

North Yorkshire Council

Community Development Services

Selby and Ainsty Area Constituency Committee

8TH NOVEMBER 2023

2022/0738/OUTM - OUTLINE PLANNING APPLICATION FOR THE ERECTION OF UP TO 190 DWELLINGS (USE CLASS C3) FORMAL AND INFORMAL OPEN SPACE, LANDSCAPING, WORKS AND MEANS OF ACCESS (ALL OTHER MATTERS RESERVED) AT LAND NORTH OF HOLY FAMILY SCHOOL, STATION ROAD, CARLTON, GOOLE ON BEHALF OF CADDICK LAND

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the Report

- 1.1 To determine an application for outline planning permission for the erection of up to 190 dwellings (use class C3) formal and informal open space, landscaping, works and means of access (all other matters reserved) at land north of Holy Family School, Station Road, Carlton, Goole.
- 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.

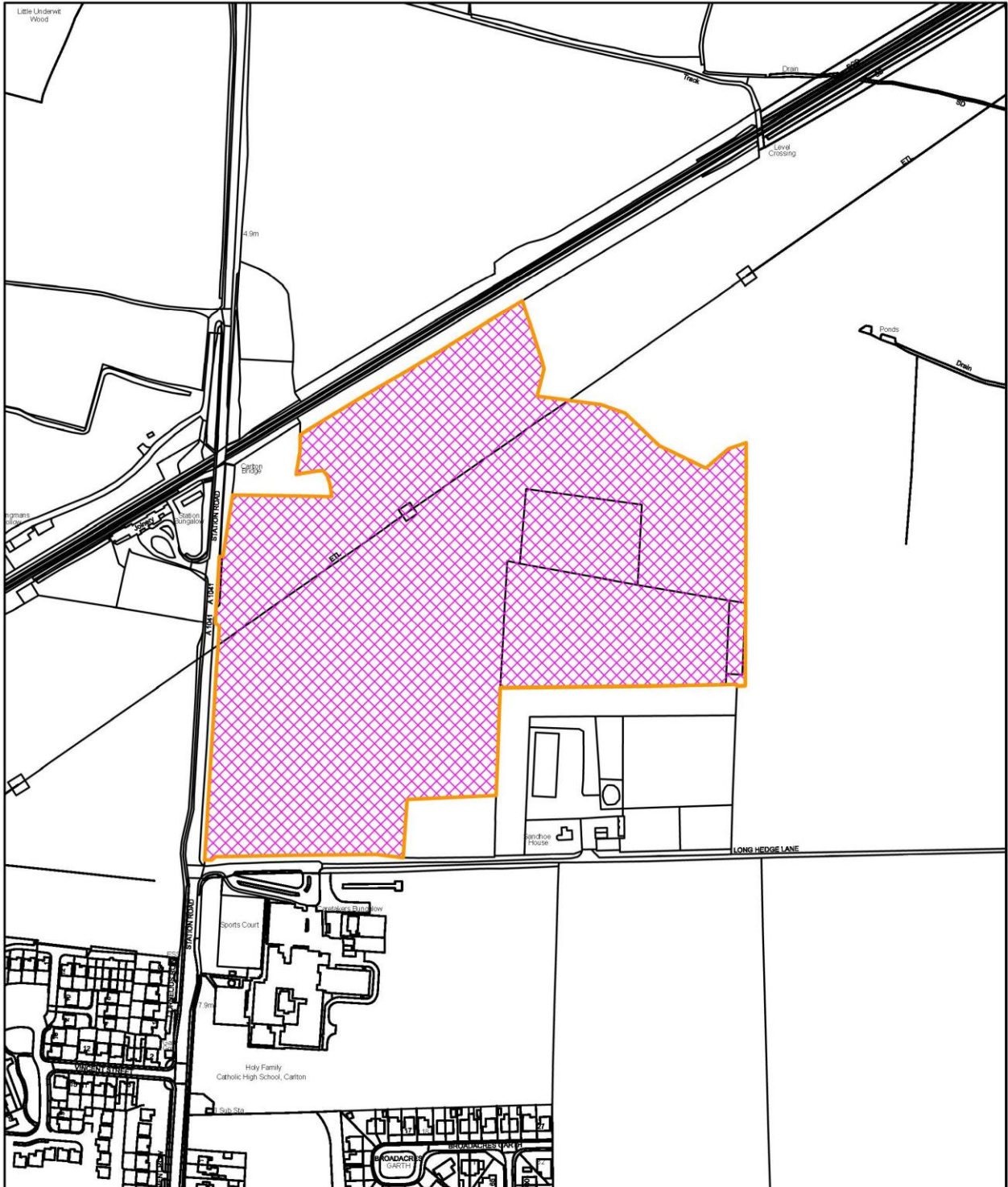
2.0 SUMMARY

RECOMMENDATION: It is recommended that outline planning permission be refused for the reasons stated in section 12 of this report.

- 2.1. This is an application for outline planning permission on a relatively flat 10.78ha arable agricultural site for up to 190 dwellings with access to the site to be determined. The indicative site plan shows housing to the south and east of an existing overhead power line. Open space is indicated beneath and to the north of the power line and the northeastern section of the site. The indicative dwelling locations avoid northern areas of the site in flood zones 2 and 3. Primary access is proposed via a new roundabout on Station Road and an emergency access is proposed to Long Hedge Lane. The site is within the countryside some 200m north of the Carlton development limit. Carlton is a Designated Service Village. To the west of the site is the A1041 Station Road with farmland beyond; to the north is a railway line with farmland beyond; to the east is farmland; and to the south is partly Long Hedge Lane and partly a dense band of trees with a farmhouse and buildings beyond. To the south of Long Hedge Lane is the Holy Family Catholic High School.
- 2.2. The proposal entails major residential development in the countryside that conflicts with the spatial development strategy and scale and distribution of housing policies within the development plan and there are no material considerations that indicate the proposal should be supported. The loss of best and most versatile agricultural land which covers 73% of the site would result in some harm to the agricultural economy in the area as well as food self-sufficiency.

