

**North Yorkshire Council  
Community Development Services**

**Selby and Ainsty Area Constituency Committee**

**14 JUNE 2023**

**2021/1043/FULM - ERECTION OF UP TO 82 DWELLINGS, INCLUDING ASSOCIATED  
LANDSCAPING, PUBLIC OPEN SPACE, AND THE FORMATION OF A NEW VEHICLE  
ACCESS OFF WHEATFIELDS WALK AT LAND OFF WHEATFIELDS WALK, RICCALL,  
SELBY ON BEHALF OF BARRATT DAVID WILSON HOMES**

**Report of the Assistant Director - Planning – Community Development Services**

**1.0 Purpose of the Report**

- 1.1 To determine a planning application for erection of up to 82 dwellings, including associated landscaping, public open space, and the formation of a new vehicle access off Wheatfields Walk at land off Wheatfields Walk, Riccall, Selby.
- 1.2 This application is reported to Committee because the Head of Planning considers this application to raise significant planning issues such that it is in the public interest for the application to be considered by Committee.

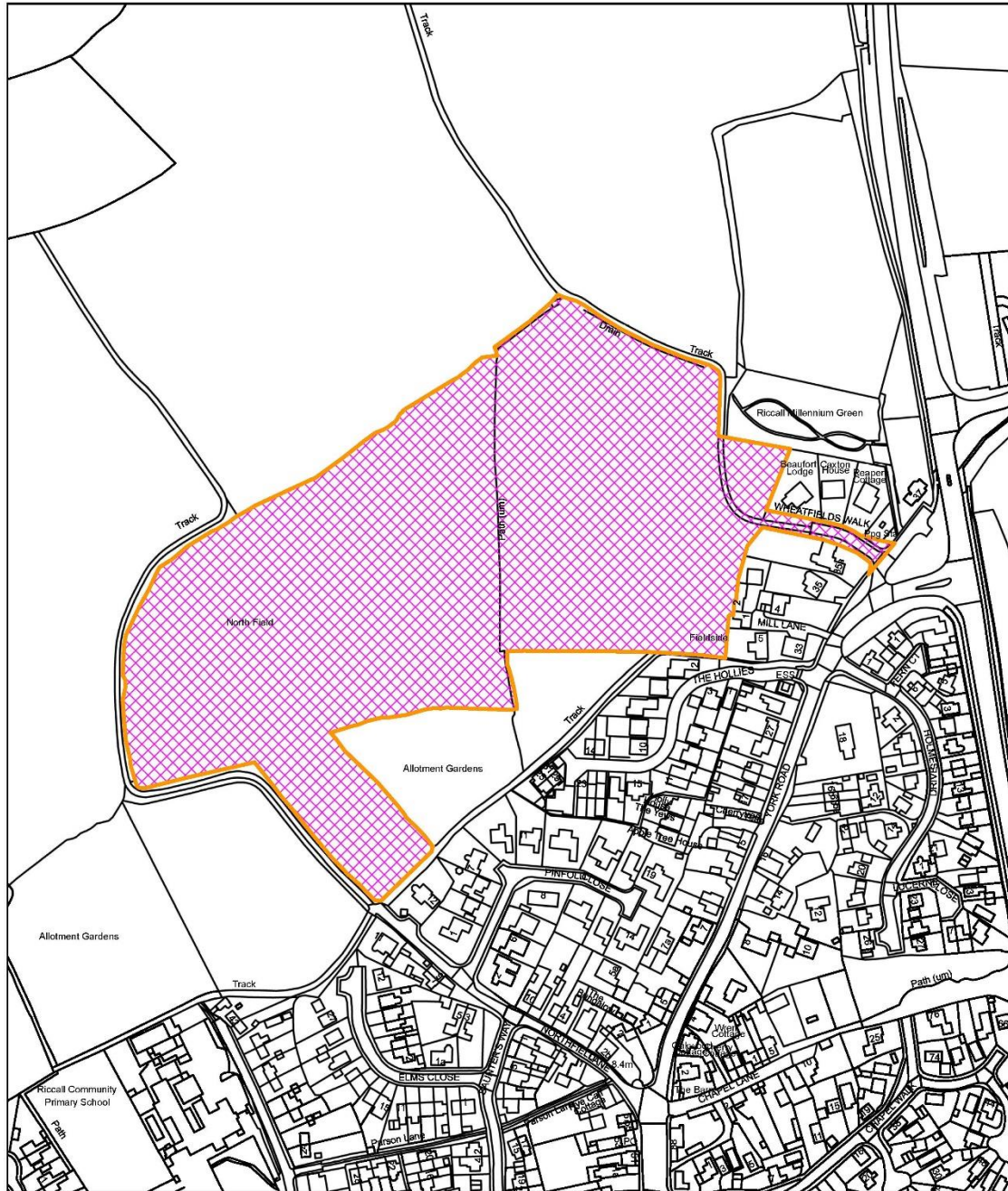
**2.0 EXECUTIVE SUMMARY**

**RECOMMENDATION: That planning permission be REFUSED for the reasons listed in section 12 of this report.**

- 2.1. This is an application for planning permission for the erection of 82 dwellings. Amendments have reduced the number of proposed dwellings shown on the site layout plans to 75 but the applicant has not proposed an amended description. Therefore, while the description of development states 82 dwellings the proposal before Planning Committee entails 75 dwellings. The dwellings are clustered together in the southern half of the site. Primary access is proposed from Wheatfields Walk via a new roundabout in place of the junction with York Road while emergency access is proposed from Northfield Lane. Significant woodland planting is proposed at the site boundary and species rich grassland would be planted on the northern half of the site.
- 2.2. The site is a relatively flat 6.6 hectare arable agricultural field mostly in the countryside adjacent to Riccall, a Designated Service Village as identified in the 2013 Core Strategy. The northern half of the site is in flood zone 3 and the southern half in zones 2 and 1. There is a scheduled ancient monument, grade II\* and grade II listed buildings to the south-west.
- 2.3. The proposal is unacceptable in principle because it amounts to substantial residential development in the countryside that is contrary to the spatial development strategy of the development plan and is not development of an appropriate scale and would result in disproportionate growth in the amount of housing in the village within the plan period, contrary to Policies SP2 and SP5. The proposal would result in the unnecessary loss of agricultural land. The proposal does not address potential mineral impacts contrary to the Minerals and Waste Joint Plan. The design and layout of the proposal are not acceptable. The setting of the aforementioned heritage assets would be unjustifiably harmed. The proposal would harm residential amenity. There is an unjustified under

provision of affordable housing. The highway safety impacts of the proposal are not acceptable. Despite other matters being acceptable, and there being some positive implications arising from the proposal such as housing delivery in a relatively sustainable location, there are significant negative impacts arising from the proposal that outweigh these to the extent it is recommended permission be refused for the reasons set out below.

Land off Wheatfields Walk, Riccall  
2021/1043/FULM



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### **3.0 Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found here:- [2021/1043/FULM | Erection of up to 82 dwellings, including associated landscaping, public open space, and the formation of a new vehicle access off Wheatfields Walk | Land Off Wheatfields Walk Riccall York North Yorkshire \(selby.gov.uk\)](https://www.selby.gov.uk/2021/1043/FULM | Erection of up to 82 dwellings, including associated landscaping, public open space, and the formation of a new vehicle access off Wheatfields Walk | Land Off Wheatfields Walk Riccall York North Yorkshire (selby.gov.uk))
- 3.2. The proposed site layout for the eastern section of the site can be found at Appendix A and the western section at Appendix B.
- 3.3. Key changes which have occurred during the application are the receipt of amended east and west proposed site layouts; information to inform a habitats regulations assessment and shadow appropriate assessment; wintering bird report; heritage addendum; swept path analysis; biodiversity impact assessment; and archaeological investigation by trial trenching.
- 3.4. There are three relevant planning applications for this application which are detailed below. The first relates to the application site and the others relate to the development of The Hollies to the south of the site:

2016/0318/OUT- Outline application to include access (all other matters reserved) for residential development of up to 99 dwellings. Refused 29/1/2018. A copy of the decision notice is attached at Appendix C.

2015/0317/OUT- Outline application with all matters reserved for demolition of existing bungalow and nursery buildings and the erection of residential development of 23 dwellings at Villa Nursery, 31 York Road, Riccall. Refused 21/1/2016. An appeal reference APP/N2739/W/16/3151778 against the refusal of planning permission was allowed on 31/10/2016. Reserved matters reference 2017/1097/REMM for 22 dwellings was approved 29/3/2018.

### **4.0 Site and Surroundings**

- 4.1. The application site is located at the northern edge of Riccall. It is irregular in shape, measures 6.6 hectares in area and is used almost entirely for arable agricultural purposes aside from an overgrown area near Northfield Lane and another near the access via Wheatfields Walk. There are a number of trees near the site boundary. It is relatively flat with only slight undulations. The application site is located within the countryside with the exception of the access along Wheatfields Walk which is within the development limit of Riccall. The application site partially adjoins the development limit of Riccall adjacent to Wheatfields Walk, Mill Lane and Northfield Lane. Elsewhere, the site is separated from the development limit by the intervening residential development within 'The Hollies' and the adjacent allotments. These allotments and a separate area of allotments along with a field are designated recreational open space.
- 4.2. There are residential dwellings and allotments to the south and east of the site; Riccall Millennium Garden to the northeast; and arable farmland to the north and west. To the southwest of the site is the York prebendary manor moated site which is a scheduled ancient monument. Within its boundary sits the grade II\* listed building The Manor House and grade II listed building the Pigeoncote to The Manor House. The Riccall conservation area is to the south of The Hollies. Public right of way 35.53/8/2 runs along Wheatfield Walk and along the northern boundary of the site. This joins public right of way 35.53/6/1 which passes through the middle of the site and along its southern boundary. The Trans Pennine Trail runs along York Road. The site is within a sand and gravel, and brick clay minerals safeguarding area. Approximately the northern half of the site is within flood zone 3, the southern half is mostly in flood zone 2 with small

areas in flood zone 1. Skipwith Common National Nature Reserve (NNR), Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC), is to the east of the site at a distance of approximately 2.1km.

## **5.0 Description of Proposal**

5.1. This is an application for planning permission for the erection of up to 75 dwellings, including associated landscaping, public open space, and the formation of a new vehicle access. Off-site highway alterations are shown on the submitted drawings with a roundabout proposed at the junction of Wheatfields Walk and York Road. Access is proposed via Wheatfield Walk with an emergency access to Northfield Lane. The internal access road leads to the proposed housing, clustered together in the south-western part of the application site. It is proposed to plant extensive areas of woodland along the northern and western boundaries as well as near the Wheatfields Walk access. The northern half of the site would largely be planted as species rich grassland with areas of flood plain storage with seasonally wet wildflower meadow.

5.2. The application includes the following documents and plans:

- Planning statement (received 1/9/2021)
- Agent response letter (received 19/4/2022)
- Statement of community involvement (received 1/9/2021)
- Five year housing land supply statement (received 1/9/2021)
- Design and access statement (received 1/9/2021)
- Transport assessment (received 1/9/2021)
- Travel plan (received 1/9/2021)
- Swept path analysis (received 4/4/2022)
- FRA and drainage assessment (received 1/9/2021)
- Sequential test (received 1/9/2021)
- Noise impact assessment (received 1/9/2021)
- Air quality assessment (received 1/9/2021)
- Landscape and visual appraisal (received 1/9/2021)
- Heritage assessment (received 1/9/2021)
- Heritage addendum (received 4/4/2022)
- Archaeology and heritage desk-based assessment (received 1/9/2021)
- Archaeological metal detector survey and evaluation by trial trenching written scheme of investigation (received 2/2/2022)
- Wintering bird report (received 19/4/2022)
- Biodiversity impact assessment (received 2/2/2022)
- Ecological impact assessment (received 1/9/2021)
- Great crested newt survey report (received 1/9/2021)
- Bat report (received 1/9/2021)
- Extended Phase 1 habitat survey (received 1/9/2021)
- Information to Inform a Habitats Regulations Assessment & Shadow Appropriate Assessment (received 19/4/2022)
- Arboricultural report (received 1/9/2021)
- Arboricultural impact assessment (received 1/9/2021)
- Geotechnical preliminary appraisal (desk study) (received 1/9/2021)
- Topographical survey (received 1/9/2021)
- Location plan (received 1/9/2021)
- Site layout plan planning layout (received 1/9/2021)
- Site layout plan west planning layout (received 4/4/2022)
- Site layout plan east planning layout (received 4/4/2022)
- Millford (received 1/9/2021)
- Wilford semi (received 1/9/2021)

- Wilford 3 block (received 1/9/2021)
- Holden (received 1/9/2021)
- Archford/Hadley semi floorplans (received 2/9/2021)
- Archford/Hadley semi elevations (received 2/9/2021)
- Hadley (received 1/9/2021)
- Abbeydale (received 1/9/2021)
- Chelworth (received 1/9/2021)
- Bradgate (received 1/9/2021)
- Avondale (received 1/9/2021)
- Archford semi (received 1/9/2021)
- Archford 3 block (received 1/9/2021)
- Amber 4 block (received 1/9/2021)
- Dual branded garages (single) (received 1/9/2021)
- Dual branded garages (double) x 2 (received 1/9/2021)
- External gate (received 1/9/2021)
- Close boarded fence (received 1/9/2021)
- Boundary wall type 3 (received 1/9/2021)
- Post and rail fence (received 1/9/2021)

## **6.0 Planning Policy and Guidance**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

### Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:
- Selby District Core Strategy Local Plan (adopted 22nd October 2013)
  - 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
  - Minerals and Waste Joint Plan (adopted 16 February 2022)

### Emerging Development Plan – Material Consideration

- 6.1. The Emerging Development Plan for this site is:
- Selby District Council Local Plan publication version 2022 (Reg 19)
- 6.2. On 17 September 2019, Selby District Council agreed to prepare a new Local Plan. Consultation on issues and options took place early in 2020 and further consultation took place on preferred options and additional sites in 2021. The Pre-submission Publication Local Plan (Reg 19), including associated evidence base documents, was subject to formal consultation that ended on 28th October 2022. The responses have been considered and the next stage involves the submission to the Secretary of State for Examination. In accordance with paragraph 48 of the NPPF, given the stage of preparation following the consultation process and depending on the extent of unresolved objections to policies and their degree of consistency with the policies in the NPPF, the policies contained within the emerging Local Plan can be given weight as a material consideration in decision making.

