



**Report Reference Number:** 2017/0312/OUT (8/33/360/PA)

**Agenda Item No:** 7.3

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**To:** Planning Committee  
**Date:** 10 January 2018  
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<b>APPLICATION NUMBER:</b>	2017/0312/OUT	<b>PARISH:</b>	Hambleton Parish Council
<b>APPLICANT:</b>	D Noble Ltd	<b>VALID DATE:</b> <b>EXPIRY DATE:</b>	7 April 2017 2 June 2017
<b>PROPOSAL:</b>	Outline application for residential development with all matters reserved		
<b>LOCATION:</b>	Land East Of Richardson Court Hambleton Selby YO8 9GY		
<b>RECOMMENDATION:</b>	APPROVE		

This application has been brought before Planning Committee as Officers consider that although the proposal is contrary to the provisions of the Development Plan there are material considerations which would justify approving the application.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The application site is located outside the defined development limits of Hambleton, which is a Designated Service Village as identified in the Core Strategy, and is therefore located within the open countryside.
- 1.2 The application site is located to the east of Richardson Court, which is a cul-de-sac to the south side of Main Road towards the east end of Hambleton. The application site comprises an area of vacant land, which was historically agricultural land. The application site is surrounded by residential development to the north, east and west, with agricultural land to the south.

## The Proposal

- 1.3 The application seeks outline planning permission for residential development with all matters reserved.
- 1.4 An indicative layout plan has been submitted with the application, which demonstrates how the site could be laid out to accommodate five dwellings, which would be bungalows, served from a private access drive leading from Richardson Court. The submitted planning statement sets out that the indicative layout plan has been prepared and this shows how the Site could accommodate 5 detached bungalows and sets out that the individual plot sizes shown are commensurate with those of the adjacent bungalows located to the west.

## Planning History

- 1.5 The following historical applications are considered to be relevant to the determination of this application.
  - Planning application CO/1983/14886 for a residential development was Refused on 30 March 1983 and dismissed at Appeal.

## 2. CONSULTATION AND PUBLICITY

*(All immediate neighbours were informed by letter, a site notice was erected, an advert placed in the local press and nine statutory consultees notified)*

- 2.1 **Parish Council** – 16.05.2017: Hambleton Parish Council are in favour of this development to meet local residential needs but have serious concerns regarding the proposed access and its safety implications.

17.10.2017: In light of the application being for a market site, as opposed to a site for the benefit of the people of Hambleton directly, Hambleton Parish Council are not in support of the application. There are concerns regarding the vehicular access as the proposed vehicular access is very narrow and concerns have been raised about how safe it would be, particularly for pedestrians. Further, there are concerns about the village growth potential - it is unnecessary for the village to accept further developments of multiple dwellings. Hambleton has already exceeded what would be considered a reasonable level of growth and to allow further development outside the development limits for private developers would be unacceptable and to the detriment of the village.

- 2.2 **NYCC Highways** – No objections subject to two conditions relating to: (1) the approval of details for site works in the highway, and (2) a construction management plan.
- 2.3 **Environmental Health** - No objections.
- 2.4 **Waste and Recycling Officer** - The development is to be accessed from a private drive. Collection vehicles will not access private drives or use them for turning and so a bin presentation point will need to be provided at the junction of the public and private roads. As the application is for more than 3 properties, the developer will be required to purchase the waste and recycling containers for this development.

- 2.5 **Yorkshire Water** - No objections, subject to a condition relating to surface water drainage.
- 2.6 **Selby Area Internal Drainage Board** – Comments/recommendations made.
- 2.7 **North Yorkshire Bat Group** - No response within statutory consultation period.
- 2.8 **Public Rights Of Way Officer** - No response within statutory consultation period.
- 2.9 **Contaminated Land Consultant** - Standard contaminated land conditions are not required, however, it is considered that it would be prudent to attach an unexpected contamination condition.
- 2.10 **Neighbour Comments** - Four letters of objection have been received with concerns raised in respect of: (1) the location of the proposed development outside the defined development limits; (2) insufficient services within Hambleton to support the proposed development; (3) the proposed access to the site; (4) the impact of the proposed development on residential amenity in terms of noise and disturbance from traffic and loss of privacy; (5) proposal would result in increased pollution from vehicle emissions and have an adverse impact on local residents; (6) the location and size of the bin collection areas; (7) potential for noise and disturbance to neighbouring properties during the construction period.

### **3. SITE CONSTRAINTS AND POLICY CONTEXT**

#### **Constraints**

- 3.1 The application site is located outside the defined development limits of Hambleton and is therefore located within the open countryside.
- 3.2 The application site is located within Flood Zone 1.

