planning Committee due to the application being recommended for approval contrary to the provisions of the Development Plan.

Summary:

The application proposes outline planning consent for residential development with all matters reserved. The site is currently in arable agricultural use and the boundaries of the site are existing residential properties to the east and west, School Road to the north and a drainage ditch to the south.

The Council has conceded in appeal APP/N2739/W/16/3144900 of October 2016 that it does not have a 5 year housing land supply and proposals for housing should be considered in the context of the presumption in favour of sustainable development and paragraphs 14 and 49 of the NPPF and SP1 of the Core Strategy. Having regard to paragraph 49 of the NPPF it is considered that Policy SP5 Parts A and B are out of date in so far as they relate to housing supply and so should be afforded only limited weight.

Given that the Council cannot demonstrate a 5 year housing land supply the presumption in paragraph 14 of the NPPF is engaged meaning that unless material considerations indicate otherwise, planning permission should be granted unless:

- (i) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole or
- (ii) Specific policies (either in the NPPF or the Core Strategy) indicate development should be restricted (such as flood risk, green belt, countryside gaps and heritage assets).

No specific policies which restrict development apply to this application therefore the 'tilted balance' in paragraph 14 applies.

In assessing the proposal against the three dimensions of sustainable development set out within the NPPF, the development is considered to provide a range of social, economic and environmental benefits and mitigation measures:

- a contribution to the District's five year housing land supply;
- the provision of additional market, affordable and high quality housing for the District;
- the provision of housing in close proximity to the boundary of a Designated Service Village which has good access to local services and public transport;
- short term employment opportunities for the construction and house sales industry;
- additional spending within the District from the future residents;
- On-site open space provision and on-going maintenance;
- Community Infrastructure Levy Fees to be provided on commencement of development;
- a 10% energy supply from decentralised and renewable or low carbon sources.

Taken together these represent significant benefits and are in line with the Government's planning and general policy objective of boosting housing land supply in sustainable locations..

The proposals could achieve an appropriate layout, appearance, landscaping, scale and access so as to respect the character of the area. The proposals are also considered to be acceptable in respect of the impact upon residential amenity, drainage and climate change, protected species, archaeology and contamination in accordance with policy.

Having had regard to all of the above, it is considered that there are no adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits. The proposal is therefore considered acceptable when assessed against the policies in the NPPF, in particular Paragraph 14, the Selby District Local Plan and the Core Strategy. In this case the "tilted balance" in paragraph 14 applies. It is on this basis that permission is recommended to be granted subject to the conditions and Section 106 agreement.

Recommendations:

This application is recommended to be APPROVED subject to delegation being given to Officers to complete the Section 106 Agreement to secure 40% on site provision for affordable housing, on-site recreation open space provision and maintenance and a waste and recycling contribution and the conditions detailed at section 2.21 of this report.

1. Introduction and background

1.1 The Site

- 1.1.1 The application site is located outside the defined development limits of Hemingbrough, being located to the east of the existing settlement boundary and lies within Flood Zone 1.
- 1.1.2 The site is currently in arable agricultural use with existing residential properties to the east and west, School Road to the north and a drain to the south.
- 1.1.3 The surrounding residential properties are two storeys in height and constructed of facing brick with a tiled roof.
- 1.1.4 The site is bounded by hedgerow and a number of trees along the eastern, northern and western site boundaries.

1.2. The Proposal

- 1.2.1 The application is for outline consent for residential development with all matters reserved for the development of up to 21no residential properties with associated recreational open space and dry offline basin.
- 1.2.2 The submitted indicative layout shows how the site could be laid out with two rows of residential development to the front of the site around a lopped internal access road.

1.3 Planning History

- 1.3.1 An outline application (2015/1223/OUT) for residential development of up to 21 dwellings (with all matters reserved) on land to the east of School Road, Hemingbrough was withdrawn on 25 January 2016.

1.4 Consultations

1.4.1 Hemingbrough Parish Council

Strongly object (unless significant road improvements are carried out) for the following reasons:

- 1) The development would extend the village and there is sufficient brownfield land within the village that should be used before a greenfield site;
- 2) Lack of infrastructure to support further development;
- 3) Planning conditions should ensure that the hedges and trees remain on site;
- 4) No drives should come out directly onto School Road and the line of sight must be kept open for safety reasons;
- 5) The proposed development would cause a build-up of traffic pulling out onto the A63 from School Road. This entrance/exit to the village would need to be developed for any future traffic increase and a roundabout/waiting area in the road for turning into School Road would be required (at the applicants cost) on the grounds of safety.

If road improvements are not carried out then this development should be refused.

1.4.2 NYCC Highways

The amended site plan has addressed initial highways concerns. The site would require 2no car parking spaces for 2 & 3 bedroom dwellings and 3no spaces for 4 plus bedroom dwellings. It is noted that all matters are reserved and therefore car parking levels can be addressed at reserved matters. Several conditions are recommended.

1.4.3 Yorkshire Water

Recommend one condition in order to protect the local aquatic environment and YW infrastructure. The Flood Risk and Drainage Assessment indicates that foul water will discharge to the public foul sewer and surface water will discharge to Barmby Pastures Drain. It is also advised that the access road may affect an existing live water main that is laid in the highway (and grass verge) and any works in the public highway will be controlled under NRASWA (New Roads and Street Works Act).

1.4.4 The Ouse & Derwent Internal Drainage Board

There is no objection to the principle of this application if a SUDS solution can be established to work at this location and several conditions are recommended.

1.4.5 North Yorkshire County Council (CPO)

No response at the time of compilation of this report.

1.4.6 Education Directorate North Yorkshire County Council

Based on the 21 2+ bedroom properties, no shortfall of school places would arise as a result of this development and a contribution would not be sought for primary or secondary education facilities.