- 6.3. The site forms part of a larger site that was put forward in the call for sites and that was rejected as a housing allocation under the emerging Local Plan, reference RICC-G.

Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:

- National Planning Policy Framework 2021
- National Planning Practice Guidance
- National Design Guide 2021
- Affordable Housing Supplementary Planning Document (AHSPD) 2014
- Developer Contributions Supplementary Planning Document (DC SPD) 2007

## **7.0 Consultation Responses**

- 7.1. The following consultation responses have been received and have been summarised below.

- 7.2. **Riccall Parish Council:** The site was rejected from allocation in the draft local plan. The site is outside the development limit so is contrary to Policy SP2(c) which has full weight because the LPA has a 5 year housing land supply. Additional traffic accessing York Road near to the junction of the A19 is a concern and will exacerbate existing traffic problems. Problems with traffic entering the village from the A19 may arise with traffic turning right across the queuing traffic to enter the development site. Another development, in close proximity to the A19 junction has been developed, with the associated additional traffic onto this part of York Road. In addition, the recent approved site on the old brickwork site will bring even more traffic onto the road and this work is expected to continue until 2050. To install a mini roundabout in the location shown on the plans is too close to the entrance to the village from the A19 which could cause queuing traffic backing upon to the A19. The emergency access route via Northfield Lane is problematic as this is a residential area with many parked vehicles limiting the access. The proposed entrance is also close to the access to the Sustrans cycletrack with the route crossing the proposed access. Currently many cyclists park vehicles in the lay-by spilling out along York Road and Holmes Drive as they use the cycle track particularly at weekend. This access is not acceptable from a health and safety perspective. Development should be steered to other sites at lower risk of flooding. Concern has been raised regarding the cumulative effect on risk of flooding from the numerous developments in Barlby as well as this development as the more recent flooding entered Riccall from the Barlby direction. Wheatland's estate already suffers from capacity issues during periods of heavy rain and regularly overflows raw sewage into neighbouring properties gardens. Yorkshire Water on several occasions have had to tanker away sewage from this pumping station, to prevent raw sewage from contaminating surrounding properties. It would appear to be totally inadequate for the additional run-off, as rainfall will increase with global warming. Details of access to the pumping station from the development have not been given. Local services are more stretched than at the time of the previous appeal, with a limited GP surgery and one of two village pubs up for sale. Construction traffic must park on the site to prevent interference with the bus service. It is unclear how existing footpaths will be addressed. Various protected species use the site. Construction will disturb wildlife and harm habitat which would harm residents enjoyment of wildlife. It objects to the open spaces on the drawings because existing facilities should be used. Management companies charge for but do not maintain open spaces to a satisfactory standard.

- 7.3. **Councillor John Duggan (former Ward Councillor):** 1. Traffic movement in and out of the site, the developer believes that a mini-roundabout will be able to deal with the traffic volume. They are incorrect as it will cause more problems than it would resolve.

It would cause a bottle neck in York Road and at the York Road/A19 junction. 2. The Doctor's Surgery: the Surgery is too small and the facilities are outdated. 3. The Pumping Station cannot cope with the sewage volume. Yorkshire Water have to relieve the pressure by the use of a tanker on a regular basis. 4. Flood risk: although the developer is going to gift the village the land at the west of the plot this in itself will not resolve the problem. Global warming will add to flood risk, the site is in Zone 2. 5. Right of way: the right of way is used by villagers regularly and must be protected. 6. The village school: although there are spare places at the moment this will not always be the case, the school population always ebbs and flows and the addition of 82 more houses and children of school age can soon see a reversal of that situation. 7. The developer has indicated that there will be a mix of housing. They will be affordable housing. What do they mean when they say that? Social housing, how many houses? How many bedrooms? Will there be any bungalows built? 8. Will there be provision for Wheelie bins, it is worth noting that each household has four bins and the Government is looking at Local Authorities having to provide another two. 9. Parking, how many parking bays will be allocated to each house? Development should be rejected.

- 7.4. **NYC Archaeology:** Requested archaeological trial trenching take place prior to determination of the planning application across the site to confirm the results of the geophysical survey. The applicant submitted a Written Scheme of Investigation (WSI) which sets out a methodology for the archaeological evaluation of the site by trial trenching and metal detecting. The scheme is an appropriate and proportionate scheme from which to assess the archaeological potential of the site, particularly for any archaeological remains associated with the Viking army who are known to have formed an encampment at Riccall. In line with previous advice, this evaluation should be undertaken prior to determination of the planning application to allow a reasonable assessment to be made of the impact of the proposal on heritage assets of archaeological interest.
- 7.5. **NYC Children and Young People's Service:** Based on the proposed number of dwellings developer contributions would not be sought for education facilities at this present time should this application be approved.
- 7.6. **NYC Conservation Officer:** Design- From assessing the proposed designs, it appears that the development does not meet the requirements of the local plan or core strategy policies. The layout, building styles and building materials do not reflect the local character and do not show an understanding of the local context. From reviewing the design of the proposed new dwellings, it is not clear where the architectural style has taken influence from and it has not been designed to be locally distinct. The Design and Access Statement has assessed the local character but this has failed to be reflected within the building design. The proposed house types are standardised and could be found anywhere. Heritage assets- The moated site (SM) and Manor House (Grade II\*) were originally built to be isolated and detached from the village. From an assessment of historic maps, Riccall has been gradually spreading and encroaching upon the surrounding fields and countryside. This development would be continuing that spread outwards and encroaching upon the open surroundings of the manor house and moated site and eroding its setting. There would be a loss of understanding of the historic setting of the moated site if this site was to be developed to this extent. Although there has been a reduction in the number of new houses, the plans still show a large development which would intensify the use of this part of Riccall. The change in the use of the site and construction of 82 houses would change the appearance of the landscape and change the setting of The Manor House. As the setting currently contributes positively to the significance of the asset, changing it from an undeveloped field to a highly developed housing development will result in harm. This harm is assessed as less than substantial. In accordance with the NPPF, paragraph 202, any harm must be outweighed by public benefits. However, there are no public benefits that are put forward in support of the application that would outweigh this harm. The

supporting Heritage Statement provides a lot of detail regarding the archaeology of the area. However, it relies too heavily on new planting which is claimed to reduce the visual impact upon the designated heritage asset. This is not sufficient to mitigate or reduce the harm caused to the asset. The proposals would cause less than substantial harm to the significance of the York Prebendary Moated site and Manor House listed building, the development would change and erode the setting of the assets which would have an adverse impact upon their special architectural and historic interest. This application is not supported from a conservation or design perspective.

Following revised plans, the scheme now proposes 75 dwellings. No amendments have been made to the design of the proposed houses to make them more in keeping with the local area. Rather than improving the design of the scheme and the design of the properties, an addendum to the Heritage Statement has been provided, this document does not help to justify the proposal or outweigh the harm (as required in paragraph 202 of the NPPF). Therefore, the previous comments are still relevant.

- 7.7. **Contaminated Land Consultant:** Conditions are recommended regarding investigation of land contamination; submission of a remediation scheme; verification of remedial works; and reporting of unexpected contamination.
- 7.8. **NYC Ecology:** Recreational impacts upon Skipwith Common SAC cannot presently be ruled out. Further information is required. It is recommended a shadow habitat regulations assessment is submitted. Consideration of the Lower Derwent Valley SAC SPA RAMSAR is also required. Hedgerow and tree protection should be conditioned. Protected and notable species surveys are appropriate. Recommendations set out for the following species in the referenced paragraphs of the EclA should be incorporated into a Construction Environmental Management Plan (CEMP) and where appropriate captured within the BEMP: - Nesting birds paragraphs 5.29 & 5.30 - Bats paragraph 5.38 (CEMP) and 5.39 (BEMP) - Great crested newt - not present and as such no specific mitigation required but measures in BEMP could provide in general for amphibians - Hedgehog – site clearance will need consideration in CEMP, paragraph 5.47 & 5.48 (BEMP). A pre and post development Biodiversity Net Gain calculation is required. BNG delivery and management need to be secured through a Biodiversity Enhancement and Management Plan (BEMP) condition.

Following submission of the Biodiversity Impact Assessment, note that it is primarily an explanation of how the proposed development would deliver net gains for nature in line with the aspirations of the NPPF, using the DEFRA Biodiversity Metric to quantify outcomes. Through a combination of measures such as woodland planting, creation of species-rich grassland, creation of wet grassland in the SUDS basin and improved hedgerow management, the Assessment predicts a large uplift in the biodiversity value of the site compared to existing conditions (106% for area-based habitats and 39% for hedgerows). Therefore, net gain would comfortably exceed the 10% uplift recommended as a target by DEFRA, for both area-based and linear habitats. However, we have some reservations regarding the ease of creating species-rich grassland of Moderate ecological quality on this site. Arable soils in the area around Riccall tend to have high levels of residual fertility as a result of routine applications of NPK fertilisers over many years. Residual phosphorus levels tend to be markedly higher than the 0-1 P index level which is suitable for creation of wildflower-rich grassland. The Biodiversity Enhancement Management Plan (BEMP) will need to explain in detail how the applicant intends to manage soil nutrients, and set out a methodology for establishing and managing the grassland. The Biodiversity Impact Assessment refers to top soil stripping (which can be successful in lowering nutrient levels) but the applicant will need to be confident this is achievable. The BEMP should also explain how the success of habitat creation would be monitored, and what contingency measures there would be if target conditions for new habitats were not

met. In her response of 30th September 2021, my colleague Julia Casterton raised a number of other issues including the need to submit a Shadow Habitat Regulations Assessment evaluating likely impacts on Skipwith Common Special Area of Conservation (SAC) and the Lower Derwent Valley SAC/Special Protection Area (SPA). Julia also highlighted the need for a Construction Environmental Management Plan and Biodiversity Enhancement Management Plan. These recommendations still apply.

In terms of Designated sites- The applicant has provided a report of Information to Inform a Habitat Regulations Assessment (iHRA) & Shadow Appropriate Assessment (sAA), also supported by a wintering bird survey. Having reviewed these documents I am satisfied that sufficient information has been provided in relation to the potential impacts upon European Designated Sites. I am supportive of the conclusions of the report and I would recommend that Selby District Council (as Competent Authority) adopts this document as its formal position in relation to the Conservation of Habitats and Species Regulations 2017 (as amended). Other matters- As highlighted in previous responses, there is a need to secure proposed measures for biodiversity protection and net gain through suitably worded planning conditions. I would recommend conditions are secured for a Construction Environmental Management Plan (CEMP) and a Biodiversity Enhancement and Management Plan (BEMP). My colleague Martin Hammond provided comments on the provision of biodiversity net gain – he concluded that whilst the site has the potential to deliver net gain above the recommended 10% there will be a need to include within the BEMP detailed methodologies for habitat creation. I would also expect to see details of monitoring, contingency and a long term management plan to cover not less than 30 years.