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

- 3.3 The NPPF introduces, in paragraph 14, a presumption in favour of sustainable development, stating "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking". National Planning Practice Guidance (NPPG) adds further context to the National Planning Policy Framework ("NPPF") and it is intended that the two documents should be read together.
- 3.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by

the direction of the Secretary of State and which have not been superseded by the Core Strategy.

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

3.5 The relevant Core Strategy Policies are:

- SP1 - Presumption in Favour of Sustainable Development
- SP2 - Spatial Development Strategy
- SP5 - The Scale and Distribution of Housing
- SP9 - Affordable Housing
- SP15 - Sustainable Development and Climate Change
- SP16 - Improving Resource Efficiency
- SP18 - Protecting and Enhancing the Environment
- SP19 - Design Quality

### **Selby District Local Plan**

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

3.7 The relevant Selby District Local Plan Policies are:

- ENV1 - Control of Development
- ENV2 - Environmental Pollution and Contaminated Land
- RT2 - Open Space Requirements for New Residential Development
- CS6 - Developer Contributions to Infrastructure and Community Facilities
- T1 - Development in Relation to the Highway Network
- T2 - Access to Roads

### **Other Policies and Guidance**

3.8 Affordable Housing Supplementary Planning Document

3.9 Developer Contributions Supplementary Planning Document

3.10 Draft Selby District Strategic Housing Market Assessment – June 2015

3.11 The 2017 Housing White Paper

## **4. APPRAISAL**

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

- The Principle of the Development
- Design and Impact on the Character and Appearance of the Area

- Impact on Residential Amenity
- Impact on Highway Safety
- Flood Risk, Drainage and Climate Change
- Nature Conservation and Protected Species
- Land Contamination
- Affordable Housing
- Recreational Open Space
- Education and Healthcare, Waste and Recycling

### **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 Hambleton, 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 At the time of writing this report, the Council can confirm that they have a five year housing land supply. 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 adjacent to the development limits of Hambleton, 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 contains a number of local services, including a primary school and general store and also benefits from bus services to Leeds, Selby, Tadcaster and Sherburn in Elmet.
- 4.10 It is noted that the village of Hambleton 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 Hambleton 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, it is considered the situation in respect of the sustainability of Hambleton 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 Hambleton, it is adjacent to the boundary and would be served by the facilities within 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 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 Hambleton 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 33-53 dwellings for Hambleton. To date, Hambleton has seen 51 (gross) dwellings built in the settlement since the start of the Plan Period (50 net) in April 2011 and has extant gross approvals for 116 dwellings (115 net), giving a gross total of 167 dwellings (165 net). Taking into account the range of growth options identified for this settlement, the scale of this individual proposal, at five dwellings, is considered to be appropriate to the size and role of Hambleton which is designated as a Designated Service Village, as the size of this one development alone would be below the lower growth range of 33. 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 permitted, the cumulative impact would increase the number of approvals to 121 dwellings (120 net), giving a gross total of 172 dwellings (171 net). Taken cumulatively this would be significantly more than the upper growth range of 53. However, if this application were to be approved, it would only be marginally more than the existing situation with approvals of 116 dwellings (115 net), giving a gross total of 167 dwellings (165 net). Given the individual small scale of the proposal, for five dwellings, and the sustainability of Hambleton as a Designated Service Village, by comparison to other Designated Service Villages within the District, in which it performs highly, it is considered that the level of growth proposed, in this instance, is acceptable for Hambleton as a Designated Service Village.
- 4.16 Furthermore, having regard to the scale of the proposal, for five dwellings, the proposed development, if approved, would provide opportunities for small housebuilders, which would assist in diversifying the housing market, opening it up to smaller builders, which is a central aim of the 2017 Housing White Paper.

#### Evidence of Housing Need

- 4.17 The National Planning Practice Guidance sets out, that the need to provide housing for older people is critical given the projected increase in the number of households aged 65 and over accounts for over half of the new households (Paragraph: 021 Reference ID: 2a-021-20160401). The Draft Selby District Strategic Housing Market Assessment – June 2015 (SHMA) sets out that the District has an above average proportion of adults aged 60-74 compared to the regional and national profile. Data shows there will be 33,500 people aged 60 and over in 2037, an increase of 11,900 from 2014, a growth of 55 percent, whilst the population aged 75 and over is projected to increase by an even greater proportion, 115 percent. The SHMA sets out that to support a growing older population there is a need to increase delivery of bungalows; and to provide opportunities for households to downsize into single storey housing within the villages, which would free up family housing for younger households.
- 4.18 The application seeks outline planning permission for the erection of a residential development of five dwellings, with all matters reserved; however, an indicative layout plan has been submitted with the application, which demonstrates how the site could be laid out to accommodate five dwellings and the supporting statement

sets out that the dwellings would be bungalows. As set out later in this report, it is considered reasonable and necessary to attach a condition to any planning permission granted to ensure that the dwellings are bungalows, having regard to the context of the application site and surrounding development. Therefore, if approved, the application would result in the provision of bungalows.