1.4.7 Yorkshire Wildlife Trust

It is recommended if the authority gives planning permission for this application that the following are put in place:

- A hedgerow survey to show whether the hedgerows are 'important' under the Hedgerow Regulations. Judging from the field patterns in the area it is likely that the hedges date back to the Enclosure Acts and the Ecology Report by Enviroscope Consulting mentions that some of the hedgerows are species rich. If hedges are to be cut down or incorporated into gardens it may be necessary for a hedgerow removal application. The final design of the site will need to take the hedgerows into consideration with sufficient root protection provided and a hedgerow management plan as part of an Ecological Management Plan for the site;
- Design of the Landscape Buffer area to the south of the development area should assume the potential presence of water vole. Issues such as protecting the pond and ditches from domestic animals such as dogs and cats would need to be covered plus appropriate planting if necessary;
- A low level lighting plan which will not impact protected species such as bats should be conditioned.

- The SUDS should be designed to enhance biodiversity;
- The recommendations from the August 2016 surveys by Enviroscope should be conditioned so that updated information on the presence of water vole is obtained;
- If trees with potential for the presence of bats are to be felled the recommendations on page 16 of the Ecology Survey must be followed.

1.4.8 Natural England

Internationally and nationally designated sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the River Derwent Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as The River Derwent Site of Special Scientific Interest (SSSI).

Natura 2000 - No objection

In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, the following advice is offered:

- the proposal is not necessary for the management of the European site
- that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment

SSSI – No objection

The River Derwent SSSI does not represent a constraint in determining this application.

Other advice

The Local Planning Authority (LPA) is expected to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Protected Species

Refer to Standing Advice on protected species.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

1.4.9 North Yorkshire Bat Group

No response received at the time of compilation of this report.

1.4.10 Police Architectural Liaison Officer

Advice and recommendations are made for consideration at reserved matters stage.

1.4.11 North Yorkshire And York Primary Care Trust

No response received at the time of compilation of this report.

1.4.12 North Yorkshire Fire & Rescue Service

The proposal should demonstrate compliance with the requirement B5 of Schedule 1 to the Building Regulations 2000 (as amended), access and facilities for the fire service. It is assumed that the provision of water for firefighting will meet the requirement set out in National guidance documents on the provision of water for firefighting, Appendix 5.

1.4.13 Vale of York CCG

No response received at the time of compilation of this report.

1.4.14 Historic Environmental Records (HER) Officer

The developer has provided an archaeological geophysical survey of the development area. The survey has been carried out to a very high specification and has picked up very ephemeral features such as drains and furrows. This demonstrates that the technique has been successful and would have identified archaeological remains had they been present. The report provides sufficient information on which to determine the planning application (NPPF para. 128).

As the geophysical survey has proved largely negative (with some features interpreted as modern or agricultural) the site appears to have a low archaeological potential.

There is no objection and no further comments to make.

1.4.15 Lead Officer – Environmental Health

The proposed development is of a relatively large scale and as such will entail an extended construction phase. This phase of the development may negatively

impact upon nearby residential amenity due to the potential for generation of dust, noise and vibration.

The Environmental Protection 1990 allows for the abatement of statutory nuisance in relation to noise, dust and vibration. It is however stressed that whilst a development may detrimentally impact upon existing residential amenity, it may not be deemed to constitute a statutory nuisance. It might be unwise in these circumstances to rely on the alternative control being exercised in the manner or to the degree needed to secure planning objectives and therefore, one condition is recommended should planning consent be granted.

1.4.16 Lead Officer-Development Policy

The Council's Five Year Housing Land Supply

Members will be updated at Committee in relation to these comments.

Further comments provided in regards to:

The Principle of Development;
Previous Levels of Growth and the Scale of the Proposal;
Relationship of the Proposal to the Development Limit; and
Density and the built form.

1.4.17 SuDS Officer

The site has been assessed previously as part of application 2015/1223/OUT and one condition was recommended. There is no objection to the proposal and the same condition is recommended. The conditions recommended by the Ouse and Derwent Internal Drainage Board have been noted and are also suitable and to avoid duplication, there would not be any issues with the planning authority using the Board's conditions only providing the allowance for climate change is 30% not 20%.

1.4.18 WPA Environmental (Contaminated Land Consultants)

Provided comments on the previous application (2015/1223/OUT) which concluded and recommended that while the report is not compliant with technical guidance and contains contradictions in its conclusions, due to some possible sources of contamination found during the walkover and the sensitivity of the end user being residential with gardens, then some intrusive investigation may be prudent. It is recommended that conditions are attached to any permission granted.

1.5 Publicity

1.5.1 The application was advertised by site notice, neighbour notification letter and advertisement in the local newspaper which has resulted in one letter of representation being received raising the following issues:

- The land on the opposite side of School Road has been granted planning permission which is a big mistake.
- Both these plots are very close to the junction of School Lane with the A63.

- This is a very busy road used by all modes of transport, both private and commercial.
- Traffic already can cause a delay in being able to access School Road.
- The local bus provision is poor.
- Vehicles parked on the road make it difficult to drive down if you meet a vehicle coming the opposite way.
- The village school capacity would struggle to cope with the influx of children.
- Level of traffic and safety is a concern.
- A major accident is waiting to happen if this goes ahead.
- Is this not within the Green Belt?

2.0 Report

2.1 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 for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.

2.2 Selby District Core Strategy Local Plan

The relevant Core Strategy Local Plan Policies are:

Policy SP1:	Presumption in favour of Sustainable Development
Policy SP2:	Spatial Development Strategy
Policy SP5:	The Scale and Distribution of Housing
Policy SP8:	Housing Mix
Policy SP9:	Affordable Housing
Policy SP15:	Sustainable Development and Climate Change
Policy SP16:	Improving Resource Efficiency
Policy SP17:	Low Carbon and Renewable Energy
Policy SP18:	Protecting and Enhancing the Environment
Policy SP19:	Design Quality

2.3 Selby District Core Strategy Local Plan

Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework. As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, the guidance in paragraph 214 of the NPPF does not apply and therefore applications should be determined in accordance with the guidance in Paragraph 215 of the NPPF which states " In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

The relevant Selby District Local Plan Policies are:

Policy ENV1:	Control of Development
Policy ENV2:	Environmental Pollution and Contaminated Land
Policy ENV3:	Light Pollution
Policy RT2:	Open Space Requirements for new residential development
Policy CS6:	Developer Contributions to Infrastructure and Community Facilities
Policy T1:	Development in relation to the Highway Network
Policy T2:	Access to Roads

Supplementary Planning Documents

Developer Contributions Supplementary Planning Document.
Affordable Housing Supplementary Planning Document, 2013
Hemingbrough Village Design Statement

2.4 National Guidance and Policy – National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)

The National Planning Policy Framework introduces, in paragraph 14, a presumption in favour of sustainable development. It states "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking".