- 2.3. The proposal would entail a tightly packed form of development that is unsympathetically sited and would significantly extend the form of the village in a disjointed and uncharacteristic manner to the north and east, and that harms the nucleated form, settlement pattern and character of Carlton. The proposal does not take opportunities to connect green infrastructure, instead indicating dwellings projecting significantly to the east, thus failing to use existing vegetation to limit views. The indicative layout places dozens of dwellings in very close proximity to existing trees which is very likely to lead to pressure for their reduction or removal, which is an inappropriate implication of the proposal. The tightly packed indicative site layout does not provide room for meaningful boundary planting to soften the appearance of the proposal such as from the countryside to the east or the proposed roundabout location. The proposal would result in harmful suburbanisation of the countryside. The moderate adverse or substantial adverse impacts at viewpoints 2, 5, 6 and 9 are important and weigh against the proposal. The proposal would harm the perceived compactness and context of the village and the experience of the open countryside from public footpaths.
- 2.4. The application demonstrates potential mineral resources are not an economically viable resource in accordance with the Minerals and Waste Joint Plan. National Grid infrastructure implications are acceptable. The housing density and mix are appropriate subject to condition. Affordable housing is unresolved at this stage but 40% is offered. The impact on residential amenity is acceptable. The proposal passes the flood risk sequential test, demonstrates flood risks are acceptable and that appropriate surface and foul water drainage can be achieved subject to conditions. The proposed roundabout, highway alterations, traffic generation and safety matters are acceptable. Sustainable transport is encouraged via travel plan. The site is considered to be in a relatively sustainable location for residential development.
- 2.5. There would be no harm to nature conservation sites and protected species, and biodiversity net gain can be achieved. Open space is unresolved at this stage, but a substantial overprovision of open space is indicated. Contaminated land, air quality and noise matters are acceptable subject to conditions. There would be no harm to the setting of listed buildings or the locally designated historic park and garden. Archaeological matters can be dealt with by condition. Education and waste and recycling contributions are justified.
- 2.6. It is recommended that outline planning permission be refused because the development is unacceptable in principle and would not comply with the scale and distribution of housing policy; the loss of best and most versatile agricultural land; and the harm to the character and appearance of the area and harm to the form of the settlement.