- 7.9. **Environment Agency:** No objection subject to a condition securing development in accordance with the submitted flood risk assessment. Advice to be provided to the LPA regarding surface water drainage, the sequential test and BNG.
- 7.10. **NYC Environmental Health:** A construction environmental management plan, piling details and electric vehicle charging points should be conditioned to protect residential amenity and mitigate air quality impacts. The submitted noise assessment shows standard double glazing and trickle vents are appropriate throughout the development. Outside areas would experience acceptable noise levels.
- 7.11. **NYC Highways:** Recommends that the application is refused on the following grounds:
  - Road safety: the combination of the proposed mini-roundabout in conjunction with the adjacent A19/York Road junction has not been suitably modelled to assess the impact on highway safety. Without this it is not known whether the proposed arrangement will adversely affect safety for vehicles using these junctions.
  - Access: the emergency access would appear to be substandard and this may prevent access by emergency vehicles, and there appears to be no safe pedestrian route from the site to the village amenities using the most direct route. Detailed comments are provided.
- 7.12. **Historic England:** The prebendary moated site in Riccall is a good example of a high-status moated site belonging to York Minister. The site is unusual in that it retains a substantial part of the late medieval brick-built manor house, Grade II\* listed, located upon the island. The site's importance is heightened by the well-preserved nature of the earthworks forming the ditch and island with some modification by 19th century landscaping. The application site contributes an open, encompassing and rural setting in particular to this group of designated heritage assets. Pre-determination

archaeological assessments are required. In addition we still consider the proposals would cause less than substantial harm to the significance of the York prebendary moated site (scheduled monument), the Manor House (grade II\*) and dovecote (grade II) as a group of assets. This harm arises from the fundamental change in the character of part of the group's rural setting to the north east.

- 7.13. Following the submission of the written scheme of investigation, it is recommended the work needs to be undertaken prior to determination of the application. Although the number of houses has been reduced, the location, form and layout of the development would still be harmful to the setting of the scheduled monument and listed buildings at the York prebendary moated site and Manor House. The plans still show a substantial and intensive residential development which will fundamentally change the landscape character of the application site and the contribution it makes to the significance of the York prebendary moated site and The Manor House. The concerns raised in the initial response remain.
- 7.14. **NYC Landscape Architect:** The landscape and visual appraisal accords with the GLVIA edition 3. The landscape appraisal suggests that the site is 'enclosed by built form on two sides' (ref: 3.2) however there are very few properties directly bordering the eastern extent of the application site other than a small number on Wheatfields Walk and Mill Lane. The existing properties are seen as an edge to the village in views from the north of the site. Otherwise, the site is an exposed part of the wider landscape since the majority of it borders other arable fields, paddocks, and allotment gardens, which are by their nature open spaces. The allotment gardens provide a considerable break between the main body of the application site and the regular housing layout of The Hollies/Pinfold Close. In views from the north, a series of trees, namely Willow, along the northern boundary of the allotment gardens, soften views of the built village edge, and are part of the transition to the open countryside. The main body of the application site is currently a well-defined field that is part of the network of fields that make up the open countryside/agricultural landscape beyond the village. The site itself is not part of the transitional area between the village and the adjacent open countryside. This role is provided by the string of smaller spaces - the allotment gardens, paddocks and the narrow field that is part of the application site - that run along the north west boundary of Riccall. In this respect the proposed development is a clear anomaly. However, were the principle of development to be approved then the southern leg of the site creates a necessary link between the proposed housing and the village. The landscape appraisal also states (ref: 3.4) that the existing tree and remnant hedgerows would be retained in their entirety. However there are several locations where the proximity of proposed properties to existing trees poses a threat to their longevity.

Due to the nature and speed of visual receptors on the A19 and the degree of intervening vegetation the visual impact of the proposed development would not cause significant harm to views from this main arterial road. It is from the network of footpaths to the north of the village that the proposed development would have the greatest visual impact. Receptors are of a high sensitivity from all these routes since their primary use is for recreational enjoyment and access to the open countryside, therefore the attention is more likely to be on views of the landscape. It is also from these routes that the context of the village is experienced and informed. Although the footpaths do not form part of a national recreational route they appear to be in regular use in relatively large numbers (probably by the local population), judging by how well the paths are trod, and the number of other users encountered during the site visit. The LVA concludes that there would be a moderate negative visual effect on views from footpaths 35/6 and 35/8, and a moderate/minor negative effect from footpath 35/3, over

time as planting became established, with which the landscape architect agrees. The LVA also concludes that 'There would be a Moderate and negative level of visual effect on the views of users of the allotments to the south of the site in the short-term which would reduce to Moderate / Minor in the longer term as proposed boundary vegetation becomes established', with which the landscape architect disagrees. The visual impact on the allotment gardens would be greater than described due to the proximity of the development and the resulting substantial change to the character of the views. There is likely to be a reduction in the existing vegetation along the northern boundary of the allotment and limited capacity for new planting of a suitably loose and natural character.

- 7.15. **NYC Lead Local Flood Authority:** The LPA should ensure that evidence of at least one feasible method of disposing of surface water is submitted, in accordance with the SuDS hierarchy; the flood risk sequential test should be carried out; a detailed drainage design is required; clarification is required regarding whether the area on the plans is for the attenuation of surface water or compensatory allowance for the loss of the flood plain; construction phase surface water management details are required; finished floor level details are required; and the effects of proposed land raising on off site flood risk and flood storage should be considered. Other details can be secured by condition.
- 7.16. **Natural England:** No comment.
- 7.17. **North Yorkshire Fire and Rescue Service:** No observations.
- 7.18. **North Yorkshire Police:** Suggested design and layout amendments are made.
- 7.19. **Ouse and Derwent Internal Drainage Board:** The need for IDB consent is raised. The proposed discharge of surface water to Yorkshire Water mains sewer ultimately discharges to the IDB maintained water course known as 'Riccall Dam'. Such proposals will only be accepted if infiltration is not feasible which will require infiltration testing. The maximum discharge rate that would be accepted by the Board is 2.7 litres per second. A drainage condition is recommended.
- 7.20. **NYC Planning Policy:** It considers the LPA has a five year housing land supply and passes the housing delivery test; the site is in the countryside so is contrary to Policy SP2A(c) of the Core Strategy; at that point 147 dwellings had been built or approved in Riccall in the plan period; the scale of this individual proposal, at 82 dwellings, is not considered to be appropriate to the size and role of a settlement designated as a Designated Service Village, when considered in isolation; and the relationship with the development limit and impact on the character of the area must be considered.
- 7.21. **NYC Public Rights of Way:** Confirms there is a public right of way on or near the site and confirms related requirements for closures, diversions and obstructions.
- 7.22. **NYC Urban Designer:** Units 33-44 would cause significant harm to the character and setting of the existing (adjoining) lane, closing in one edge with rear boundary fences (which creates a potential Secured by Design issue in its own right), and negatively impacting and transforming the positive, rural setting. At the same time, the mature trees which are such a positive element of this character would come under threat, and indeed the red line boundary seems to be drawn straight through the middle of them – Are they inside private gardens? Or outside? Either way, the overshadowing they create will create a sustained pressure for heavy pruning or removal. Similar issues would be created along the boundaries of Units 1-3 (where a tree is already earmarked for removal – Due to development?), and Units 16-24 (showing another tree gone...). Apart from this, the layout of the remainder of the scheme is very positive. There appears to be an accomplished approach to the layout, including a positive and mixed approach to storing cars which minimises frontage parking (for the most part), offers

properties which face outwards onto open countryside (rather than turning their backs and presenting rear boundaries), and a variety of surface materials which help improve street scenes and settings, and potentially assists with mitigating traffic speeds along residential streets. Regarding house types, the hipped roof forms seem wrong and unnecessary (and also unusually steeply angled), being atypical of the area (barring the inevitable exceptions), and would prefer to see clipped gable ends which restate, reinforce, and continue the local identity. I'd also question why examples shown in the Design and Access Statement show properties with chimneys, though we don't seem to have any here? Rear boundaries fronting the public realm should be of brick or stone and softened with additional planting where possible. Materials should be conditioned, and all openings detailed to create a distinct reveal, with doors and windows recessed.

- 7.23. **NYC Waste and Recycling:** Collection vehicles will not access private drives or use them for turning and it is noted that bin presentation points have been identified for properties served by private drives. The presentation points should be large enough to accommodate two bins per property each collection day. Swept path diagrams should be provided to show that collection vehicles will be able to turn safely in each of the areas where bin presentation points have been included. External bin store at each new property should be large enough to accommodate 4 x wheeled bins (refuse, green waste and 2 x recycling). Care should also be taken to ensure that internal storage facilities are included for residents to store materials for recycling separately from their residual / non-recyclable waste prior to disposal. The developer will be required to pay for the waste and recycling containers.
- 7.24. **Yorkshire Water:** Conditions are recommended regarding provision of a water supply; separate foul and surface water drainage systems; and piped discharge of surface water.

#### Local Representations

- 7.25. Ninety-five representations have been received of which forty support and fifty-five object. A summary of the comments is provided below, however, please see website for full comments.
- 7.26. Support:
- Support in principle.
  - People need homes, particularly young people.
  - Insufficient numbers of dwellings are being constructed.
  - The village needs more houses.
  - The proposal appears attractive and well thought out.
  - It would round off the village.
  - Good for local businesses which grow and allow residents to stay local and travel less.
  - Development is inevitable.
  - There is a need for smaller scale developments for small and medium builders to build.
- 7.27. Objections:
- The previous application was refused.
  - Contrary to the development plan.
  - The proposal is too large.
  - Harm to the character of the area and conservation area.
  - Poor layout with houses crammed into one corner and potential development of open areas within the site.

- The dwellings are poorly designed.
- Village sprawl should be resisted.
- Flood risk, which is exacerbated by climate change. Sewerage problems. Electricity and water supply.
- The draft local plan housing site is at lower flood risk.
- The draft local plan rejected this as a housing allocation.
- Construction and occupational noise.
- Construction dust will cover the allotments.
- Any new housing should use heat pumps not gas boilers.
- Lack of amenities such as oversubscribed doctor and primary school.
- Brownfield sites in Selby should be developed before greenfield village sites.
- Environmental/biodiversity damage. Impact on boundary trees and hedgerows which provide wildlife habitat.
- Light pollution.
- Residential amenity including via narrow access route to the site.
- The proposal would exacerbate dangerous traffic and road conditions. A roundabout is required. A roundabout is dangerous. How would the emergency access be restricted? Transport assessment is inaccurate.
- Impact on cycle lane access.
- Harm to bus services.
- Loss of agricultural land.
- Public rights of way should be maintained. Harm to countryside walking areas.
- Mine subsidence.
- Lack of affordable housing and bungalows.
- Residents of on-site affordable housing will struggle to travel for employment.
- Loss of property value.
- Some letters of support are not local.
- The Parish Council should take ownership of the open space.

## **8.0 Environment Impact Assessment (EIA)**

- 8.1. The development falls within Schedule 2 Category 10(b) Urban Development Projects of The Environmental Impact Assessment Regulations 2017 (as amended) and exceeds threshold (iii) due to the site being over 5ha. As such the Council as Local Planning Authority have screened the development and found that it is not EIA development and no Environmental Statement is required to be submitted with the application. The Screening Checklist which acts as the report and decision is available to view on the Council's website. Nothing has changed since the Screening Decision and it is still effective for the Committee Decision.

## **9.0 Main Issues**

- 9.1. The key considerations in the assessment of this application are:

- Principle of development
- Loss of agricultural land
- Minerals
- Housing density and mix
- Design
- Landscape and visual impacts
- Heritage
- Flood risk, drainage and climate change
- Access, layout and highway safety
- Impact upon nature conservation and protected species
- Affordable housing

- Recreational open space
- Contaminated land
- Residential amenity
- Noise and air pollution
- Education, healthcare, waste and re-cycling

## 10.0 **ASSESSMENT**

### Principle of Development

- 10.1. Core Strategy Policy SP1 provides a presumption in favour of sustainable development which reflects that found within the NPPF. Policy SP2 provides a spatial development strategy for the location of future development within the District. It directs the majority of new development to the towns and more sustainable villages. Selby, as the Principal Town, will be the focus for new housing. Sherburn in Elmet and Tadcaster are designated as Local Service Centres where further housing growth will take place appropriate to the size and role of each settlement. The Core Strategy designates Riccall as a Designated Service Village (DSV). Core Strategy paragraph 4.12 states “villages which are considered capable of accommodating additional limited growth have been identified as ‘Designated Service Villages’”. With regard to DSVs, paragraph 4.27 states “The overriding strategy of concentrating growth in Selby and to a lesser extent in the Local Service Centres means that there is less scope for continued growth in villages on the scale previously experienced. However, there is insufficient capacity to absorb all future growth in the three towns without compromising environmental and sustainability objectives. Limited further growth in those villages which have a good range of local services (as identified above) is considered appropriate”.
- 10.2. Policy SP2 A a) confirms Riccall has some scope for additional residential growth to support rural sustainability. However, the application site is almost entirely beyond the development limits of the village and is within the countryside. Only part of the northern and southern sections of the application site are adjacent to the development limit. The main body of the site is separated from it by allotments and the development at The Hollies.
- 10.3. Policy SP2A(c) of the Core Strategy says: *“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.”*
- 10.4. Policies SP10 Rural Housing Exception Sites and SP13 Scale and Distribution of Economic Growth do not apply to the proposal nor are there other special circumstances. The proposal is contrary to Policy SP2A(c). Policy SP2 is considered consistent with NPPF paragraph 79 which requires that in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services; and paragraph 174 which requires planning policies and decisions should contribute to and enhance the natural and local

environment by:... (b) recognising the intrinsic character and beauty of the countryside. Policy SP2 does this by being supportive of the principle of development within development limits whilst taking a more restrictive approach to development in the countryside but still allowing some forms of development. This level of consistency means it is appropriate to give policy SP2 full weight based on the tests within NPPF paragraph 219.