This report is made in light of the guidance of the NPPF.

2.5 Key Issues

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

1. The appropriateness of the location of the application site for residential development in respect of current housing policy and guidance on sustainability contained within the Development Plan and the NPPF.
2. Identifying the impacts of the proposal.
 - a) Layout, appearance, scale and landscaping and Impact on the Character of the Area
 - b) Impact on Residential Amenity
 - c) Impact on the Highway
 - d) Impact on Nature Conservation and Protected Species
 - e) Affordable Housing
 - f) Housing Mix
 - g) Flood Risk, Drainage and Climate Change
 - h) Land Contamination
 - i) Recreational Open Space
 - j) Education, Healthcare and Waste & Recycling
 - k) Archaeology

3. Taking into account the presumption in favour of sustainable development determining whether the adverse impacts of the development significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

2.6 The appropriateness of the location of the application site for residential development in respect of current housing policy and guidance on sustainability contained within the Development Plan and the NPPF.

- 2.6.1 Policy SP1 of the Core Strategy outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken.
- 2.6.2 The site lies outside the defined development limits of Hemingbrough and therefore is located in open countryside.
- 2.6.3 Relevant policies in respect of the principle of this proposal include Policy SP2 "Spatial Development Strategy" and Policy SP5 "The Scale and Distribution of Housing" of the Core Strategy.
- 2.6.4 Policy SP2A(c) 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.
- 2.6.5 In light of the above policy context the proposals to develop this agricultural land for residential purposes are contrary to Policy SP2A(c) of the Core Strategy. The proposal should therefore be refused unless material considerations indicate otherwise. One such material consideration is the National Planning Policy Framework.
- 2.6.6 The Local Planning Authority, by reason of paragraph 47 of the NPPF, is required to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of housing against its policy requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for housing land. Furthermore where, as in the case of Selby District, there has been a record of persistent under delivery of housing, the LPA is required to increase the buffer to 20%.
- 2.6.7 The Council has conceded in appeal APP/N2739/W/16/3144900 of October 2016 that it does not have a 5 year housing land supply and proposals for housing should be considered in the context of the presumption in favour of sustainable development and paragraphs 14 and 49 of the NPPF and SP1 of the Core Strategy. Having regard to paragraph 49 of the NPPF it is considered that Policy SP5 Parts A and B are out of date in so far as they relate to housing supply and so should be afforded only limited weight.

- 2.6.8 Given that the Council cannot demonstrate a 5 year housing land supply the presumption in paragraph 14 of the NPPF is engaged meaning that unless material considerations indicate otherwise, planning permission should be granted unless:
- (i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole or
 - (ii) Specific policies (either in the NPPF or the Core Strategy) indicate development should be restricted (such as flood, green belt, countryside gaps and heritage assets).

In this case, the “tilted balance” in paragraph 14 applies.

2.6.9 The Council’s Guidance Note “Five Year Supply Guidance Note for Applicants May 2017 describes how proposals will be assessed. In particular, the settlement hierarchy remains a key consideration in the determination of planning applications for housing; in terms of the level of services and facilities within the settlement i.e. education and health, shops, transport services and sports and recreational facilities. In considering the weight to be afforded to development plan policies the Council will consider the extent of housing supply shortfall, the measures in place to remedy the shortfall and the particular purpose of the policy. As such each application will be judged on its own merits.

2.6.10 In respect of sustainability, the site is adjacent (approx. 120 metres) to the development limits of Hemingbrough which is defined as a Designated Service Village within the Core Strategy which have some scope for additional residential and small scale employment growth to support rural sustainability. The village of Hemingbrough contains a primary school, post office, local shop, public house and church. In addition, there is a regular bus service between Goole and Selby which provides onward links to York, Leeds and other cities and a school bus service. There is a bus stop located directly outside of the application site and good footpath links to the services within the village. It is therefore considered that the settlement is well served by local services.

2.6.11 The above points weigh in favour of a conclusion that in terms of access to facilities and a choice of mode of transport, that the site can be considered as being in a sustainable location.

2.6.12 Paragraph 7 of the NPPF, states that there are three dimensions to sustainable development, these being of an economic, social and environmental nature. These dimensions give rise to the need for the planning system to perform a number of roles. It is noted that the following benefits would arise from the development: -

2.6.13 Economic

The proposal would generate employment opportunities in both the construction and other sectors linked to the construction market. The proposals would bring additional residents to the area who in turn would contribute to the local economy through supporting local facilities.

2.6.14 Social

The proposal would deliver levels of both open market and affordable housing in Hemingbrough and hence would promote sustainable and balanced communities

and would assist in the Council meeting the objectively assessed need for housing in the district. In addition the scheme would include provision for recreational open space and would contribute a CIL contribution which could be utilised to enhance existing services within Hemingbrough.

2.6.15 Environmental

The proposal would take into account environmental issues such as flooding and impacts on climate change, biodiversity and results in the loss of agricultural land which is of a moderate value. The proposal will also deliver environmental benefits in the form of public open space provision.

2.6.18 With regard to paragraph 14 of the NPPF, in this case the “tilted balance” referred to in paragraph 2.6.8 applies. On consideration of the above information, it is considered that the proposal is acceptable with regard to the appropriateness of the location of the application site for residential development in respect of current housing policy and guidance on sustainability from both local and national policies, subject to compliance with flood risk policies within the NPPF. The impacts of the proposal are considered in the next section of the report.

2.7 Identifying the Impacts of the Proposal

2.7.1 Paragraph 14 of the NPPF requires the decision maker to determine whether any adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This section will assess the impacts arising from the proposal.