Land North of Holy Family School, Station Road, Carlton
2022/0738/OUTM



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1:4,000

Do Not measure from plan

3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found here:- [2022/0738/OUTM | Outline planning application for the erection of up to 190 dwellings \(Use Class C3\) formal and informal open space, landscaping, works and means of access \(all other matters reserved\) | Land North Of Holy Family School Station Road Carlton Goole East Yorkshire \(selby.gov.uk\)](https://www.selby.gov.uk/2022/0738/OUTM)
- 3.2. During the course of the application an amended suite of documents were submitted to reflect the changes in the access details.
- 3.3. The following relevant planning history has been identified for the application site:

Application Number: 2022/0659/SCN Request for a Screening Opinion. Proposal: The erection of up to 190 dwellings (Use Class C3), formal and informal open space, landscaping, works and means of access. Decision: the proposal is not EIA development. Decision date: 20/6/2022.

4.0 Site and Surroundings

- 4.1. The application site is 10.78ha in area and comprises relatively flat arable agricultural land. The site features a small area of woodland and pylons with associated power lines that cross the site parallel with the railway line located to the north of the site. To the west of the site is the A1041 Station Road with farmland beyond; to the north is a railway line with farmland beyond; to the east is farmland; and to the south is partly Long Hedge Lane and partly a dense band of trees with a farmhouse and buildings beyond. To the south of Long Hedge Lane is the Holy Family Catholic High School. The Carlton development limit is approximately 200m to the south of the site.

5.0 Description of Proposal

- 5.1. This is an application for outline planning permission for up to 190 dwellings with means of access to be determined. All other matters are reserved. The application form states 76 (40%) of the 190 dwellings would be social, affordable and intermediate rent affordable housing. The design and access statement suggests the dwellings would be 2 to 2.5 storey. Access is proposed from the A1041 Station Road via a new roundabout along with realignment of Station Road. Emergency access is proposed to Long Hedge Lane. The application submission is accompanied by various supporting documents including:

- Cover letter for additional documentation (received 15/6/2023)
- Planning statement addendum (received 15/6/2023)
- Planning statement (received 20/6/2022)
- Statement of community involvement (received 20/6/2022)
- Five-year housing land supply assessment – addendum November 2022 (received 23/11/2022)
- Five-year housing land supply assessment (received 20/6/2022)
- Flood risk assessment and drainage strategy (received 20/6/2022)
- Noise impact assessment rev E (received 15/6/2023)
- Air quality assessment rev C (received 15/6/2023)

- Ecological impact assessment (received 27/6/2022)
- Biodiversity net gain assessment (received 15/6/2023)
- Biodiversity metric (received 15/6/2023)
- Tree survey (received 20/6/2022)
- Energy report (received 20/6/2022)
- Design and access statement (received 15/6/2023)
- Heritage assessment (received 18/7/2022)
- Heritage appraisal (received 20/6/2022)
- Report on a geophysical survey (received 3/11/2022)
- Minerals assessment (received 21/10/2022)
- Soil resources and agricultural quality report (received 21/10/2022)
- Phase I Desk Study Report (received 20/6/2022)
- Indicative site plan rev F (received 15/6/2023)
- Outline landscape strategy rev B (received 15/6/2023)
- Landscape and visual impact assessment rev C (received 15/6/2023)
- Stage 1 Road Safety Audit Response (received 16/6/2023)
- Road safety audit stage 1 (received 15/6/2023)
- Travel plan (received 7/7/2023)
- Transport assessment addendum 2 (received 7/7/2023)
- Transport assessment (received 20/6/2022)
- 100-SK-001 Rev D General arrangement (received 14/8/2023)
- 100-SK-002 Rev D Engineering layout (received 5/7/2023)
- Geometric design check (received 7/7/2023)
- 100-SK-003 Rev C Swept path analysis (received 16/6/2023)
- Technical note- roundabout access assessment (received 16/6/2023)
- Location plan (received 20/6/2022)
- Existing site plan (received 20/6/2022)

6.0 Planning Policy and Guidance

- 6.1. Statutory test for the setting of listed buildings- The Planning (Listed Buildings and Conservation Areas) Act 1990, Section 66(1) establishes “in considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”
- 6.2. 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 the Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.3. 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

- 6.3. The Emerging Development Plan for this site is:
- Selby District Council Local Plan publication version 2022 (Reg 19)

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 (under Regulation 19 of the Town and Country Planning (Local Development) (England) Regulations 2012, as amended), including supporting documents, associated evidence base and background papers, was subject to formal consultation that ended on 28th October 2022. The responses have been considered and the next stage involves the submission of the plan 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.

Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:
- National Planning Policy Framework 2023
 - National Planning Practice Guidance
 - National Design Guide 2021
 - Affordable Housing Supplementary Planning Document (AHSPD) 2014
 - Developer Contributions Supplementary Planning Document (DCSPD) 2007

7.0 Consultation Responses

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **Ward Councillor Jordan:** Asks that consideration is given to linking the proposal as well as the Mill Lane proposal to a pedestrian crossing near the shops in Carlton.
- 7.3. **Carlton Parish Council:** 1/8/2022 and 1/7/2023 - The development company presented to the council at the meeting on 26th July 2022 to consult with the Parish Councillors with their development intentions. The Parish Council asks that the following observations be considered when contemplating the application:
- Access and Egress to the development site from Station Road, Carlton is a major concern, with consideration of the intended position of the access road to the development which is in close proximity to the railway bridge at the entrance to the village requiring scrutinization.
 - Speed limit approaching the village - at present road vehicles are permitted to travel from the railway bridge to the North of the village at 60mph; should this limit continue, the most probable outcome would be accident and/or death due to speeding vehicles. The approach to the village is already a major concern with a number of accidents having occurred recently adjacent to a development still under construction on Station Road, Carlton.

- Traffic – additional traffic due to the high increase in the number of vehicles on the development, including delivery and service vehicles. This is also a major concern due to the proximity to the High School’s access road.
- A proposed cycle path causes concern due to the narrow width of the present footpaths and the footpath usage to the High School.
- Layout and Elevation of the proposed properties – although there has not yet been an application submitted it was felt that the current trend is to build three storey properties and that would not be in keeping with the existing properties in the parish and would greatly change the approach to the village.
- Parking – it is felt that as is the trend, most properties/households would have two cars, and this should be taken into consideration when plotting the development and off-road parking.
- Concern is raised due to the strain on the already limited amenities and schools within the parish, with only one shop and a small doctor’s surgery and limited expansion potential available to the existing primary/junior school.

- 7.1. **NYC Environmental Health:** Recommends a Construction Environmental Management Plan (CEMP) including piling is conditioned. Furthermore, internal noise levels are uncertain given the lack of design details therefore a noise mitigation condition is required.
- 7.2. **NYC Affordable Housing Officer:** 40% affordable housing is proposed which is in accordance with current policy. Tenure split and the type of housing being sought will be based on the Council’s latest evidence on local need. This comes in the form of the HEDNA (2020). A minimum of 10% of the homes should be for affordable home ownership. First Homes should account for at least 25% of all affordable housing units delivered. Tenure and property type advice is provided.
- 7.3. **NYC Waste and Recycling Officer:** Advice is provided regarding the necessary design of the estate at reserved matters stage to accommodate waste collection. The developer will be required to purchase the waste and recycling containers for this development.
- 7.4. **NYC Lead Local Flood Authority:** Percolation tests will be required at the location of the proposed SuDS scheme to confirm if ground conditions are viable for discharge via infiltration. If ground conditions prove not to be viable, then discharge of development surface water runoff to the nearby IDB drain at the agreed restricted rate should be provided. Comments are provided regarding runoff destinations; the need to agree the discharge rate with the IDB; drainage calculations are requested to confirm the required surface water attenuation volume; pollution control measures are required; flood exceedance routes need to be demonstrated; appropriate allowances for climate change and urban creep must be made; drainage maintenance details are required. The LLFA recommends to the LPA the submitted documents are limited and demonstrate a reasonable approach to the management of surface water on the site and recommends the following conditions are attached to any permissions granted Standard Detailed Drainage Design Condition; Runoff rate, Storage Requirements and Maintenance; Maintenance; Treatment of Surface Water/Pollution Prevention; Exceedance Flow Routes; and Percolation testing required.