- 10.5. The statement on CS page 36 makes it clear that the development limits are to be used for the purposes of applying CS policies. In *Gladman Developments v Daventry Council* (Gladman Developments Limited V Daventry District Council & SSCLG [2016] EWCA Civ 1146) the Court of Appeal held that significant weight should be given to the public interest in having plan-led decisions even if particular policies might be old. Daventry Council had previously granted permissions for housing development outside of defined development limits but the Court ruled that “the fact that the Council is able to show that, with the current saved policies in place, it has the requisite five year supply... tends positively to indicate that the current policies are not “broken” ... since they can be applied without jeopardising the five year housing supply objective” (paragraph 44). The same circumstances apply in the current application and full weight should be given to the development limits and Policy SP2.
- 10.6. The Selby District Council 5-year Housing Land Supply Report 2022-2027 Position at 31<sup>st</sup> March 2022 demonstrates a 6.1-year supply. SDC also passes the housing delivery test over the previous 3 years.
- 10.7. The foreword to the spatial development strategy provides other locational principles that will also influence the consideration of development proposals, namely, prioritising use of previously developed land wherever this can be done without compromising other overriding sustainability considerations; application of the flood risk sequential test; new development being accessible by modes of transport other than the private car and where the need to travel is minimised; and protection and enhancement of biodiversity and natural resources. The site is not previously developed land. The remaining other locational principles are discussed below in detail.
- 10.8. Policy SP5 states provision will be made for the delivery of a minimum of 450 dwellings per annum in the period up to March 2027; that housing land allocations will be required to provide for a target of 5340 dwellings between 2011 and 2027 with 29% of these to be distributed to Designated Service Villages; and that allocations will be sought in the most sustainable villages (DSVs) where local need is established through a Strategic Housing Market Assessment and/or other local information. Specific sites will be identified through the Site Allocations part of the Local Plan. The Site Allocations element of the Core Strategy was not brought forward. Policy SP6 Managing Housing Land Supply sets out how the Council will ensure the provision of housing is broadly in line with the annual housing target and distribution under Policy SP5; and how under performance will be dealt with.
- 10.9. Policy SP5 designates levels of growth to settlements based on their infrastructure capacity and sustainability. However, the Core Strategy does not set a minimum dwelling target for individual DSVs. The CS minimum target of 2000 new dwellings across the 18 DSVs as a whole has already been exceeded by approximately 50% with 2,992 homes having been completed or with planning permission and this position has been reached in year 12 of a 16 year plan period. The release of new large housing sites in those DSVs which are already experiencing considerable growth would cause significant harm to the spatial strategy that underpins the CS.

- 10.10. At present 127 dwellings have been completed since the start of the plan period and there are 6 with planning permission in Riccall. If 75 dwellings were to be developed on the application site the total number of new dwellings in the village would increase to 202. This would account for more than 10% of the minimum 2,000 additional dwellings envisaged in the 18 DSVs as a whole. An additional 202 dwellings would be a disproportionate share of the overall growth envisaged in the DSVs and a disproportionate expansion of the village. Such expansion cannot reasonably be considered to represent the limited further growth that CS paragraph 4.27 anticipates even in those DSVs which have a good range of services. Neither would it represent an appropriate scale of development as envisaged in paragraph 4.28. Against the backdrop of a housing land supply in excess of the minimum 5-year requirement and passing the housing delivery test, the release of the application site for the scale of development proposed would seriously undermine the spatial strategy of the development plan in conflict with CS Policy SP2 and SP5.
- 10.11. It is necessary to consider whether there has been any change on or near the site that would justify a departure from these policies. The officer report for the development at The Hollies noted that that site extends into the countryside however when looking at the development limit boundary the site would effectively infill an indented area and hence would create a natural rounding off of the settlement boundary which ensures that the development would be neither visually prominent nor discordant within the landscape. The presence of allotments that formed a transitional zone between existing built form and wider open countryside was noted in the report. That proposal was considered to create a clearly defensible boundary which would not appear to erode the open countryside around it. As such that proposal was considered to neither significantly harm the open countryside nor undermine the development limits. The development of The Hollies is not considered to amount to a reason to support the current proposal which is explained in further detail in the character and appearance section below.
- 10.12. Since application 2016/0318/OUT for up to 99 dwellings on the application site was refused on 29/1/2018, a number of planning permissions for residential development within the Riccall development limit have been granted including 2018/0476/FUL, 2019/0855/S73, 2018/0157/FUL and 2020/0199/S73 totalling seven dwellings. This serves to demonstrate that there are still opportunities to develop housing sites within the development limit that accord with the principles set out in Policy SP2 and secure proportionate growth in terms of numbers of dwellings and scale of sites, without the need for the release of major extensions to the village that project into the countryside around it.
- 10.13. Therefore, policies SP2 and SP5 which are most important for determining the application are not out-of-date as defined in paragraph 11d of the NPPF. Furthermore, they can be applied without jeopardising the 5-year housing supply objective and the age of these policies alone does not render them out of date. The presumption in favour of sustainable development is not engaged.
- 10.14. The proposal constitutes a major residential development in the countryside which fails to satisfy any of the permissible exceptions for development in such locations. Furthermore, the release of this major residential development site on an individual basis would not represent limited further growth anticipated by the Core Strategy and taken cumulatively with other residential developments in Riccall would represent a disproportionate share of the overall growth envisaged in the designated service villages which would cause significant harm to the spatial strategy that underpins the Core Strategy. The proposal is contrary to Policies SP2 and SP5 of the Core Strategy. The LPA is not presently giving significant weight to emerging local plan policies. Therefore, they are not determinative in this case.

- 10.15. In respect of sustainability, the facilities in the village include the Riccall primary school, a health care facility, a convenience store, restaurant, 2 village halls/ meeting rooms, sports facilities, a play park, and multiple allotments. The 415 bus provides a regular service to York and Selby. The National Cycle Network route 65 and the Trans-Pennine Long Distance Footpath also passes through the village. In terms of access to services and facilities and a choice of mode of transport, despite the site being located outside the defined development limits of the settlement, the site can be considered as being in a sustainable location with alternatives to car-based travel.

*Section 149 of The Equality Act 2010*

- 10.16. Under Section 149 of the Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
- 10.17. The development of the site for residential purposes would not result in a negative effect on any persons or on persons with The Equality Act 2010 protected characteristics and could in the longer term have a positive effect in terms of provision for a range of individuals.
- 10.18. A covering letter from the applicant dated 14/4/2022 considers the site suitable and deliverable for development and seeks to overcome the concerns of planning policy officers. The applicant considered the site is capable of allocation or determination now. The letter offers a critique of the LPA's approach to housing proposals, noting it has supported greenfield sites adjacent to development limits when there has not been a five year housing land supply, and refusing them when it has such a supply, creating peaks and troughs in delivery. The letter quotes case law handed down by Lindblom J in *Bloor Homes East Midlands Limited v SSCLG* [2014] EWHC 754 (admin) to support the assertion the Core Strategy is out of date with paragraph 45 of the judgement stating "And if the plan does have relevant policies these may have been overtaken by things that have happened since it was adopted, either on the ground or in some change in national policy, or for some other reason, so that they are now "out-of-date"." The applicant considers the CS out of date because it is only a strategic plan which sets out the approach to the distribution and number of homes to be delivered within the district and does not include any housing allocations in order to meet this strategy, nor does it provide any detail on the level of homes required in each settlement. Necessary housing allocations were meant to be identified within a site allocations plan but this was withdrawn. The CS acknowledgement of the need to review development limits has not taken place meaning the development limits were established by the 1996 Local Plan which are clearly out of date. Only Policy SP2 allows for windfall residential development but only limited amounts within development limits which are tightly drawn around settlements meaning there is often little or no land available to accommodate such development. The applicant considers Riccall an example where such an approach has resulted in limited development in the last twenty five years and that the Councils delivery of housing has fluctuated based on whether they do or do not have a five year land supply, resulting in distribution of development in an unplanned way. They consider the emerging local plan including allocations a positive step which identifies a need for homes in Riccall but this shows the current plan is out of date so in the intervening period the development limits cannot be considered up to date policy for decision making. Furthermore, the applicant considers the principle of development limits and an arbitrary line where development should or should not be

located to be out of date because the NPPF provides a presumption in favour of sustainable development, removes previous references to the prioritisation of brownfield sites and makes no reference to development limits. They consider many Councils are moving away from using development limits on the basis that if a scheme has no adverse impacts and no technical constraints it should not be refused simply for being on the wrong side of an arbitrary line. They also provide a five year housing land supply statement but this is based on out of date information because a new five year supply document has been released since it was drafted.

- 10.19. The LPA disagrees with the applicant in that relevant policies are considered up to date.

#### Loss of agricultural land

- 10.20. The site is used almost entirely for arable agricultural purposes. Policy SP18 of the Core Strategy seeks to sustain the natural environment by steering development to areas of least agricultural quality.
- 10.21. NPPF paragraph 174 states that decisions should contribute to and enhance the natural and local environment by b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land. Policy SP18 is consistent with the NPPF and is given significant weight.
- 10.22. Agricultural land is classified using grades 1, 2, 3a, 3b, 4 and 5. Best and most versatile agricultural land is defined as land in grades 1, 2 and 3a of the Agricultural Land Classification. The Yorkshire and Humber Agricultural Land Classification indicates the site is entirely grade 2 ‘very good’ agricultural land. The application does not include an agricultural land quality assessment. The site is assumed to be BMV. The site area means Natural England is not a statutory consultee for the loss of agricultural land. The conflict with the spatial development strategy means the loss of best and most versatile agricultural land would be unnecessary. Such loss would result in minor harm to the agricultural economy in the area as well as food self-sufficiency. The loss of agricultural land is contrary to Core Strategy Policy SP18 and NPPF paragraph 174 b).

#### Minerals

- 10.23. The site is within a sand and gravel, and brick clay minerals safeguarding area designated by policy S01 of the Minerals and Waste Joint Plan. Policy S02 requires a minerals assessment for non-exempt development such as this. The proposal does not include a minerals assessment and does not demonstrate mineral impacts are acceptable, contrary to Policies S01 and S02 of the Minerals and Waste Joint Plan.
- 10.24. The site is identified on the Coal Authority interactive map as lying within a low-risk area for which the standing advice is to impose an informative to draw this risk to the developer’s attention.

#### Housing density and mix

##### *Density*

- 10.25. Saved Policy H2B of the Local Plan states “Proposals for residential development will be expected to achieve a minimum net density of 30 dwellings per hectare in order to ensure the efficient use of land. Higher densities will be required where appropriate

particularly within the market towns and in locations with good access to services and facilities and/or good public transport. Lower densities will only be acceptable where there is an overriding need to safeguard the existing form and character of the area or other environmental or physical considerations apply”.

- 10.26. Core Strategy paragraph 7.80 states “The quality of design in its local context is more important than relying on a minimum housing density figure to benchmark development..... Therefore, the Council does not propose to set a development density figure in this strategic plan”. Policy SP19 states residential development should “Positively contribute to an area’s identity and heritage in terms of scale, density and layout”.
- 10.27. NPPF paragraph 124 requires decisions should support development that makes efficient use of land. Paragraph 125 encourages consideration of minimum densities “where there is an existing or anticipated shortage of land for meeting identified housing needs”.
- 10.28. The erection of 75 dwellings on 2.3 hectares of land equates to a density of 32 dwellings per hectare. The minimum density requirement in Policy H2B is in conflict with the design led approach in Policy SP19. Under section 38(5) of the Planning and Compulsory Purchase Act 2004 if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted which is Policy SP19. NPPF paragraph 125 is not engaged because of the robust 5-year housing land supply. The proposed housing density is appropriate in these circumstances.

#### *Mix*

- 10.29. Policy SP8 Housing Mix states “All proposals for housing must contribute to the creation of mixed communities by ensuring that the types and sizes of dwellings provided reflect the demand and profile of households evidenced from the most recent strategic housing market assessment and robust housing needs surveys whilst having regard to the existing mix of housing in the locality.” NPPF paragraph 63 seeks to create mixed and balanced communities through affordable housing provision. This policy is consistent with the NPPF and is given significant weight. Paragraph 10.36 of the Housing and Economic Development Needs Assessment (HEDNA) (October 2020) states: “The ‘market’ is to some degree a better judge of what is the most appropriate profile of homes to deliver at any point in time, and demand can change over time linked to macro-economic factors and local supply.”
- 10.30. The wording of the HEDNA intends to provide an element of flexibility in the precise mix put forwarded within applications. The table below from the 2020 HEDNA shows the need for sizes of homes per tenure type.