2.8 Layout, Scale, Design and Impact on the Character of the Area

2.8.1 Relevant policies in respect to design and the impacts on the character of the area include Policy ENV1 (1) and (4) of the Selby District Local Plan, and Policy SP19 “Design Quality” of the Core Strategy.

2.8.2 Significant weight should be attached to the Local Plan policy ENV1 as it is broadly consistent with the aims of the NPPF.

2.8.3 Relevant policies within the NPPF, which relate to design include paragraphs 56, 60, 61, 65 and 200.

2.8.4 The application proposes outline consent for up to 21 no. dwellings with all matters reserved. An indicative layout plan has been submitted which demonstrates how the site could be laid out with the siting of the dwellings respecting the existing built form to the east and west of the site. In addition an area of recreational open space and a dry offline basin could be provided to the rear.

2.8.5 The submitted Supporting Statement states that “The site sits between Hemingbrough Hall to the west and existing residential development fronting onto Chapel Road and the A63 to the east. The site benefits from clear defensible boundaries to the north in the form of School Road, a drainage ditch to the south, and the east and west due to the presence of existing residential development. As such, the development of the site represents an entirely logical infill development which is in keeping with the current pattern of development along School Road. The

site is well contained and offers the potential to grow the settlement in a planned manner.” It is noted that the site is constrained by School Road to the north and residential development to either side. Furthermore the indicative layout plan demonstrates how development could be constrained to the frontage of the site with a second row of properties set behind, ensuring that it does not extend significantly into the open countryside beyond in order to reflect the character of the area and other built form along School Road. It is considered that an appropriate layout can be achieved at Reserved Matters stage however it will be important to ensure that the built form is restricted in accordance with the indicative layout plan in any detailed scheme.

- 2.8.6 The site would achieve a density of approximately 19 dwellings per hectare which is considered to be a relatively low density. However, this is largely due to the southern portion of the site being retained for recreational open space and SuDS and the proposals would therefore appear to be a reasonable density having had regard to these specific issues and a condition would be imposed to restrict the maximum number of dwellings to 21 having had regard to the context of the site.
- 2.8.7 The Hemingbrough Village Design Statement (VDS) acknowledges that later estates to the south of Hemingbrough, built between the 1960s and the present day, have been constructed with little acknowledgement of the Hemingbrough character and are mostly built in a standardised distributor road with cul-de-sacs layout. The VDS considers that “In future development, more of the traditional features and layout could be incorporated in to this area without slavishly copying the designs.”
- 2.8.8 With respect to appearance and scale this is reserved for future consideration and any reserved matters application should have regard to the surrounding context of the site in terms of existing residential development as well as the Village Design Statement. Taking into account the surrounding context of the site which comprises two storey dwellings, constructed with facing brick and a tile roof, there is nothing to suggest that an appropriate appearance and scale could not be achieved at reserved matters stage.
- 2.8.9 In terms of landscaping, this is reserved for future consideration, however it is noted that the site is generally open in character due to the arable nature of the site, with trees and hedgerows located on the site boundaries. The Supporting Statement states that “it is not proposed to remove any of these trees as it is considered that they play an important role in framing the site.” Having had regard to this it would be desirable to retain as much of the mature hedgerow and tree planting around the boundaries of the site and it is considered that an appropriate landscaping scheme can be agreed at reserved matters stage to ensure that this is achieved.
- 2.8.10 Policy ENV3 of the Local Plan requires consideration be given to external lighting and it is considered that an appropriate lighting scheme can be achieved at reserved matters stage.
- 2.8.11 The Police Architectural Liaison Officer has commented on the proposed indicative layout and has made a series of recommendations including ensuring that affordable units are not concentrated in one corner of the site, the avoidance of rear parking courts or communal garage areas, incorporation of first floor landing windows on side elevations to provide overlooking of parking spaces on driveways,

ensuring that there is adequate parking provision for each property, front gardens should have well-defined clear demarcation, corner plots should have clearly defined boundaries, provision of appropriate street lighting, provision of cycle storage and recreational open space having effective management arrangements and natural surveillance over them. All of these issues should be taken into account within the design of a detailed reserved matters scheme.

2.8.12 With respect to the impacts of the development on the character of the area and landscape character, it is noted that the site comprises a flat agricultural field with mature hedgerow and trees around the periphery of the site. The Landscape Appraisals which form part of the Core Strategy Background Paper No. 10 states that 'although open views of the wider landscape are available, the immediate field patterns to the east are broken up by areas of development outside the immediate compact form of the village and any development would be viewed within and against the backdrop of existing development and is not likely to appear visually intrusive or detract from the character of the area.' The appraisal therefore considers that this area of Hemingbrough has low landscape sensitivity. As such it is not considered that the proposal would result in a significant visual or landscape harm.

2.8.13 Having had regard to all of the above elements it is considered that an appropriate design could be achieved at reserved matters stage so as to ensure that no significant detrimental impacts are caused to the character of the area in accordance with policies ENV 1 (1) and (4) and ENV3 of the Local Plan, policy SP19 of the Core Strategy and the NPPF.

2.9 Impact on Residential Amenity

2.9.1 Policy in respect to impacts on residential amenity and securing a good standard of residential amenity is provided by ENV1(1) of the Local Plan, as part of the Core Principles of the NPPF and within Paragraph 200 of the NPPF.

2.9.2 The detailed design of the properties, orientation and relationship of windows to other properties would be fully established at reserved matters stage so as to ensure that no significant detriment is caused through overlooking, overshadowing or creating an oppressive outlook. Having had regard to the relationship to neighbouring properties, it is considered that a scheme which protects residential amenity could be achieved at reserved matters stage.

2.9.3 The Lead Officer for Environmental Health considers that 'the proposed development is of a relatively large scale and as such will entail an extended construction phase. This phase of the development may negatively impact upon nearby residential amenity due to the potential for generation of dust, noise and vibration.' A condition is recommended requiring a scheme to minimise the impact of noise, vibration, dust and dirt on residential properties be submitted prior to site preparation and construction work commencing which is considered reasonable and proportionate.