- 7.5. **NYC Ecology:** Initially responded to confirm that there are no major concerns in general following a review of the Ecological Impact Assessment alongside the Indicative layout. The site has the opportunity to incorporate biodiversity enhancement measures, particularly to the north boundary of the site, under the overhead power line stand off and the railway line. Requests that a Biodiversity Net Gain assessment is undertaken for the site to show the existing baseline and the proposed net gain based at this stage on the indicative layout, this will provide a level of certainty to the authority at this stage that BNG can be achieved – this should be submitted prior to determination. This should be undertaken using the current version of the Defra metric and the aim should be for a minimum of 10% net gain. Would expect a detailed BNG assessment and plan to be provided as part of the reserved matters stage. The biodiversity avoidance and mitigation recommendations set out within the EcIA would be incorporated into a CEMP to provide protection during construction and a Biodiversity Enhancement and Management Plan (BEMP) detailing how retained and created habitats will be established and managed for a period not less than 30 years, in accordance with current standards.
- 7.6. Further commented that the Biodiversity Net Gain assessment demonstrates that the site is capable of delivering biodiversity net gain well in excess of the recommended 10%. The BNG assessment should be updated as the detailed design is worked up and this can be submitted as part of the reserved matters. As noted previously requests a CEMP and Biodiversity Enhancement and Management Plan (BEMP) included as conditions to the outline permission to ensure that the avoidance and mitigation measures set out are adhered to during construction. The BEMP will need to document how the provisions set out within the BNG and other Ecological Report will be created, established, monitored and managed in the short and long term.
- 7.7. Most recently commented that the updated BNG assessment is appropriate subject to previous comments.
- 7.8. **NYC Archaeology:** Requested further information as the desk-based assessment alone is insufficient and it understates archaeological potential; a field evaluation is required before a decision is made.
- 7.9. Following submission of a geophysical survey, a scheme of trial trenching is recommended and can be secured by condition.
- 7.10. **NYC Education:** Primary education contributions of £345,268.50 are sought to be used for the provision of primary education facilities at Carlton Primary School and/or another primary school within the locality of the development; no secondary contribution; SEND contributions of £122,050.30 to be used for the provision of SEND provision at the new Selby Special School for children and young people with complex special educational needs; no early years contribution is sought.
- 7.11. **NYC Minerals and Waste Team:** The site is within a Minerals Safeguarding Area for Brick Clay and Sand and Gravel. Therefore, MWJP policies S01 and S02 are relevant to the determination of this application. The application makes no reference in its details to these policies and no justification for the development under policy S02 points i) to

vi) has been provided and the development does not constitute 'exempt' development. Therefore, there is likely to conflict with the development plan."

- 7.12. Following receipt of the minerals assessment it is considered that the assessment sufficiently justifies why minerals extraction in this location may not be economically viable in compliance with S02 Part 1 point iv) in regard to the viability of the site for minerals extraction. Therefore, the mineral authority has no objection to the proposal as it is deemed in compliance with the Minerals and Waste Joint Plan.
- 7.13. **NYC Highways:** Objection to the proposal in its current form and recommends that the applicant provides further information before any planning permission is granted by the LPA.
- 7.14. 21/7/2023 The Highways team confirms North Yorkshire Police is satisfied with the proposed roundabout access to the site. There is no need for an additional pedestrian crossing of Station Road given existing provision. The submitted plans/details have sufficiently demonstrated that the applicant has adequately resolved concerns with regards to road safety and a safe and viable access. Consequently, the Local Highway Authority would not object to the proposal in its current form and recommends approval subject to the following obligation and conditions. S106 for £5,000 contribution towards monitoring of Travel Plan; conditions regarding Detailed Plans of Road and Footway Layout; Construction of Adoptable Roads and Footways; Visibility Splays at A1041 site entrance and Long Hedge Lane/ A1041 junction; Delivery of off-site highway works; Details of Access, Turning and Parking at whole site north of Holy Family School; Construction Management Plan; and informatives.
- 7.15. 29/8/2023 Previous recommended condition MHC-03B is no longer required following submission of the updated drawing '100-SK-001 REV D'.
- 7.16. **Landscape Architect:** The LVIA submitted with the application is in accordance with the GLVIA 3rd Edition. The landscape effects and visual effects are considered separately within the LVIA but there is naturally a correlation between them.
- 7.17. Landscape effects- Within the definitions of the LVIA, the effects on the landscape of the site are anticipated to be slight adverse by year 10; and the landscape effects on the study area are assessed to be slight beneficial by year 10. The detracting influences posed by the A1041, Drax power station, and the pylons is overstated within the study; and the railway line is a dominant feature in the landscape. The strength of beneficial effects largely depends on the proposals within the landscape strategy plan. Caution needs to be applied to the extent and value of proposed new landscape enhancements given the potential restrictions posed by surface water management and pylon easements; and conflicts between proposed properties and existing/proposed woodland due to close proximity. Although street trees are shown in the masterplan, these are not illustrated in the typical street scenes; and questions whether the proposed streets are wide enough to comfortably accommodate them.
- 7.18. Potential visual effects - Viewpoints 1-12 Any effects which are assessed to be 'slight' or 'neutral' are considered to be 'non-important'. Effects assessed as 'moderate' may be considered to be 'important' but must be supported by reasoned justification.