Type of Housing	Size of House			
	1 bed	2 bed	3 bed	4+ bed
Market	0-10%	25-35%	40-50%	15-25%
Affordable home ownership	10-20%	40-50%	30-40%	0-10%
Affordable housing (rented)	30-40%	35-45%	15-25%	0-10%

10.31. The application proposes the following:

Type of Housing	Size of House			
	1 bed	2 bed	3 bed	4 bed
Market 80% (60)	0%	13% (8)	40% (24)	47% (28)
Affordable 20% (15)	0%	60% (9)	40% (6)	0%

10.32. This housing mix prevents a pronounced overprovision of a single house type and secures a mixed and balanced community in compliance with Policy SP8 and the HEDNA.

### Design

10.33. Policy SP18 seeks to sustain the high quality and local distinctiveness of the natural and man-made environment by safeguarding and, where possible, enhancing the historic and natural environment including the landscape character and setting of areas of acknowledged importance. Policy SP19 requires proposals for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes; positively contribute to an area's identity and heritage in terms of scale, density and layout. Policy ENV1 supports proposals that achieve a good quality of development and requires consideration of the effect upon the character of the area; the standard of layout, design and materials in relation to the site and its surroundings and associated landscaping.

10.34. NPPF paragraph 126 states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. NPPF paragraph 127 requires "127. Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics." NPPF paragraph 130 requires "Planning policies and decisions should ensure that developments: (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); (d)

establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit". Paragraph 134 states "Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes." These development plan policies are consistent with the NPPF and are given full weight.

- 10.35. The proposed house designs include some hipped roofs, some dual pitched roofs, gable ends, bay windows, occasional brick lintels and entrance canopies. Garages would have hipped roofs and a functional appearance. The design and access statement provides non-specific details of external finishing materials such as red brick type 1 / grey roof tile. These house types can be found across the country in other developments by the applicant. The proposed site layout entails a long main spine road leading to shared accessways and finally private drives. A footway is proposed along the spine road while shared surfaces are proposed elsewhere. The houses address the roads and open spaces within the development. Adjoining rear gardens are separated by timber fencing. Some rear garden boundaries adjacent to roads are marked by brick walls. Low knee rails are used elsewhere to the front of dwellings. A small number of on street visitor parking bays are proposed. On-plot parking is provided by a mix of garages along with side, rear and frontage parking. Brown block paving denotes on-plot parking and small private roads, while different shades of grey block paving denote shared accessways and private drives. The main spine road appears to be metalled. The majority of existing boundary trees are shown to be retained. On-plot tree planting is proposed to create tree lined streets. Larger woodland block planting is shown near the site boundaries. The estate has an open plan design.
- 10.36. The adopted Riccall Village Design Statement (VDS) supplementary planning document provides design guidance. The site is adjacent to character area 3- later infill estates. It acknowledges that these estates create 'anywhere houses' and do not reflect local character. Paragraph 5.2 recommends "In future development more of the traditional features and layout could be incorporated without slavishly copying the designs."
- 10.37. The proposal incorporates very few of the traditional features of character area 1 aside from providing detached houses with some semi-detached houses, and two storey design. The submitted design and access statement refers to heritage assets, and provides limited analysis of local character in the historic core of Riccall and surrounding suburban developments. It is unclear whether the local character section on pages 17 to 19 of the design and access statement is the authors opinion or based on the VDS. Section 3 of the design and access statement provides an image of the front cover of the VDS but the section entitled 'scale, massing & appearance' provides only limited and generic analysis of the proposals attempts to reflect local character and distinctiveness. The proposal does not take the design opportunities presented by the VDS to ensure good design that has regard to local character, identity and context is achieved and that reflects local distinctiveness. The result is a repetition of house type design by the applicant found across the country which the VDS and aforementioned policies seek to resist. The slight concerns of the urban designer and the significant concerns of the conservation officer regarding design and layout are noted.
- 10.38. The proposed layout entails a very long access road with no development adjacent to it in the eastern section of the site. This layout seeks to prevent dwellings being located within flood zone 3 while utilising an access from Wheatfield Walk, but in doing so creates an entirely uncharacteristic layout for the village of Riccall. It is unclear why an open plan estate with occasional frontage knee rail has been proposed and how this

fits in with local character. The VDS specifically encourages new development to incorporate traditional features and layout. The proposal has relatively tenuous physical connections with the existing built form of the village. The development does not represent a natural expansion of the village.

- 10.39. The proposed design and layout is contrary to Policies SP18 and SP19 of the Core Strategy, Policy ENV1 of the Local Plan, the adopted Riccall Village Design Statement (VDS) supplementary planning document and NPPF paragraphs 126, 127 and 130.

#### Landscape and visual impacts

- 10.40. CS Policy SP18 requires the high quality and local distinctiveness of the natural and man-made environment will be sustained by 1. Safeguarding and, where possible, enhancing the historic and natural environment including the landscape character and setting of areas of acknowledged importance.
- 10.41. The Selby Landscape Character Assessment (November 2019) has the application site within character area 3 Skipwith Lowlands. Key characteristics include relatively flat arable farmland, with a strong presence of woodland plantation throughout the landscape; semi-enclosed landscape with extensive areas of woodland plantation concentrated around Skipwith; broad area of heather and heather grassland, of high conservation value, located at Skipwith Common National Nature Reserve (NNR) to the south-west of Skipwith; medium-large scale varied field pattern defined commonly by ditches and dikes or by sparse and irregular hedgerows with occasional hedgerow trees. The key sensitivities section notes "Modern residential development characterises views of Riccall, showing a degree of unity of style and colour across housing developments, particularly from the west, which has a more prominent 'hard' boundary with the surrounding landscape." The principle forces for change section recognises there is likely to be further development pressure focussed on Riccall as the only designated service village in the area. General management guidelines include using existing woodland and new woodland planting to integrate built development into the landscape. Location specific guidelines for this area include: "Housing development should be focused on Riccall as the only designated service village in the area, as other settlements are likely to be more sensitive to further housing".
- 10.42. The Selby District Landscape Sensitivity Study (October 2021) has the application site within assessment parcel RI2. The overall landscape sensitivity score for the assessment parcel is medium whereas RI1 is low to medium and RI3 is medium. The specific assessment of parcel RI2 notes the medium to high rating for historic landscape character noting the presence of the SAM and grade II\* listed building. Overall development guidelines state "Development to the west of the A19 is unlikely to disrupt the localised settlement pattern as the village would continue to be contained by this corridor." An overall assessment of landscape sensitivity to a development scenario of 2-3 storey residential housing considers parcel RI2 to be of medium sensitivity whereas parcel RI1 is of low to medium sensitivity noting "Few of the key characteristics and qualities of RI1 are vulnerable to change as a result of the introduction of the development scenario, resulting in an overall low-moderate sensitivity. However, the corridor of the A19 defines the eastern extent of the settlement edge at RI3. Development at this location would disrupt the nucleated settlement pattern and appear as urban encroachment to the east. The presence and close proximity of heritage features at RI2 together with the distinctive settlement form at RI3 provides an overall moderate sensitivity to the introduction of the development scenario."
- 10.43. The submitted landscape and visual appraisal considers there would be moderate negative landscape effects that reduce over time. The visual assessment concluded that there would be a Major/Moderate and negative level of visual effect on the closest

residents along Northfield Lane and there would be a Moderate and negative level of visual effect on the closest residents along Pinfold Close, Mill Lane and Wheatfields Walk. In all cases the level of visual effect would reduce in the longer term as proposed planting along boundaries becomes established. Visual effects for users of some footpaths would be major/moderate negative, reducing over time to moderate. Other footpaths are less effected. There would be a moderate and negative level of visual effect on the views of users of the allotments to the south of the site in the short-term which would reduce Moderate / Minor in the longer term as proposed boundary vegetation becomes established. The level of visual effect on all other views would be Moderate / Minor or below in the short-term reducing over time.

- 10.44. The Landscape Architect confirms the submitted landscape and visual appraisal accords with the guide for landscape and visual assessment edition 3. The main concern raised in their comments is that there would be a greater impact than moderate visual effect for allotment users. They also note the site is not part of the transitional area between village and countryside. The proposal is not considered to result in any long-term major landscape and visual harm but would result in a localised urbanising effect at the edge of the village. The amended proposed site layout lacks clarity regarding the retention or removal of each tree which is an unresolved element.

#### Heritage

- 10.45. To the south=west of the site is the York prebendary manor moated site which is a scheduled ancient monument. Within its boundary sits the grade II\* listed building The Manor House and grade II listed building the Pigeoncote to The Manor House. The Riccall conservation area is to the south of The Hollies. The site may also have archaeological potential.
- 10.46. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving the Listed Buildings or its setting or any features of special architectural or historic interest which it possesses.
- 10.47. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving and enhancing the character and appearance of a Conservation Area.
- 10.48. Policy ENV1 requires consideration of potential loss or adverse effect upon significant buildings and archaeology. Policy ENV28 requires archaeological evaluation and assessment as part of the application. NPPF paragraph 194 states "Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."
- 10.49. NPPF paragraph 189 requires heritage assets should be conserved in a manner appropriate to their significance. Paragraph 199 requires great weight is given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 requires any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 202 requires where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 10.50. Historic England note the prebendary moated site in Riccall is a good example of a high-status moated site belonging to York Minister. The site is unusual in that it retains a substantial part of the late medieval brick-built manor house, Grade II\* listed, located upon the island. The site's importance is heightened by the well-preserved nature of the earthworks forming the ditch and island with some modification by 19th century landscaping. The application site contributes an open, encompassing and rural setting in particular to this group of designated heritage assets. HE considers, notwithstanding the reduction in the number of proposed dwellings and the additional landscaped boundaries, the plans still show a substantial and intensive residential development which will fundamentally change the landscape character of the application site and the contribution it makes to the significance of the York prebendary moated site and The Manor House. The moated site and Manor House were historically detached from the village centre and development has slowly spread out towards it. The cumulative impact of further development must be considered, and existing harmful development is not justification for further harm. HE considers the application documents make too much of the presence of existing twentieth century development within the setting of the site and therefore downplay the importance of the remaining aspects of the rural setting to the north-east. HE also has concerns that the application places too much reliance on intervening and proposed vegetation which cannot be relied upon indefinitely, in comparison to the anticipated lifespan of both the heritage assets and the houses. The plan-form of the development increases its impact by breaching the existing extent of the settlement and creating an alien development form which reads almost as a satellite reached from a long access road. That said, HE does acknowledge some consideration has been given to the number and layout of the proposed houses to try to address some of the previous reasons for refusal.
- 10.51. Despite amendments, Historic England has concerns about the proposed development and its impact on a number of heritage assets. Further information is required on the archaeological potential of the site prior to determination. At present it is not possible to assess the level of harm the proposals could cause to potentially highly significant below-ground features.
- 10.52. In addition, HE still considers the proposals would cause less than substantial harm to the significance of the York prebendary moated site (scheduled monument), the Manor House (grade II\*) and dovecote (grade II) as a group of assets. This harm arises from the fundamental change in the character of part of the group's rural setting to the north-east.
- 10.53. The conservation officer comments reflect those of Historic England, although they do not refer to the grade II listed dovecot. They raise concern at Riccall gradually spreading and encroaching upon the surrounding fields and countryside. This development would be continuing that spread outwards and encroaching upon the open surroundings of the manor house and moated site and eroding its setting. There would be a loss of understanding of the historic setting of the moated site if this site was to be developed to this extent. Although there has been a reduction in the number of new houses, the plans still show a large development which would intensify the use of this part of Riccall. The change in the use of the site and construction of 82 houses would change the appearance of the landscape and change the setting of The Manor House. As the setting currently contributes positively to the significance of the asset, changing it from an undeveloped field to a highly developed housing development will result in harm. This harm is assessed as less than substantial. In accordance with the NPPF, paragraph 202, any harm must be outweighed by public benefits. They consider there are no public benefits that are put forward in support of the application that would outweigh this harm. The supporting Heritage Statement provides a lot of detail regarding the archaeology of the area. However, it relies too heavily on new planting

which is claimed to reduce the visual impact upon the designated heritage asset. This is not sufficient to mitigate or reduce the harm caused to the asset. The proposals would cause less than substantial harm to the significance of the York Prebendary Moated site and Manor House listed building, the development would change and erode the setting of the assets which would have an adverse impact upon their special architectural and historic interest. This application is not supported from a conservation perspective. The reduction of the scheme to 75 dwellings and heritage addendum do not help to justify the proposal or outweigh the harm therefore previous comments still apply.