2.9.4 Having taken into account the matters discussed above it is considered that an appropriate scheme could be designed at reserved matters stage which should not cause significant detrimental impact on the residential amenities of either existing or

future occupants in accordance with policy ENV1(1) of the Local Plan and the NPPF.

2.10 Impact on the Highway Network

- 2.10.1 Relevant policies in respect to highway safety and capacity include Policies ENV1 (2), T1 and T2 of the Selby District Local Plan and criteria (c) and (d) Policy SP19 “Design Quality” of the Core Strategy Local Plan. Given that paragraph 32 of the NPPF states that decisions should take account of whether safe and suitable access to the site can be achieved for all people these policies should be afforded weight as they are broadly consistent with the NPPF.
- 2.10.2 The Supporting Statement states that ‘access to the development is to be taken directly from School Road and the access point shown on the indicative layout provides the required visibility in both directions’. In addition it goes on to state that, ‘each unit will have an adequate number of parking spaces, to be built within the plot boundaries to meet the required parking standards.’
- 2.10.3 Comments from objectors in respect of the impacts on the existing highway network have been noted. The Highway Authority has stated that initial concerns over the access into the site have been overcome and as such an appropriate access to the site could be achieved. Highways have stated that it should be noted that the site would require 2 car parking spaces for 2 and 3 bedroom dwellings and 3 spaces for 4 plus bedroom dwellings. It is noted that the parking layout and detailed highway design this can be addressed at reserved matters stage. Several conditions are recommended, however, given the application is in outline form with all matters reserved, it would be unreasonable to include the stated highways conditions at this stage.
- 2.10.4 Given the above it is considered that an acceptable design and layout could be achieved to meet highway policies, in accordance with Policies T1 and T2 of the Selby District Local Plan.

2.11 Impact on Nature Conservation Issues

- 2.11.1 Policy in respect to impacts on nature conservation interests and protected species is provided by Policy ENV1(5) of the Local Plan, Policy SP18 of the Core Strategy and paragraphs 109 to 125 of the NPPF.
- 2.11.2 With respect to impacts of development proposals on protected species planning policy and guidance is provided by the NPPF and accompanying PPG in addition to the Habitat Regulations and Bat Mitigation Guidelines published by Natural England.
- 2.11.3 The application is accompanied by an Extended Phase 1 Habitat Survey (dated September 2015) which identified that further surveys were required in respect of Water Voles and Great Crested Newts which may be impacted upon through the proposed development. A subsequent Amphibian and Water Vole Survey (dated August 2016) by Enviroscope Consulting was therefore submitted in response to this.

Nature Conservation Sites

- 2.11.4 The Phase 1 Survey notes that no statutory nature conservation designations have been identified at the site itself and the site is located 1.5km north of the River Derwent SSSI (Site of Special Scientific Interest) and SAC (Special Area of Conservation). The report states that the SSSI is primarily designated on the basis of its status due to it representing one of the best British examples of the classic river profile, and the diverse aquatic flora and fauna it supports. The site's SAC European Site status relates primarily to the river's lamprey population and spawning grounds plus to presence of bullhead, sea lamprey and otter.
- 2.11.5 In terms of non-statutorily designated sites (Sites of Importance for Nature Conservation (SINCs)) there are three sites, two of which have been deleted, with the closest SINC (Hagg Green Lane) to the application site is located approximately 0.75km to the north west. The report considers that due to the distance between the SINC and application site, any impact is unlikely. Having consulted Natural England they have raised no objections with respect to the impacts on nature conservation sites.

Protected Species

- 2.11.6 The report establishes that three mature trees have been identified as having potential value to roosting bats and recommends that if removal or major works to these trees is proposed then two bat emergence/re-entry surveys of the trees is carried out in order to determine bat presence/absence and it may be necessary to obtain a European Protected species licence in advance of works to the trees. It is noted from the information submitted with the application that the proposal does not propose the loss of any trees within or around the site and no works are proposed. As such, a Bat Survey was not required to be submitted with the application but a condition can be included which requires a survey to be undertaken and submitted if any works to trees are proposed, prior to the commencement of development.
- 2.11.7 The Extended Phase 1 Habitat Survey noted the potential of the development to impact on water voles to the south of the site and as such, a further survey has been undertaken. This Survey confirms that the pond to the south of the site is considered to offer a very good habitat for water voles and a single water vole was observed in the summer of 2015. The report states that although no water voles were found during the surveys carried out in 2016, it is appropriate to consider the possibility of the site being colonised by water voles at a future date prior to construction. The report recommends that a further water vole survey is undertaken on the submission of a full application to determine whether water voles are using the site at that time. It also notes that a licence may be required from Natural England if water voles are present and any works would impact on the species.
- 2.11.8 With respect to Great Crested Newts, the survey states that the pond to the south has an average suitability to support GCN and during the course of two surveys, one male and one female smooth newt were bottle trapped. The report notes that no other amphibians were caught or observed and the aquatic fauna abundance and diversity in the pond was relatively poor and aquatic vegetation was not abundant. It also states that the eDNA analysis of the pond returned a negative result for GCN.

- 2.11.9 The report concludes that no impacts on GCN are anticipated through the development and given that smooth newts have been found at the pond, it is likely that toads and frogs are also present, however, these are offered limited protection. The report recommends that the EA Pollution Prevention Guidelines and a Construction Exclusion Zone is established which can be secured through condition.
- 2.11.10 The report also recommends that any works to trees or hedgerows should be carried out outside of the bird nesting season (February to August inclusive), and where this is not possible, an Ecologist should carry out a nesting bird check within 48 hours of any vegetation removal works.