'Substantial' or 'very substantial' effects are considered to be 'important' and require weighing in the planning balance against the benefits of the proposed development.

The level of visual impact from viewpoints 2 (east of the site), 5 (Station Road), 6 (Long Hedge Lane), and 9 (railway line) is understated depending on the nuances of the sensitivity of the visual receptor and the context of Carlton. Consideration should also be given to the visual effect of lighting in the winter months (streetlights, car lights, internal lights), i.e. 5 months of the year when deciduous trees and hedges/shrubs are not in leaf when screening effects are substantially reduced. Assessment of cumulative effects- The proposed landscape strategy would provide some mitigation against the cumulative effect but not sufficiently to negate it. There is very little screening alongside Station Road and Long Hedge Lane from where the cumulative effect would be most apparent. The conclusion of the LIVA reads thus: 'To conclude a housing development in this location could be appropriately assimilated without substantial adverse harm to the landscape character or visual amenity'; i.e., this would not be without 'moderate adverse' harm and in some instances the harm arguably extends into 'substantial adverse' harm.

- 7.19. 21/8/2023 Affirmed that previous comments stand. Comments regarding revised documents and roundabout- outline landscape strategy shows landscape benefit via green infrastructure around the northern half of the site. The roundabout is a considerable addition to the landscape, which would naturally be highly visible in itself, and draw additional attention to the development as an emphasised entrance. The addition of such a large highway intervention would also cause harm to the existing simple character of the village's approach road due to the size/extent and engineered nature of the proposed junction, which would presumably also include additional lighting and signage. Of the representative views within the LVIA, Viewpoint 5 would be the most affected. As stated in my previous comments, (page 6: VP 5 - Year 10) the proposed development would have a moderate to substantial adverse impact on views from Station Road in proximity to the site. The inclusion of the proposed roundabout is an additional harmful factor. The proposed roundabout, in addition to the proposed housing development, would further reduce the perceived compactness of the village.
- 7.20. Conclusion- The proposed development would obviously encroach into open countryside by way of its positioning on an arable field adjacent to the A1041, and Long Hedge Lane, from where the development would be highly visible. The LVIA methodology (which is in accordance with GLVIA 3rd edition) states: Effects assessed as 'moderate' may be considered to be 'important' but must be supported by reasoned justification. 'Substantial' effects are considered to be 'important' and require weighing in the planning balance against the benefits of the proposed development. The LVIA concludes that by year 10, three viewpoints experience moderate adverse effects - VP 5 from Station Road, VP 6 from Long Hedge Lane, and VP 12 from the PROW to the west. Thus, the proposed development would not be without 'moderate adverse' harm and in some instances the harm arguably extends into 'substantial adverse' harm, where e.g., there are variations between the types of travellers along Station Road. Furthermore, the proposed development would reduce the perceived compactness of the village. In conclusion, there is no support in landscape terms for the proposed outline development.