- 10.54. No harm to the Riccall conservation area is identified. The proposal entails a substantial and intensive residential development which will fundamentally change the landscape character of the application site and the contribution it makes to the significance of the York prebendary moated site and The Manor House. The proposals would cause less than substantial harm to the significance of the York prebendary moated site (scheduled monument), the Manor House (grade II\*) and dovecote (grade II) as a group of assets. This harm arises from the fundamental change in the character of part of the group's rural setting to the north-east. In the absence of clear and convincing justification in favour of the proposal and sufficient public benefits to outweigh this harm, the proposal is contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy ENV1 of the Selby District Local Plan, and NPPF paragraphs 200 and 202.
- 10.55. The NYC Archaeologist and Historic England recommend archaeological trial trenching should take place prior to determination of the planning application across the site to confirm the results of the geophysical survey as set out in NPPF paragraph 194. A proposed WSI via trial trenching and metal detecting has been submitted but the results have not been submitted to the LPA. It is considered the proposal provides insufficient information to allow an informed and reasonable planning decision to be taken as to whether the development should be permitted in its proposed form contrary to Policy ENV28 of the Selby District Local Plan and paragraph 194 of the NPPF.

#### Flood risk, drainage and climate change

- 10.56. Relevant policies in respect of flood risk, drainage and climate change include Policy ENV1(3) of the Selby District Local Plan and Policies SP15 "Sustainable Development which seeks to apply sequential and exceptions tests, and Climate Change", SP16 "improving Resource Efficiency" and SP19 "Design Quality" of the Core Strategy.
- 10.57. NPPF paragraph 159 requires "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere." Paragraph 162 states "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding." Paragraph 167 states "When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that: (a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location; (b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment; (c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate; (d) any residual risk can be safely managed; and (e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.”

- 10.58. Approximately the northern half of the site is within flood zone 3, the southern half is mostly in flood zone 2 with small areas in flood zone 1. The proposed dwellings would be located in flood zones 1 and 2. The access road to Wheatfields Walk is within flood zone 3. The Selby District Council Flood Risk Sequential Test Developer Guidance Note (October 2019) limits the geographical coverage area for the sequential test to within and immediately adjacent to the development limits of Riccall. Comparison sites are limited to those that could be suitable for (and could accommodate the scale of) the proposed development, namely, allocated housing sites in the development plan; allocated housing sites in emerging development plan documents that have reached advanced stages of preparation; and unimplemented planning permissions for housing. There are no such sites in and around Riccall. The proposal passes the sequential test. The exceptions test is not required for more vulnerable development in flood zones 1 and 2.
- 10.59. The Environment Agency raises no objection to the submitted flood risk assessment subject to a condition securing finished floor levels, no dwellings in flood zone 3 and the access road being at current ground levels or alternatively compensatory storage. Emergency access to Riccall is provided that avoids flood zone 3.
- 10.60. Proposed surface water drainage entails providing permeability testing to confirm if infiltration is possible. Yorkshire Water confirms discharge to its surface water sewer is an option but clarification is required as to whether this is a gravity or pumped system and associated discharge rates are provided. SUDS options are discussed. The LLFA confirms a need to demonstrate at least one method of surface water drainage is viable along with other technical requirements. The IDB confirms its consent is required if the ultimate point of discharge is its maintained watercourse. Foul drainage would be to Yorkshire Water foul sewer in York Road. In the event the proposal is acceptable a full surface and foul water drainage condition will be required because of the preliminary nature of the proposed drainage scheme and need for further information including infiltration testing. There is sufficient space within the application site to provide a range of drainage features such that a condition is appropriate and would deal with the requirements of technical drainage consultees. Climate change mitigation measures can be secured by condition.

#### Access, layout and highway safety

- 10.61. Core Strategy Policy SP15 requires the proposal should minimise traffic growth by providing a range of sustainable travel options (including walking, cycling and public transport) through Travel Plans and Transport Assessments and facilitate advances in travel technology such as Electric Vehicle charging points; and make provision for cycle lanes and cycling facilities, safe pedestrian routes and improved public transport facilities.

- 10.62. Core Strategy Policy SP19 requires the proposal to be accessible to all users and easy to get to and move through; and create rights of way or improve them to make them more attractive to users, and facilitate sustainable access modes, including public transport, cycling and walking which minimise conflicts.
- 10.63. Local Plan Policy ENV1 requires account is taken on the relationship of the proposal to the highway network, the proposed means of access, the need for road/junction improvements in the vicinity of the site, and the arrangements to be made for car parking.
- 10.64. Local Plan Policy T1 states “Development proposals should be well related to the existing highways network and will only be permitted where existing roads have adequate capacity and can safely serve the development, unless appropriate off-site highway improvements are undertaken by the developer”.
- 10.65. Local Plan Policy T2 states “Development proposals which would result in the creation of a new access or the intensification of the use of an existing access will be permitted provided: 1) There would be no detriment to highway safety; and 2) The access can be created in a location and to a standard acceptable to the highway authority. Proposals which would result in the creation of a new access onto a primary road or district distributor road will not be permitted unless there is no feasible access onto a secondary road and the highway authority is satisfied that the proposal would not create conditions prejudicial to highway safety.”
- 10.66. Policy T7 encourages the provision of cycle routes and parking. Policy VP1 supports the provision of parking spaces/facilities in new developments up to the maximum car parking standards as set out in Appendix 4 of the Local Plan. These are considered to have been superseded by the North Yorkshire County Council Interim Guidance on Transport Issues including Parking Standards and Advice on Transport Assessments and Travel Plans (2015).
- 10.67. NPPF paragraph 104 requires transport issues be considered from the earliest of development proposals so that impacts of development on transport networks can be addressed; opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated; opportunities to promote walking, cycling and public transport use are identified and pursued; and the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains.
- 10.68. Paragraph 108 permits maximum parking standards in certain limited circumstances. The aforementioned NYCC standards are minimum standards.
- 10.69. Paragraph 110 requires in assessing applications it should be ensured that: “(a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; (b) safe and suitable access to the site can be achieved for all users; (c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current

national guidance, including the National Design Guide and the National Model Design Code; and (d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”

- 10.70. Paragraph 111 states “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”
- 10.71. Paragraph 112 states: “Within this context, applications for development should:(a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; (b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; (c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; (d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and (e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”
- 10.72. The aforementioned development plan policies are considered broadly consistent with the NPPF and are given significant weight.
- 10.73. The proposed main access to the site is from Wheatfield Walk with emergency access from Northfield Lane. The submitted site location plan outlines in red the application site which extends along Wheatfield Walk (a private road) up to the adopted highway at York Road. The initial proposed eastern site layout had a red line that stopped half-way along Wheatfield Walk instead of extending to the adopted highway at York Road as shown on the site location plan. The Local Highway Authority initially recommended refusal on the basis neither the main point of access nor the emergency access connected to the existing publicly maintainable highway. Regarding the main point of access from Wheatfield Walk, it appears the LHA did not review the site location plan and its comments did not consider the broader acceptability of the proposal. In response, the applicant amended the proposed eastern site layout by extending the red line to be the same as the site location plan; and on the western site layout extended the application site to the adopted highway on Northfield Lane. Further LHA comments have been received and are discussed below.
- 10.74. It is proposed to change the existing Wheatfields Walk/York Road junction by amending it from its current ‘priority’ layout to provide a ‘mini-roundabout’ layout. Pedestrian/cycle access is proposed via the proposed access from Wheatfields Walk. It is proposed to widen the existing footway along York Road to the south of the site to 3.0m to provide a shared footway/cycleway. In addition, a dropped crossing is proposed for cyclists to cross Wheatfields Walk north towards the A19. A second pedestrian/cycle access is proposed via Northfield Lane along the southern boundary of the site. This is the emergency vehicular access.

- 10.75. The Transport Assessment considers pedestrian, cycle and bus accessibility to facilities in Riccall and further afield in Selby and York. The proposed development is predicted to generate in the region of 52 to 57 two-way trips during the busiest AM and PM peak hours. The TA provides analysis of road junctions it considers likely to be materially impacted by the proposal. Capacity assessments of the proposed Wheatfields Walk/York Road and existing York Road/A19 junctions are considered by the applicant to confirm that they can both comfortably accommodate the proposed development in the future 2026 design year scenario. The provision of two car parking spaces per two or three bedroom dwelling, and three or more spaces per four bedroom dwelling is sufficient. Appropriate bin presentation points are provided. Off-site highway works will need to be secured by Grampian condition in the event the wider proposal is acceptable.
- 10.76. In response to the reconsultation on the amended highway elements of the application, the LHA sets out a significant list of concerns and additional/amended information requirements, and recommends that the application is refused on the following grounds. Road safety: the combination of the proposed mini-roundabout in conjunction with the adjacent A19/Yor Road junction has not been suitably modelled to assess the impact on highway safety. Without this it is not known whether the proposed arrangement will adversely affect safety for vehicles using these junctions. Access: the emergency access would appear to be substandard and this may prevent access by emergency vehicles, and there appears to be no safe pedestrian route from the site to the village amenities using the most direct route.
- 10.77. Northfield Lane footways are too narrow for safe use by pedestrians, and the applicant has not demonstrated a safe accessible pedestrian route for residents of the proposed development using Northfield Lane as the shortest route to the amenities of Riccall. The footpath to the primary school on Coppergate is required to be upgraded by the applicant to provide a safe off road pedestrian route from the site to the school. The LHA has concerns about the stopping sight distance and visibility of standing traffic at the proposed mini-roundabout for vehicles leaving the A19 into York Road. The LHA requires the applicant to demonstrate the visibility at this junction for this manoeuvre with traffic speeds measured. There are concerns about the vehicles leaving the property 35a directly onto the new access road. The applicant would be required to demonstrate the visibility available of and by vehicles emerging from this property to assure the LHA that this manoeuvre can be undertaken safely. The layout of shared surfaces is incorrectly handed which might result in vehicles leaving the shared area by driving on the footway. There appears to be current usage of both the emergency and main accesses by farm traffic, which may cause a problem of gravel being carried onto the proposed access roads. This would cause a hazard to vehicles and cycles. The LHA would require the applicant to clearly demonstrate whether and how such future use of these unmade gravel roads would be safely connected into this development. A Swept Path analysis is required to demonstrate the suitability of the proposed emergency access for fire tenders. This access at Northfield Lane would appear to be inadequate and poses a hazard for safe access and egress in an emergency. The LHA would require speed reduction by horizontal or vertical measures, and not traffic calming features, to prevent speeding vehicles causing a hazard to road users along the long access road. The developer is expected to demonstrate adequate pedestrian access to local facilities. To this end, key routes

from Northfield Lane should be reviewed and adequate provision made to safely facilitate an increased number of pedestrian journeys. This should include access to the primary school using the track west of the emergency access. Identification and proposed improvement of such key routes will assist in demonstrating that sustainable transport is prioritised and will result in reduced private vehicle usage.

- 10.78. Road Safety Audit has not been provided but will be required in accordance with NYC guidelines. This audit of the proposed junction arrangement is required to identify potential safety issues, including with the A19/ mini-roundabout proximity. The travel plan is unacceptable in its current form and the applicant would be required to demonstrate further commitments to reducing the number of private car journeys and encouraging alternative sustainable modes of travel. Junction capacity modelling-committed development- the applicant should explain clearly what committed development is included in the traffic modelling. Junctions Assessed and Outputs – Separate modelling has been undertaken for the two closest junctions (the A19 junction closest to the site, also the junction with Wheatfields Walk/York Road). The base modelling for the A19 junction does not appear to replicate the queueing that was shown in the survey. There is only 30 metres between the two junctions and a queue of three or four cars would back to the site junction. As the two junctions are so close, it is recommended that they be modelled together in *Junctions 9* or *Junctions 10* software in lane simulation mode to provide a better model of their interaction. It is expected that, notwithstanding that the proposed arrangement for the site junction is a mini-roundabout and so is different to the base model, queueing would be at higher levels than predicted in the current modelling. Queueing at the proposed mini-roundabout will affect the safety of further vehicles turning into York Rd from the A19 such a short distance away. The applicant should demonstrate safe stopping distances and queue lengths. The footways on York Road close to Wheatfields Walk are inadequate width for full access for all users from the proposed development. The LHA would require improvements including widening of these footways to enable a shared footway/cycleway, as well as the mini-roundabout. As this application is made in full, the applicant should provide additional schematic drawings.
- 10.79. Access, layout and highways safety matters are considered contrary to Core Strategy Policies SP15 and SP19, Selby District Local Plan Policies ENV1, T1 and T2, and NPPF paragraphs 111 and 112. The poor quality pedestrian provision within and beyond the proposal will likely have a discriminatory effect on younger, older or disabled people that wish to use the emergency access into the village centre. These people have protected characteristics under The Equality Act 2010.

#### Impact upon nature conservation and protected species

- 10.80. Local Plan Policy ENV1 requires account is taken of the potential loss, or adverse effect upon, significant wildlife habitats.
- 10.81. The foreword to Core Strategy Policy SP2 states the protection and enhancement of biodiversity and natural resources is a basic principle of national planning guidance, which can also influence the location of development. Policy SP18 requires the high quality and local distinctiveness of the natural and man-made environment will be sustained by promoting effective stewardship of the District's wildlife by a) safeguarding international, national and locally protected sites for nature conservation, from

inappropriate development. b) Ensuring developments retain, protect and enhance features of biological and geological interest and provide appropriate management of these features and that unavoidable impacts are appropriately mitigated and compensated for, on or off-site. c) Ensuring development seeks to produce a net gain in biodiversity by designing-in wildlife and retaining the natural interest of a site where appropriate.