Habitats

- 2.11.11 The report confirms that at the time of the survey the site was an arable field with plant species recorded which are commonplace and widespread. It considers that some of the hedgerows on the site are species-rich and are also a UK BAP Priority Habitat and are protected under the Hedgerow Regulations. Flocks of house sparrows, which are a UK BAP species and RSPB Red List species were also observed in the hedges. The report considers that the hedgerows are of value at a local scale which relates to their value as wildlife corridors, their floristic interest and their potential value to foraging and nesting birds.
- 2.11.12 It was also noted that Himalayan balsam is present on the site and is listed under Schedule 9 of the Wildlife & Countryside Act 1981. It adds that it is an offence to plant or otherwise allow this plant to grow in the wild.
- 2.11.13 The report considers that potential impacts of the development may relate to the loss, fragmentation and change in condition of existing habitats on and /or offsite during and post construction which could impact on protected and notable species and there is potential for the invasive species Himalayan balsam to be spread as result of construction works.
- 2.11.14 Natural England has raised no objection to the proposal in respect to the impact on the SSSI and SAC and references its standing advice regarding impacts on protected species which has been considered. The Yorkshire Wildlife Trust has provided comments and recommendations based on the information and surveys submitted. The North Yorkshire Bat Group were consulted but have not responded to the consultation.
- 2.11.15 Having had regard to all of the above it is considered that the proposal would accord with Policy ENV1(5) of the Local Plan, Policy SP18 of the Core Strategy and the NPPF with respect to nature conservation subject to conditions that the proposals be carried out in accordance with the mitigation measures and recommendations set out in the Extended Phase 1 Habitat Survey (dated September 2015) and an Amphibian and Water Vole Survey (dated August 2016).

2.12 Affordable Housing

- 2.12.1 Policy SP9 of the Core Strategy 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.

2.12.2 The applicant has confirmed that they are prepared to provide 40% affordable units on site and that this would be secured via a Section 106 agreement. The developer should identify a partner Registered Provider at an early stage to confirm the number, size and tenure of the units.

2.12.3 The Section 106 agreement would secure the 40% provision on-site and would ensure that a detailed Affordable Housing Plan is provided at reserved matters stage setting out the size and tenure mix based on a split of 50-70% rent and 50-30% intermediate provision.

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

2.13 Housing Mix

2.13.1 The NPPF sets out the requirement to deliver a wide choice of high quality homes through planning for a mix of housing which reflects local needs and to provide affordable homes. Core Strategy Policies SP8 and SP19 (i) requires development to create mixed use places with variety and choice that complement one another to encourage integrated living.

2.13.2 The Draft Selby District Council Strategic Housing Market Assessment 2015 has identified that three quarters of the affordable need is for homes with one or two bedrooms with around a quarter of the need being for larger homes with three or more bedrooms. There is a general need for one and two beds and also a need for this house size for older householders. The SHMA suggests that it may be appropriate to seek a higher percentage of three or more bed properties in new build schemes to release existing smaller properties for other households. The report notes that shared ownership schemes within the District have been performing well with 22% of the housing need identified being for intermediate equity based housing products with higher intermediate housing provision appropriate where it helps to support scheme viability. The applicants should take account of these findings in terms of the proposed mix of affordable units within any reserved matters scheme.

2.13.3 As such, it is considered that the proposal could achieve an appropriate housing mix at reserved matters stage as identified in the SHMA, in accordance with Policy SP8 and the NPPF.

2.14 Flood Risk, Drainage, Climate Change and Energy Efficiency

2.14.1 Policies SP15, SP16 and SP19 of the Core Strategy require proposals to take account climate change and energy efficiency within the design.

2.14.2 The proposals will consider energy efficiency/sustainable design measures within the scheme in order to meet building regulations requirements.

- 2.14.3 The NPPF, paragraph 94, states that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations. NPPF Paragraph 95 states to support the move to a low carbon future, local planning authorities should plan for new development in locations and ways which reduce greenhouse gas emissions; and which actively support energy efficiency improvements to existing buildings.
- 2.14.4 The application site is located in Flood Zone 1 which is at low probability of flooding and the Supporting Statement has advised that “Surface water will discharge to attenuation pipes within the site and a dry offline detention basin at the south of the site. The basin has been included within the site boundary and is intended to be adopted by Yorkshire Water in order that it can be maintained to ensure that it is fit for attenuation purposes. As regards foul drainage, disposal from the site will be to the 225mm diameter Yorkshire Water foul sewer on Hull Road to the north of the site.”
- 2.14.5 As the site exceeds 1 hectare in area, a site specific flood risk assessment is required to be submitted. In this instance, a Flood Risk and Drainage Assessment has been submitted which considers that the risk of fluvial, land and sewer flooding is low and there are no known problems at the site due to groundwater. The Assessment considers that the viability of using infiltration SuDS depends on the site infiltration rate which should be confirmed based on BRE Digest 365 guidelines but examination of the soils indicate relatively permeable soils.
- 2.14.6 In terms of adoption, the Assessment states that following discussions with Yorkshire Water, an offline dry detention basin as attenuation storage for the volume difference between the 1 in 2 year and 1 in 100 plus Climate Change event has been agreed. Ownership and maintenance would be taken by Yorkshire Water with a commuted sum payable to Yorkshire Water to cover maintenance costs.
- 2.14.7 The Flood Risk Assessment states that in order to mitigate against potential overland flows from sewer flooding in exceedance conditions, it is recommended that Finished Floor Levels (FFL) of all properties be set at least 150mm above existing ground levels. Several other recommendations have also been included which can be secured by way of condition.
- 2.14.8 The Internal Drainage Board have stated that they welcome the proposed use of SuDS and soakaways as an approach to surface water disposal and recommends that a drainage strategy is submitted to demonstrate that SuDS will operate effectively at the site.
- 2.14.9 The IDB concludes that they have no objection to the principle of the application if a SuDS solution can be established to work at this location but they have some concerns that there is no positive drainage system connecting the site to any YW asset or watercourse and it would be highly unlikely that the IDB would be willing to consent any new connection or discharge into any watercourse.
- 2.14.10 Yorkshire Water has confirmed that the proposed site access may affect an existing live water main that is laid in the highway (and grass verge) and a condition is recommended in respect of foul water.