- 4.19 The SHMA recognises the economics of delivery of bungalows can be challenging, and that provision should be given strong support on appropriate sites. The provision of bungalows on the application site would provide opportunities for households to downsize and the site is considered to be appropriately located in relation to the development limit boundary, served by facilities within the settlement and is within short well-lit walking distance of local transport links; factors which would be appropriate to housing an ageing population.

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

- 4.20 The application site is located outside the defined development limits of Hambleton, which is a Designated Service Village as identified in the Core Strategy, and is therefore located within the open countryside. The application seeks outline planning permission for the erection of a residential development of five dwellings, with all matters reserved.
- 4.21 The application site is located to the east of Richardson Court, which is a cul-de-sac to the south side of Main Road towards the east end of Hambleton. The application site comprises an area of vacant land, which was historically agricultural land. The application site is surrounded by residential development to the north, east and west, with agricultural land to the south.
- 4.22 Dwellings within the immediate vicinity of the application site are detached bungalows to the east and south of Richardson Court. However, it is noted that there are two storey dwellings to the west of Richardson Court and to the north of the application site fronting Main Road, providing some variety.
- 4.23 An indicative layout plan has been submitted with the application, which demonstrates how the site could be laid out to accommodate five dwellings. The supporting statement sets out that the dwellings would be bungalows and that the plot sizes would be commensurate with other detached bungalows within the immediate vicinity of the application site. Furthermore, an indicative elevation has been submitted with the application, which demonstrates that the scale of the bungalows could be comparable with other detached bungalows within the immediate vicinity of the application site. In terms of appearance, the supporting statement sets out that there is variety in the design of dwellings within the vicinity of the application site, with a variety of types of dwellings and materials used for the external finishes. In terms of landscaping, the supporting statement sets out that the outer boundaries of the application site could be reinforced with 1.8 metre close boarded fencing where necessary, the southern boundary of the site could have its native hedgerow reinstated and a detailed scheme of landscaping could be submitted at the reserved matters stage.
- 4.24 The application site is located outside the defined development limits of Hambleton, and is therefore classed as being located within the open countryside. However, it should be noted that the application site comprises an area of vacant scrub land,



which was historically agricultural land, and is surrounded by residential development and garden land to the north, east and west, with agricultural land to the south. Therefore, the characteristics of the site are not that of agricultural land or open countryside per se. The proposal would not lead to further encroachment into the agricultural land to the south and given the context of the site, it is considered that the proposal would result in a natural rounding off of the settlement and would result in a clear defensible boundary. Furthermore, given the scale of the development and its relationship to the development limit the proposal would not be considered visually prominent or discordant within the landscape given its backdrop against existing residential development. The scheme is for small scale development of five dwellings and, on balance, it is considered that the proposals would have an appropriate relationship to the development limit and would not result in a harmful effect on the character of the settlement.

- 4.25 Having regard to the above, it is considered that an appropriate scheme could be achieved at the reserved matters stage in terms of layout, scale, appearance and landscaping, which would not result in any significant detrimental impacts on the character and appearance of the area in accordance with Policy ENV1 (1) and (4) of the Selby District Local Plan, Policy SP19 of Core Strategy and the advice contained within the NPPF.

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

- 4.26 The application seeks outline planning permission for residential development with all matters reserved. An indicative layout plan has been submitted with the application, which demonstrates how the site could accommodate up to five dwellings. The layout scale, appearance and landscaping of the dwellings is reserved for subsequent approval at the reserved matters stage, however, it is considered that an appropriate scheme could be achieved at the reserved matters stage to ensure that no significant adverse effects of overlooking, overshadowing or oppression between the proposed dwellings and for the existing dwellings surrounding the application site.
- 4.27 Furthermore, the Environmental Health Officer raises no objections to the proposal in terms of noise and disturbance.
- 4.28 Having regard to the above, it is considered that an appropriate scheme could be achieved at the reserved matters stage, which would not result in any significant detrimental impacts on the residential amenities of the occupiers of the existing or proposed dwellings in accordance with Policy ENV1(1) of the Selby District Local Plan and the advice contained within the NPPF.