- 10.82. NPPF paragraph 174 requires decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value in a manner commensurate with their statutory status or identified quality in the development plan; minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 180 requires when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Paragraph 182 states “The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”
- 10.83. The development plan policies are consistent with the NPPF and are given significant weight.
- 10.84. Designated sites- Three internationally designated sites were identified within 10km of the site boundary: Skipwith Common Special Area of Conservation [SAC], 2.1km east of the site; Lower Derwent Valley SAC / Special Protection Area [SPA] / Ramsar, 6.8km east of the site; River Derwent SAC, 6.8km east of the site (Skipwith Common and the Lower Derwent Valley are also designated a national level as National Nature Reserves (NNR) and Sites of Special Scientific Interest (SSSI)). The applicant has provided a report of Information to Inform a Habitat Regulations Assessment (iHRA) & Shadow Appropriate Assessment (sAA), also supported by a wintering bird survey. The report identifies and considers ecological pathways between the site and each Natura 2000 site within the zone of influence. Each pathway was screened with a test of likely significant effect for alone effects, and then in-combination with other plans or projects. Where there are any ecological pathways that could not be screened without mitigation alone or in-combination, a Stage 2 Appropriate Assessment was conducted and included in the iHRA. Skipwith Common SAC is screened in for Appropriate Assessment in relation to recreational pressure. All other impact pathways have been screened out.
- 10.85. The sAA provides a comprehensive analysis of potential impacts. It concludes that currently, the SAC is reported to have relatively low footfall. The carparks are considered sufficient for the demand to access the SAC, and current management measures are in place (e.g. well defined paths, signage, dogs seem to be generally kept on lead, dog waste bins, designated picnic areas). Although the proposed development is c.2km from the SAC, and is easily accessible by road and on foot, the number of additional users from the proposed development is considered to be low, and the number with dogs even lower. There are also many alternative walking routes and recreational opportunities – including for walking dogs – outside of the SAC, thereby reducing potential impacts further. Significant effects of recreational pressure

on Skipwith Common SAC are therefore considered unlikely to occur as a result of development. Additional precautionary measures are proposed that will be incorporated into the proposals, namely the 4ha of open space on the site which may be used for dog walking; and information packs to homeowners regarding the ecological sensitivities of the sites and alternative walking and recreational opportunities.

- 10.86. The completed sAA concluded that adverse effects on the integrity of the qualifying features of the Skipwith Common SAC would be avoided both alone and in combination with other projects. As good practice, additional precautionary measures have been recommended. As the development proposals will not affect the integrity of the European Sites within the vicinity of the development, the proposals are compliant with the requirements of the Habitat Directives, the Conservation of Habitats and Species Regulations 2017 and the NPPF.
- 10.87. The LPA is satisfied that sufficient information has been provided in relation to the potential impacts upon European Designated Sites. North Yorkshire Council (as Competent Authority) hereby adopts the submitted Information to Inform a Habitat Regulations Assessment & Shadow Appropriate Assessment as its formal position in relation to the Conservation of Habitats and Species Regulations 2017 (as amended). The impact upon the SSSI and NNR are also acceptable.
- 10.88. The submitted protected and notable species surveys are appropriate. Recommendations set out for the following species in the referenced paragraphs of the EclA should be incorporated into a Construction Environmental Management Plan (CEMP) and where appropriate captured within the Biodiversity Enhancement Management Plan (BEMP):
  - Nesting birds paragraphs 5.29 & 5.30
  - Bats paragraph 5.38 (CEMP) and 5.39 (BEMP)
  - Great crested newt - not present and as such no specific mitigation required but measures in BEMP could provide in general for amphibians
  - Hedgehog – site clearance will need consideration in CEMP, paragraph 5.47 & 5.48 (BEMP).
- 10.89. The Biodiversity Impact Assessment explains how the proposal would deliver biodiversity net gains in accordance with the NPPF, using the DEFRA Biodiversity Metric to quantify outcomes. Through a combination of measures such as woodland planting, creation of species-rich grassland, creation of wet grassland in the SUDS basin and improved hedgerow management, the assessment predicts a large uplift in the biodiversity value of the site compared to existing conditions (106% for area-based habitats and 39% for hedgerows), thereby exceeding the 10% uplift recommended as a target by DEFRA, for both area-based and linear habitats. The ecologist expresses reservations regarding the ease of creating species-rich grassland of moderate ecological quality on this site. Arable soils in the area around Riccall tend to have high levels of residual fertility as a result of routine applications of nitrogen, phosphorus, and potassium fertilisers over many years. Residual phosphorus levels tend to be markedly higher than the 0-1 P index level which is suitable for creation of wildflower-rich grassland. The Biodiversity Enhancement Management Plan (BEMP) would need to explain in detail how the applicant intends to manage soil nutrients and set out a methodology for establishing and managing the grassland. The Biodiversity Impact Assessment refers to topsoil stripping (which can be successful in lowering nutrient levels) but the applicant will need to be confident this is achievable. The BEMP should also explain how the success of habitat creation would be monitored, and what contingency measures there would be if target conditions for new habitats were not met. Hedgerow and tree protection should be conditioned. BNG delivery and

management need to be secured through a BEMP condition in the event planning permission is granted.

- 10.90. The Council's ecologist raises no objection to the proposal subject to conditions. Natural England make a series of 'no comment' responses, the most recent of which includes "The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes." The impact upon nature conservation sites and protected species is acceptable and the proposal demonstrates biodiversity net gain is achievable in accordance with the aforementioned policies.

#### Affordable housing

- 10.91. Policy SP9 Affordable Housing seeks 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 (or sites of 0.3 ha) or more; the tenure split and the type of housing being sought will be based on the Council's latest evidence on local need; and an appropriate agreement will be secured at the time of granting planning permission to secure the long-term future of affordable housing. In the case of larger schemes, the affordable housing provision will be reviewed prior to the commencement of each phase. The actual amount of affordable housing, or commuted sum payment to be provided is a matter for negotiation at the time of a planning application, having regard to any abnormal costs, economic viability and other requirements associated with the development.
- 10.92. The Developer Contributions SPD (2007) contains a section called "affordable housing for local needs" which is considered to have been superseded by the Affordable Housing Supplementary Planning Document (2014). This later SPD provides detailed guidance for securing affordable housing.
- 10.93. NPPF paragraph 64 permits affordable housing to be sought on major developments such as this. Paragraph 65 requires at least 10% of the total number of homes to be available for affordable home ownership (as part of the overall affordable housing contribution from the site). A minimum of 25% of all affordable housing units secured through developer contributions should be First Homes in accordance with the Affordable Housing Update Written Ministerial Statement published on 24 May 2021.
- 10.94. Policy SP9 does not reflect the Ministerial Statement for First Homes so is out of date in this respect but does provide a broad basis for securing affordable housing. It is given some weight.
- 10.95. The proposal offers 15 (20%) of the 75 dwellings proposed as affordable housing which is below the 40% target without justification such as a viability appraisal. The affordable housing proposals are contrary to Core Strategy Policy SP9 and section 9 of the Affordable Housing Supplementary Planning Document (2014).

#### Recreational open space

- 10.96. Policy RT2 requires the proposal to provide recreational open space at a rate of 60sqm per dwelling on the following basis "provision within the site will normally be required unless deficiencies elsewhere in the settlement merit a combination of on-site and off-site provision. Depending on the needs of residents and the total amount of space

provided, a combination of different types of open space would be appropriate in accordance with NPFA standards.”

- 10.97. The Developer Contributions Supplementary Planning Document 2007 provides further guidance on the provision of open space.
- 10.98. The NPPF at paragraphs 92-93 advises that decisions should aim to achieve healthy places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs for example through the provision of safe and accessible green infrastructure and the provision and use of shared spaces such as open spaces. Paragraph 98 reinforces the importance of access to open space, sport and physical activity for health and wellbeing. Policies should be based on robust and up to date assessment of needs and opportunities for new provision.
- 10.99. Policy RT2 is considered consistent with the NPPF and are given significant weight. The number of dwellings proposed requires 4500m<sup>2</sup> of open space. Approximately 34,000m<sup>2</sup> of informal open space with space for a play area is proposed which complies with the aforementioned policies.

#### Contaminated land

- 10.100. Policy ENV2 of the Local Plan states “Proposals for development which would give rise to, or would be affected by, unacceptable levels of noise, nuisance, contamination or other environmental pollution including groundwater pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme.” Part B of the policy allows contaminated land conditions to be attached to permissions.
- 10.101. Core Strategy Policy SP18 seeks to protect the high quality of the natural and man-made environment by ensuring that new development protects soil, air and water quality from all types of pollution. This is reflected in Policy SP19 (k), which seeks to prevent development from contributing to or being put at an unacceptable risk from unacceptable levels of soil or water pollution or land instability.
- 10.102. NPPF paragraph 174 requires decisions should contribute to and enhance the natural and local environment by: preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Paragraph 185 requires decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so Council’s should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life. Paragraph 186 requires decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas.

- 10.103. These development plan policies are consistent with the NPPF and are given significant weight.
- 10.104. The contaminated land consultant confirms the phase 1 report and proposed site investigation works are acceptable. Conditions are recommended regarding investigation of land contamination; submission of a remediation scheme; verification of remedial works; and reporting of unexpected contamination.
- 10.105. In light of the above and subject to suitable conditions, it is considered that the proposal would not breach Convention rights contained in the Human Rights Act 1998 in terms of the right to health and right to private and family life.

#### Residential amenity

- 10.106. Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1. Significant weight is given to this policy as it is broadly consistent with NPPF paragraph 130 (f) which seeks to ensure a high standard of amenity for existing and future users.
- 10.107. The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the size, scale and massing of the development proposed.
- 10.108. The application site mostly is located in the countryside to the north of Riccall and there are residential dwellings to the south only. The proposed layout means only the southern wing of the site is in close proximity to existing dwellings. The side elevation of plot 43 is only 9m from the numerous openings in the nearest elevation of 12 Northfield Lane. This is considered to be a poorly designed oppressive relationship that would result in harm to the residential amenity of occupiers of 12 Northfield Lane contrary to Policy ENV1 and NPPF paragraph 130 (f). It should be noted this neighbouring property is inaccurately drawn on the proposed site layout plans because it has been extended towards the boundary with the application site. Other existing dwellings are further removed from those proposed with separation distances in excess of 21m, which would ensure no harm would arise from overlooking, overshadowing or a sense of oppression.
- 10.109. Vehicle movements along Wheatfields Walk associated with the proposal are not considered to result in harm to residential amenity. The use of Northfield Lane as an emergency access and for pedestrian and cycle movements would not result in harm to residential amenity. The proposed internal site layout provides a reasonable level of amenity for future residents by providing appropriate garden sizes and separation distances of around 21m between the rear elevations of dwellings. A construction environmental management plan and a piling condition are required to minimise the impact of development upon residential amenity in the event planning permission is granted.

- 10.110. Notwithstanding the above, it is considered that the proposal would not contravene Convention rights contained in the Human Rights Act 1998 in terms of the right to private and family life.

Noise and air pollution

- 10.111. The policies noted within the contaminated land section about are relevant. The content of the submitted noise impact assessment and air quality assessment are noted. Environmental Health have considered these documents and consider electric vehicle charging points should be conditioned to mitigate air quality impacts while the submitted noise assessment shows standard double glazing and trickle vents are appropriate throughout the development. Outside areas would experience acceptable noise levels. Noise and air pollution matters are acceptable.

Education, healthcare, waste and re-cycling

- 10.112. Local Plan Policy ENV1 requires account is taken of the capacity of local services and infrastructure to serve the proposal, or the arrangements to be made for upgrading, or providing services and infrastructure.
- 10.113. Policy CS6 states “The District Council will expect developers to provide for or contribute to the provision of infrastructure and community facility needs that are directly related to a development, and to ensure that measures are incorporated to mitigate or minimise the consequences of that development”.
- 10.114. Policy SP12 requires where infrastructure and community facilities are to be implemented in connection with new development, it should be in place or provided in phase with development and scheme viability. They should be provided on site, or if justifiable they can be provided off site or a financial contribution sought. Opportunities to protect, enhance and better join up existing Green Infrastructure, as well as creating new Green Infrastructure will be strongly encouraged, in addition to the incorporation of other measures to mitigate or minimise the consequences of development. This will be secured through conditions or planning obligations.
- 10.115. The Developer Contributions SPD provides further guidance regarding contributions towards waste and recycling facilities; education facilities; and primary health care facilities amongst others.
- 10.116. NPPF paragraph 34 requires plans to set out the contributions expected from development. Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 requires planning obligations must only be sought where they meet all of the following tests: a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.
- 10.117. These development plan policies are consistent with the NPPF and are given significant weight.
- 10.118. NYC Children and Young People's Service confirm, based on the proposed number of dwellings, developer contributions would not be sought for education facilities at this present time should this application be approved.