- 2.14.11 The Strategic Drainage Officer (SuDs) has been consulted and recommends one condition but notes the IDB conditions which are suitable and to avoid duplication, advises that there would not be any issues with the planning authority using the Board's conditions providing the allowance for climate change is 30% not 20%.
- 2.14.12 Having taken the above into account it is therefore considered that, subject to the attached conditions a satisfactory drainage scheme could be brought forward to adequately address flood risk, drainage, climate change in accordance with Policies SP15, SP16 and SP19 of the Core Strategy Local Plan, and the NPPF.

2.15 Land Contamination

- 2.15.1 Relevant policies in respect of land contamination are Policy SP19 'Design Quality' part (k) of the Core Strategy Local Plan, Policy ENV2 (A) of the Local Plan and paragraphs 120 and 121 of the NPPF. Policy ENV2 (A) of the Local Plan should be given significant weight in the determination of planning applications as it is broadly consistent with the NPPF.
- 2.15.2A Preliminary Investigation has been submitted and the Council's Contamination Consultant previously assessed the same document as part of application 2015/1223/OUT. They advise that "While the report is not compliant with technical guidance and contains contradictions in its conclusions; due to some possible sources of contamination found during the walkover and the sensitivity of the end user being residential with gardens, then some intrusive investigation may be prudent." As such, several conditions are recommended in respect of land contamination.
- 2.15.3 The proposals, subject to the attached conditions are therefore considered to be acceptable with respect to contamination in accordance with Policy ENV2 of the Local Plan and Policy SP19 of the Core Strategy.

2.16 Recreation Open Space

- 2.16.1 Policy in respect of the provision of recreational open space is provided by Policy RT2 of the Local Plan, the Developer Contributions Supplementary Planning Document, Policy SP19 of the Core Strategy and paragraphs 70 and 73 of the NPPF.
- 2.16.2 The indicative layout demonstrates that there would be an area to the south of the site which could include a provision for recreational open space on-site, although the detailed type of provision to be provided would be established in detail at reserved matters stage. It is noted that Policy RT2 sets out the requirements for provision to equate to 60sqm per dwelling and as such it would be appropriate to ensure that this is secured by Section 106 agreement given that the detailed layout and design could alter at Reserved Matters stage.
- 2.16.3 It is therefore considered that the proposals are appropriate, subject to a Section 106 agreement and a scheme which accords with Policies RT2 of the Local Plan Policy SP19 of the Core Strategy and the NPPF can be secured at reserved matters stage.

2.17 Education, Healthcare, Waste and Recycling

- 2.17.1 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. These policies should be afforded significant weight but considered in the context of the CIL requirements.
- 2.17.2 A consultation has been sent to the Healthcare Service in relation to this application but no response has been received. The NYCC Education Directorate has stated that a contribution would not be sought for primary or secondary education facilities as there would not be a shortfall of school places. However, it is noted that monies would be collected through CIL if a contribution for education was requested.
- 2.17.3 With respect to Waste and Recycling, a contribution of £65 per dwelling would be required and this can be secured as part of a Section 106 Agreement.
- 2.17.4 Having had regard to the above the proposals comply with policies ENV1 and CS6 of the Local Plan, Policy SP19 of the Core Strategy, the Developer Contributions SPD and CIL with respect to developer contributions.

2.18 Archaeology

- 2.18.1 Policy ENV28 of the Local Plan states that 'where development proposals affect sites of known or possible archaeological interest, the District Council will require an archaeological assessment/evaluation to be submitted as part of the planning application.' Given that paragraph 128 of the NPPF advises that Local Planning Authorities should require developers to submit desk-based assessments and, where necessary a field evaluation where the site on which development is proposed includes or has the potential to include heritage assets with archaeological interest then significant weight should be attached to this policy.
- 2.18.2 An Archaeological Geophysical Survey has been submitted with the application and the Heritage Officer has stated that "The survey has been carried out to a very high specification and has picked up very ephemeral features such as drains and furrows. This demonstrates that the technique has been successful and would have identified archaeological remains had they been present. The report provides sufficient information on which to determine the planning application (NPPF para. 128)."
- 2.18.3 The Heritage Officer concludes that "As the geophysical survey has proved largely negative (with some features interpreted as modern or agricultural) the site appears to have a low archaeological potential" and therefore, they have no objection to the proposal.
- 2.18.4 The proposals are therefore considered acceptable with respect to the impact on designated and non-designated heritage assets in accordance with Policies ENV1 and ENV28, of the Local Plan, Policies SP18 and SP19 of the Core Strategy and the NPPF.

2.19 Taking into account the presumption in favour of sustainable development demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole

- 2.19.1 Having considered the issues outlined above against the relevant policy tests it is considered that any harms to acknowledged interests arising from the proposal are not significant. However the proposal would result in the substantial benefit of meeting the local need for both market and affordable housing that has been demonstrated to exist.
- 2.19.2 It is considered that there are no other adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits. The proposal is therefore considered acceptable when assessed against the policies in the NPPF, Selby District Local Plan and the Core Strategy. With regard to paragraph 14 of the NPPF, in this case the “tilted balance” referred to in paragraph 2.7.7 applies.
- 2.19.3 The proposals accord with the requirements of paragraph 14 of the NPPF as well as the overarching aims and objectives of the NPPF and it is on this basis that permission should/ be granted subject to the attached conditions.

2.20 Conclusion

- 2.20.1 The application proposes outline planning consent for residential development with all matters reserved. The site is currently in arable agricultural use and the boundaries of the site are existing residential properties to the east and west, School Road to the north and a drainage ditch to the south.
- 2.20.2 The Council has conceded in appeal APP/N2739/W/16/3144900 of October 2016 that it does not have a 5 year housing land supply and proposals for housing should be considered in the context of the presumption in favour of sustainable development and paragraphs 14 and 49 of the NPPF and SP1 of the Core Strategy. Having regard to paragraph 49 of the NPPF it is considered that Policy SP5 Parts A and B are out of date in so far as they relate to housing supply and so should be afforded only limited weight.
- 2.20.3 Given that the Council cannot demonstrate a 5 year housing land supply the presumption in paragraph 14 of the NPPF is engaged meaning that unless material considerations indicate otherwise, planning permission should be granted unless:
- (i) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole or
 - (ii) Specific policies (either in the NPPF or the Core Strategy) indicate development should be restricted (such as flood risk, green belt, countryside gaps and heritage assets).