#### **Impact on Highway Safety**

- 4.29 The application seeks outline planning permission for residential development with all matters reserved. An indicative layout plan has been submitted with the application, which demonstrates that access would be taken from Richardson Court via a private driveway and each dwelling would provide parking facilities for two vehicles.
- 4.30 The comments of the Parish Council and neighbouring properties have been noted regarding the impact of the proposal on highway safety. However, NYCC Highways

have been consulted on the proposals and have advised that they have no objections to the proposals subject to two conditions relating to the approval of details for site works in the highway, and a construction management plan.

- 4.31 Subject to the aforementioned conditions, it is considered that an appropriate scheme could be achieved at the reserved matters stage which would be acceptable in terms of highway safety in accordance with Policies ENV1 (2), T1 and T2 of the Selby District Local Plan and the advice contained within the NPPF.

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

- 4.32 The application site is located within Flood Zone 1, which has a low probability of flooding.
- 4.33 The application form and supporting statement state that foul sewage would be disposed of via mains sewer and surface water would be disposed of via mains sewer. Selby Area Internal Drainage Board have not raised any objections to the proposal provided that the Water Authority are satisfied that the existing system will accept the additional flow in terms of surface water. Yorkshire Water note that the proposal is for surface water to be disposed of via mains sewer but set out that sustainable development requires appropriate surface water disposal and Yorkshire Water promote the surface water disposal hierarchy. Yorkshire Water have advised that the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer and as such recommend a condition relating to surface water drainage is applied to any planning permission granted. In addition, officers consider that a condition in relation to separate systems for foul and surface water drainage to serve the development should be attached to any planning permission granted.
- 4.34 Subject to appropriate conditions it is therefore considered that appropriate drainage arrangements can be achieved which accord with policy.

### **Nature Conservation and Protected Species**

- 4.35 The application site is not a protected site for nature conservation and is not known to support, or be in close proximity to, any site supporting protected species or any other species or habitat of conservation interest.
- 4.36 Given the above, it is considered that the proposal would not harm any acknowledged nature conservation interests and is therefore in accordance with Policy ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and the advice contained within the NPPF.

### **Land Contamination**

- 4.37 The application has been supported by a Contamination Assessment. This has been assessed by the Council's Contaminated Land Consultant who has advised that a condition should be attached to any planning permission granted requiring that the Local Planning Authority be informed in the event that contamination is found at any time when carrying out the approved development that was not previously identified.

- 4.38 Subject to the aforementioned condition, it is considered that the proposal would be acceptable in respect to land contamination and is therefore in accordance with Policy ENV2 of the Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

### **Affordable Housing**

- 4.39 In the context of the West Berkshire decision it is considered that there is a material consideration of substantial weight which outweighs the policy requirement for the commuted sum. It is therefore considered that having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.

### **Recreational Open Space**

- 4.40 In respect of contributions towards recreational open space, these policies should be afforded limited weight due to their conflict with CIL. It is considered that no direct contribution is required due to the adoption of the CIL.

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

- 4.41 In respect of contributions towards education and healthcare, these policies should be afforded limited weight due to their conflict with the CIL. It is considered that no direct contribution is required due to the adoption of the CIL.

- 4.42 In respect of contributions towards waste and recycling, the Council will seek provision or a contribution from the developer to ensure that, prior to the occupation of any dwelling, storage bins and boxes are provided. This could be secured by way of condition. The Waste and Recycling Officer notes that the development would be accessed from a private drive and advises that a bin presentation point will need to be provided at the junction of the public and private roads, which should be large enough to accommodate 2 x 240 litre wheeled bins per property one week (which would be the equivalent to 10 x 240 litre wheeled bins) and 3 x 55 litre kerbside recycling boxes per property the following week (which would be the equivalent of 15 3 x 55 litre kerbside recycling boxes). Having regard to the above, a bin presentation point of 0.58 metres by 7.4 metres would be required. An indicative site layout plan has been provided which demonstrates that such a bin presentation point could be provided within the application site.

- 4.43 Having regard to the above, it is considered that the proposal would be acceptable in respect to education and healthcare, waste and recycling and is therefore in accordance with Policy CS6 of the Selby District Local Plan, Policy SP19 of the Core Strategy, the Developer Contributions Supplementary Planning Document and the advice contained within the NPPF.