10.119. The NHS has not sought developer contributions towards health care facilities.

10.120. The LPA seek a Section 106 agreement or unilateral undertaking to provide at the developers cost two 240 litre wheeled containers and two 55 litre recycling boxes per dwelling.

10.121. These contributions are justified and would need to be secured with appropriate triggers for payment. The Infrastructure Funding Statement 2020/21 sets out CIL receipts will be prioritised for improvements to the strategic highways network; strategic flood mitigation measures; and healthcare provision.

## **11.0 PLANNING BALANCE AND CONCLUSION**

11.1. The proposal constitutes a major residential development in the countryside which fails to satisfy any of the permissible exceptions for development in such locations. Furthermore, the release of this major residential development site on an individual basis would not represent limited further growth anticipated by the Core Strategy and taken cumulatively with other residential developments in Riccall would represent a disproportionate share of the overall growth envisaged in the designated service villages which would cause significant harm to the spatial strategy that underpins the Core Strategy. The proposal is contrary to Policies SP2 and SP5 of the Core Strategy.

11.2. The loss of best and most versatile agricultural land would be unnecessary, resulting in minor harm to the agricultural economy in the area as well as food self-sufficiency.

11.3. The site is within a sand and gravel, and brick clay minerals safeguarding area but a minerals assessment has not been provided and the proposal does not demonstrate mineral impacts are acceptable.

11.4. The proposal entails generic house types found elsewhere in the country in other developments by the applicant. It is unclear why an open plan estate with occasional frontage knee rail has been proposed and how these fits in with the local character of Riccall. The proposed layout entails a very long access road with no development adjacent to it in the eastern section of the site. This layout seeks to prevent dwellings being located within flood zone 3 while utilising an access from Wheatfield Walk, but in doing so creates an entirely uncharacteristic layout for the village of Riccall. The proposal has relatively tenuous physical connections with the existing built form of the village and does not represent a natural expansion of it. The proposal does not take the opportunities presented by the adopted Riccall Village Design Statement to ensure good design and layout that has regard to local character, identity and context is achieved and that reflects local distinctiveness.

11.5. The side elevation of plot 43 is only 9m from the numerous openings in the nearest elevation of 12 Northfield Lane. This is considered to be a poorly designed oppressive relationship that would result in harm to the residential amenity of occupiers of 12 Northfield Lane.

11.6. The proposal entails a substantial and intensive residential development which will fundamentally change the landscape character of the application site and the contribution it makes to the significance of the York prebendary moated site and The Manor House. The proposals would cause less than substantial harm to the significance of the York prebendary moated site (scheduled monument), the Manor House (grade II\*) and dovecote (grade II) as a group of assets. This harm arises from

the fundamental change in the character of part of the group's rural setting to the north-east. There is an absence of clear and convincing justification in favour of the proposal and sufficient public benefits to outweigh this harm. A proposed WSI via trial trenching and metal detecting has been submitted but the results have not been submitted to the LPA. It is considered the proposal provides insufficient information to allow an informed and reasonable planning decision to be taken as to whether the development should be permitted in its proposed form.

- 11.7. The proposal offers 15 (20%) of the 75 dwellings proposed as affordable housing which is below the 40% target without justification such as a viability appraisal.
- 11.8. The proposal does not demonstrate that the on-site layout is appropriate and safe, that off-site highway implications are acceptable, and that pedestrian facility improvements are secured. The suitability of the mini-roundabout design has not been demonstrated, and the proposed arrangement would appear to reduce highway safety for vehicles leaving the A19 into York Road and an existing property accessing the new road layout. The ongoing use of farm track accesses combined with the proposal may result in loose material on the highway with resultant harm to safety. A swept path analysis of refuse vehicles and fire tenders using the access onto Wheatfields Walk and York Road has not been provided to show road safety impacts are acceptable. The internal access road features insufficient speed reduction measures to the detriment of highway safety. A road safety audit has not been provided. The junction capacity modelling and committed development methodologies are considered insufficient to demonstrate a safe design is achieved. The emergency access would appear to be substandard and this may prevent access by emergency vehicles, and there appears to be no safe pedestrian route from the site to the village amenities using the most direct route. The proposal does not provide a suitable pedestrian network within and beyond the site, to the detriment of pedestrian safety and encouraging pedestrian travel.
- 11.9. The proposed housing mix and density; recreational open space provision; contaminated land; noise and air pollution; and education, healthcare, waste and recycling are acceptable subject to conditions and a legal agreement. The proposal passes the flood risk sequential test, the exceptions test is not required, and site specific flood risk implications and drainage matters are acceptable subject to condition. The proposal is not considered to result in any long-term major landscape and visual harm but would result in a localised urbanising effect at the edge of the village.
- 11.10. The impact upon nature conservation and protected species is acceptable with the LPA having considered the submitted Information to Inform a Habitat Regulations Assessment (iHRA) & Shadow Appropriate Assessment (sAA). The LPA adopts the latter as its own Appropriate Assessment. Skipwith Common SAC is screened in for Appropriate Assessment in relation to recreational pressure. All other impact pathways have been screened out. The Appropriate Assessment concluded that adverse effects on the integrity of the qualifying features of the Skipwith Common SAC would be avoided both alone and in-combination with other projects. As good practice, additional precautionary measures have been recommended. As the development proposals will not affect the integrity of the European Sites within the vicinity of the development, the proposals are compliant with the requirements of the Habitat Directives, the Conservation of Habitats and Species Regulations 2017 and the NPPF. The LPA is satisfied that sufficient information has been provided in relation to the potential impacts upon European Sites. The impact upon the SSSI and NNR are also acceptable. Submitted protected and notable species surveys are acceptable subject to conditions. The proposal demonstrates biodiversity net gain can be achieved on site subject to conditions.

- 11.11. The proposal is unacceptable in principle. Very significant negative weight is given to the harm that would arise to the spatial strategy and the scale and distribution of housing approach that underpins the Core Strategy. The proposal fails to ensure good design and layout that has regard to local character, identity and context, and that reflects local distinctiveness. Very significant negative weight is given to this failure because the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development. Very significant negative weight is given to the failure to provide a safe access and layout, and the harm that would arise to highway safety. The proposal would cause less than substantial harm to the significance of the York prebendary moated site (scheduled monument), the Manor House (grade II\*) and dovecote (grade II) as a group of assets, with an absence of clear and convincing justification in favour of the proposal and lack of sufficient public benefits to outweigh this harm. Great weight is given to the conservation of these assets, noting their particular importance as high grade and scheduled heritage assets. Significant negative weight is given to the failure to provide sufficient archaeological investigations in order to allow an informed and reasonable planning decision to be taken as to whether the development should be permitted in its proposed form. Significant negative weight is given to the identified harm to residential amenity. The loss of best and most versatile agricultural land, potential mineral resources and under provision of affordable housing are all given some negative weight. The proposal is not considered to result in any long-term major landscape and visual harm but would result in a localised urbanising effect at the edge of the village which is given some negative weight.
- 11.12. Achieving an appropriate housing density; flood risk and drainage matters; the lack of harm arising from access and highway safety matters, contaminated land, noise and air pollution; and education, healthcare, waste and recycling matters are all neutral matters. The lack of harm to designated nature conservation sites and protected species is a neutral matter.
- 11.13. The provision of an appropriate mix of house types would assist in creating a balanced community which is given some positive weight. The over provision of recreational open space and biodiversity net gain are given significant positive weight. Economic benefits arising from the construction and occupational phases of the development are given some positive weight. Social benefits arising from the provision of additional housing and limited affordable housing are given significant positive weight.
- 11.14. The negative elements of the proposal clearly outweigh the positive. Therefore, it is concluded planning permission should be refused.

## **12.0 RECOMMENDATION**

- 12.1 That planning permission be REFUSED for the following reasons:

- i. The proposal constitutes a major residential development in the countryside which fails to satisfy any of the permissible exceptions for development in such locations. Furthermore, the release of this major residential development site on an individual basis would not represent limited further growth anticipated by the Core Strategy and taken cumulatively with other residential developments in Riccall would represent a disproportionate share of the overall growth envisaged in the designated service villages which would cause significant harm to the spatial strategy that underpins the Core Strategy. The proposal is contrary to Policies SP2 and SP5 of the Core Strategy.

- ii. The conflict with the spatial development strategy means the loss of best and most versatile agricultural land would be unnecessary. Such loss would result in minor harm to the agricultural economy in the area as well as food self-sufficiency. The loss of agricultural land is contrary to Core Strategy Policy SP18 and NPPF paragraph 174 b).
- iii. The site is within a sand and gravel, and brick clay minerals safeguarding area designated by policy S01 of the Minerals and Waste Joint Plan. Policy S02 requires a minerals assessment for non-exempt development such as this. The proposal does not include a minerals assessment and does not demonstrate mineral impacts are acceptable, contrary to Policies S01 and S02 of the Minerals and Waste Joint Plan.
- iv. The proposal entails house types that can be found elsewhere in the country in other developments by the applicant. It is unclear why an open plan estate with occasional frontage knee rail has been proposed and how these fits in with the local character of Riccall. The proposed layout entails a very long access road with no development adjacent to it in the eastern section of the site. This layout seeks to prevent dwellings being located within flood zone 3 while utilising an access from Wheatfield Walk, but in doing so creates an entirely uncharacteristic layout for the village of Riccall. The proposal has relatively tenuous physical connections with the existing built form of the village and does not represent a natural expansion of it. The proposal does not take the opportunities presented by the adopted Riccall Village Design Statement to ensure good design and layout that has regard to local character, identity and context is achieved and that reflects local distinctiveness. The proposed design and layout are contrary to Policies SP18 and SP19 of the Core Strategy, Policy ENV1 of the Selby District Local Plan, the adopted Riccall Village Design Statement supplementary planning document and NPPF paragraphs 126, 127 and 130.
- v. The side elevation of plot 43 is only 9m from the numerous openings in the nearest elevation of 12 Northfield Lane. This is considered to be a poorly designed oppressive relationship that would result in harm to the residential amenity of occupiers of 12 Northfield Lane contrary to Policy ENV1 of the Selby District Local Plan and NPPF paragraph 130 (f).
- vi. The proposal entails a substantial and intensive residential development which will fundamentally change the landscape character of the application site and the contribution it makes to the significance of the York prebendary moated site and The Manor House. The proposals would cause less than substantial harm to the significance of the York prebendary moated site (scheduled monument), the Manor House (grade II\*) and dovecote (grade II) as a group of assets. This harm arises from the fundamental change in the character of part of the group's rural setting to the north-east. In the absence of clear and convincing justification in favour of the proposal and sufficient public benefits to outweigh this harm, the proposal is contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy ENV1 of the Selby District Local Plan, and NPPF paragraphs 200 and 202.
- vii. The proposal provides insufficient archaeological information to allow an informed and reasonable planning decision to be taken as to whether the development should be permitted in its proposed form contrary to Policy ENV28 of the Selby District Local Plan and paragraph 194 of the NPPF.
- viii. The proposal offers 15 (20%) of the 75 dwellings proposed as affordable housing which is below the 40% target without justification such as a viability appraisal. The affordable housing proposals are contrary to Core Strategy Policy SP9 and section 9 of the Affordable Housing Supplementary Planning Document (2014).
- ix. The proposal does not demonstrate that the on-site layout is appropriate and safe, that off-site highway implications are acceptable, and that pedestrian facility improvements are secured. The combination of the proposed mini-

roundabout in conjunction with the adjacent A19/York Road junction has not been suitably modelled to assess the impact on highway safety. Without this it is not known whether the proposed arrangement will adversely affect safety for vehicles using these junctions and an existing property accessing the new road layout. The safe stopping distance and visibility of standing traffic at the proposed mini-roundabout for vehicles leaving the A19 into York Road is a safety concern without appropriate demonstration of the visibility at this junction for this manoeuvre with traffic speeds measured. The ongoing use of farm track accesses combined with the proposal may result in loose material on the highway with resultant harm to safety. The internal access road features insufficient speed reduction measures to the detriment of highway safety. A road safety audit has not been provided. The junction capacity modelling and committed development methodologies are considered insufficient to demonstrate a safe design is achieved. The emergency access would appear to be substandard and this may prevent access by emergency vehicles, and there appears to be no safe pedestrian route from the site to the village amenities using the most direct route. The proposal does not provide a suitable pedestrian network within and beyond the site, to the detriment of pedestrian safety and encouraging pedestrian travel. The proposal is contrary to Core Strategy Policies SP15 and SP19, Selby District Local Plan Policies ENV1, T1 and T2, and NPPF paragraphs 111 and 112.

**Target Determination Date:** 22.01.2022

**Case Officer:** Martin Evans, martin.evans@northyorks.gov.uk

**Appendix A –proposed site layout east**

**Appendix B – proposed site layout west**

**Appendix C – notice of decision for 2016/0318/OUT**