No specific policies which restrict development apply to this application therefore the ‘tilted balance’ in paragraph 14 applies.

- 2.20.4 As such the proposals for residential development on this site should be considered in the context of the presumption in favour of sustainable development and

paragraphs 14 and 49 of the NPPF. In assessing the proposal against the three dimensions of sustainable development set out within the NPPF, the development would provide the following social, economic and environmental benefits and mitigation measures:

- a contribution to the District's five year housing land supply;
- the provision of additional market, affordable and high quality housing for the District;
- the provision of housing in close proximity to the boundary of a Designated Service Village which has good access to local services and public transport;
- short term employment opportunities for the construction and house sales industry;
- additional spending within the District from the future residents;
- On-site open space provision and on-going maintenance;
- Community Infrastructure Levy Fees to be provided on commencement of development;
- a 10% energy supply from decentralised and renewable or low carbon sources.

2.20.5 Taken together these represent significant benefits and are in line with the Government's planning and general policy objective of boosting housing land supply in sustainable locations.

2.20.6 The proposals could achieve an appropriate layout, appearance, landscaping, scale and access so as to respect the character of the area. The proposals are also considered to be acceptable in respect of the impact upon residential amenity, drainage and climate change, protected species, archaeology and contamination in accordance with policy.

2.20.7 Having had regard to all of the above, it is considered that there are no adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits. The proposal is therefore considered acceptable when assessed against the policies in the NPPF, in particular Paragraph 14, the Selby District Local Plan and the Core Strategy. In this case the "tilted balance" in paragraph 14 applies. It is on this basis that permission is recommended to be granted subject to the conditions and Section 106 agreement.

2.21 Recommendation

This application is recommended to be APPROVED subject to delegation being given to Officers to complete the Section 106 Agreement to secure 40% on site provision for affordable housing, on-site recreation open space provision and maintenance and a waste and recycling contribution and the conditions as detailed below.

01. Applications for the approval of the reserved matters referred to in No.2 herein shall be made within a period of three years from the grant of this outline permission and the development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason:

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

02. Approval of the details of the (a) appearance, (b) landscaping, (c) layout, (d) scale and (e) the means of access to the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason:

This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990.

03. The total number of dwellings authorised by this permission shall not exceed 21 and any reserved matters application(s) submitted pursuant to Conditions 1 and 2 shall be limited to this maximum in total.

Reason:

The impacts of the development on existing infrastructure have been assessed on the basis of this number of units.

04. Should any of the proposed foundations be piled then no development shall commence until a schedule of works to identify those plots affected, and setting out mitigation measures to protect residents from noise, dust and vibration shall be submitted to and approved in writing by the Local Planning Authority. The proposals shall thereafter be carried out in accordance with the approved scheme.

Reason:

In the interest of protecting residential amenity in accordance with Policies ENV1 and ENV2 of the Local Plan.

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

Reason:

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

06. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason:

In the interest of satisfactory and sustainable drainage.

07. No development shall be commenced until the Local Planning Authority has approved a Scheme for the provision of surface water drainage works. The approved scheme shall be implemented before the development is brought into use, unless otherwise agreed in writing by the Local Planning Authority and the following criteria should be considered:

- Any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse;
- Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area);
- Discharge from “greenfield sites” taken as 1.4 lit/sec/ha (1:1yr storm);
- Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event;
- A 30% allowance for climate change should be included in all calculations;
- A range of durations should be used to establish the worst-case scenario;
- The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology.

Reason:

To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

08. A strip of land 9 metres wide adjacent to the top of both banks of all watercourses on Site shall be kept clear of all new buildings and structures (including gates, walls, fences and trees) unless agreed otherwise in writing with the Local Planning Authority. Ground levels must not be raised within this area. Access arrangements should be agreed with the Internal Drainage Board.

Reason:

To maintain access to the watercourse for maintenance or improvements.

09. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority before development commences.

Reason:

To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

10. The development permitted by this planning permission shall only be carried out in accordance with the Recommendations at paragraph 5.4 of the Flood Risk and Drainage Assessment dated October 2015 by JBA Consulting. The Recommendations shall be fully implemented prior to occupation of the approved scheme.

Reason:

To reduce the risk of flooding to the proposed development and future

11. No dwelling shall be occupied until a scheme to demonstrate that at least 10% of the energy supply of the development has been secured from decentralised and renewable or low-carbon energy sources including details and a timetable of how this is to be achieved, including details of physical works on site, has been

submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interest of sustainability, to minimise the development's impact in accordance with Policy SP16 of the Core Strategy.

12. The development shall be carried out in complete accordance with the mitigation measures set out in the Ecology Report by Enviroscope Consulting, dated September 2015 and the Recommendations as set out in the Amphibian and Water Vole Survey by Enviroscope Consulting, dated August 2016, unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interests of ensuring that protected species are not significantly impacted by the development.

13. Prior to the commencement of development, a hedgerow survey and Management Plan should be submitted to assess whether the hedgerows are 'important' under the Hedgerow Regulations. Any hedgerow that is to be retained will require sufficient root protection which should be detailed within the Management Plan.

Reason:

In the interests of ensuring that the hedgerow is not significantly impacted by the development.

14. Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- i. a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- ii. an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
 - an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

15. Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

16. Prior to first occupation or use, the approved remediation scheme shall be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out shall be produced and be subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

17. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

18. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:
 - 1055384/01B (Location Plan)

- A101 (Topographical Survey)

Reason:

For the avoidance of doubt

3.1 Legal Issues

3.1.1 Planning Acts

This application has been determined in accordance with the relevant planning acts.

3.1.2 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.

3.1.3 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.

3.2 Financial Issues

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

4. Conclusion

4.1 As stated in the main body of the report.

5. Background Documents

5.1 Planning Application file reference 2016/1337/OUTM and associated documents.

Contact Officer:

Calum Rowley

Senior Planning Officer

Appendices:

None