### **Legal Issues**

- 4.44 Planning Acts

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

#### 4.45 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.

#### 4.46 Equality Act 2010

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

### **Financial Issues**

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

## **5.0 CONCLUSION**

5.1 The application seeks outline planning permission for residential development with all matters reserved. The application site is located outside the defined development limits of Hambleton, which is a Designated Service Village as identified in the Core Strategy, and is therefore located within the open countryside. The proposal would not constitute any of the types of development that are acceptable in principle under Policy SP2(A)(c) of the Core Strategy. The proposal would therefore conflict with Policy SP2(A)(c) of the Core Strategy and hence the overall Spatial Development Strategy for the District. The application should therefore be refused unless material considerations indicate otherwise.

5.2 Although the proposed development would be located outside the defined development limits of Hambleton, and would be classed as being located within the open countryside, the application is small in scale and is located adjacent to the defined development limits and comprises an area of vacant scrub land, which was historically agricultural land, and is surrounded by residential development and garden land to the north, east and west. The proposal would not lead to encroachment into the agricultural land to the south and given the context of the site, the proposal would lead to a natural rounding off of the settlement and would result in a clear defensible boundary. In addition given the scale of the proposal, for five dwellings, and its relationship to the development limits, the proposal would not be visually prominent or discordant within the landscape, given its backdrop against existing residential development. Furthermore, taking into account the range of growth options identified for this settlement, the scale of this individual proposal at five dwellings is considered appropriate to the size and role of the settlement which is a Designated Service Village and cumulatively, would result in an overall level of development just marginally more than the existing situation. In addition, the proposal would result in the provision of bungalows and there is an identified need for bungalows, as set out within the Draft Selby District Strategic Housing Market Assessment – June 2015, within the District to serve an ageing population. The proposal would provide opportunities for ageing households to downsize into single storey housing within the villages, which would free up family housing for younger households. The provision of bungalows at the site could be secured by way of

condition having regard to the above and the context of the site. Furthermore, the proposed development, if approved, would provide opportunities for small housebuilders, which would assist in diversifying the housing market, opening it up to smaller builders, which is a central aim of the 2017 Housing White Paper.

- 5.3 On balance, it is considered that the proposals would result in conflict with Policy SP2(A)(c) of the Core Strategy, however, it is considered that the material considerations identified above would outweigh this conflict with the development plan and limited harm. As such, it is considered that the proposals, while finely balance, would be acceptable in principle in this instance.
- 5.4 Having assessed the proposals against the relevant policies, it is considered that an appropriate layout, scale, appearance, landscaping and access could be achieved for the proposals to be acceptable in respect of the impact on the character and appearance of the area, impact on residential amenity and impact on highway safety. Furthermore, the proposals are considered to be acceptable in respect of flood risk, drainage and climate change, nature conservation and protected species, land contamination, recreational open space, education and healthcare and waste and recycling.
- 5.5 The scheme is considered contrary to Policy SP9 of the Core Strategy. However, in the context of the Court of Appeal decision it is considered that this is a material consideration of substantial weight which outweighs the policy requirement for the commuted sum. Officers therefore recommend that, having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.

## **6 RECOMMENDATION**

This application is recommended to be APPROVED subject to the following conditions:

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 development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

Location Plan, Drawing No. LOC01, received 23 March 2017.

Reason:

For the avoidance of doubt.

04. The total number of dwellings authorised by this permission shall not exceed 5 and shall be constructed as bungalows and any reserved matters application(s) submitted pursuant to Conditions 1 and 2 shall be in accordance with these requirements.

Reason:

To ensure that the proposal is carried out in accordance with the design parameters and impact of the development on existing infrastructure on which the outline application has been assessed.

05. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:

- (i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:

a. Tie-in to existing public highway (Richardson Court).

- (ii) A programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

Reason:

In accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

06. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase:

- a. the parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
- e. wheel washing facilities
- f. measures to control the emission of dust and dirt during construction
- g. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason:

In accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

07. 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.

08. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off -site works, have been submitted to and approved by the local planning authority. If any discharge of surface water is to public sewer, the detail shall include the reasons for discounting other methods of drainage and the means of ensuring that the rate of discharge is restricted to greenfield rates. Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason:

To ensure that no surface water discharges take place until proper provision has been made for its disposal and in accordance with sustainable drainage principles.

09. 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.

10. Prior to the occupation of any dwelling, waste and recycling provision shall be provided for each of the dwellings.

Reason:

In order to comply with the Adopted Developer Contribution Supplementary Planning Document (2007).

**Contact Officer:**

Jenny Tyreman  
Planning Officer

**Appendices:**

None.