- 7.21. **CYC Contaminated Land:** The report recommends that an intrusive site investigation should be undertaken to confirm the general soil profile and conceptual site model. Conditions are recommended to ensure investigation of land contamination; submission of remediation strategy; verification of remediation works; and reporting unexpected contamination.
- 7.22. **Network Rail:** No objection in principle but requires details relating to the construction transport route; works in proximity to the operational railway environment including drainage which is to be conditioned; boundary treatments, landscaping and lighting; and railway noise mitigation.
- 7.23. **Natural England:** No objection.
- 7.24. **Environment Agency:** Whilst the redline boundary of the site lies within flood zones 1, 2 & 3 all built development is located within flood zone 1. Therefore, there is no objection to the proposed development.
- 7.25. **Health and Safety Executive:** The proposal lies within the consultation distance (CD) of at least one major hazard site and/or major accident hazard pipeline; HSE needs to be consulted on any developments on this site. The HSE does not advise against the grant of planning permission on safety grounds.
- 7.26. **Northern Gas Networks:** No objections. There may be apparatus in the area at risk during construction and direct contact should be made by the promotor of the scheme.
- 7.27. **National Grid Gas:** National Grid operates a high-pressure gas pipeline - FEEDER 29 - ASSELBY TO PANNAL in close proximity to the proposed development. The pipeline has a 24.4m wide easement in operation (12.2m on either side of the pipeline). No development, construction, or landscaping is permitted within the easement without formal written approval from National Grid. The proposed dwelling appears to fall outside the pipeline easement. The pipeline has a 112m 'Building Proximity Distance' (BPD), which restricts development within this distance. There is a possibility that the proposed development falls within this distance. It is the Local Authority & Developer's responsibility to ensure that the requirements of LUP are adhered to. The holding objection will remain until the requirements of the 'Land Use Planning' have been satisfied and the HSE response offered to National Grid for review. Further assessment required before works proceed.
- 7.28. Later consultation responses confirmed that there is no objection raised as the nearest property is proposed to be approximately 190m away from the pipeline at the closest point on the condition that the location of the pipeline and its easement are confirmed prior to formal permission being granted.
- 7.29. **National Grid Electricity:** An assessment has been carried out with respect to National Grid Electricity Transmission plc's apparatus and the proposed work location. Based on the location entered into the system for assessment the area has been found to be outside the High-Risk zone from National Grid Electricity Transmission plc's apparatus and can proceed.

- 7.30. No objection to the proposal which is in close proximity to a High Voltage Transmission Overhead Line provided the easement conditions are adhered to and access to our tower is not restricted. Comments: The easement for the asset within the location plan attached (4VH009) and it stipulates that no part of any dwelling house building, or other erection can be constructed within 18 feet of the conductors or encroach upon the foundations of the tower. The agreement continues and says no tree may be planted and allowed to grow within 15 feet of the conductors or encroach upon the foundations of the tower. Finally, the level of the ground cannot be raised at any point.
- 7.31. **North Yorkshire Fire and Rescue Service:** No objections.
- 7.32. **North Yorkshire Police:** A report of existing crimes in the area is provided. The indicative layout is acceptable. Advice is provided regarding the future design and layout.
- 7.33. **Selby Area IDB:** Generic guidance provided regarding drainage options; a reminder of bylaws and the need for IDB consent. Conditions are recommended regarding IDB consent, and surface water drainage.
- 7.34. **Yorkshire Water:** A water supply can be provided. Condition no building or obstruction to be located over or within 6m either side of the water main, or separation secured by diversion with evidence of agreement with YW to be submitted to the LPA; no new tree planting within 5m of the water main; measures to protect water supply infrastructure to be agreed with LPA.
- 7.35. **Vale Of York CCG:** No response received.
- 7.36. **Public Rights of Way Officer:** No response received.

Local Representations

- 7.37. Holy Family Catholic High School provided the following comments: The school has no concerns with the access originally proposed, further north, off Station Road. The school would prefer that access was not taken off Long Hedge Lane as this would restrict access for buses and school users e.g., parents and pupils. School numbers are below PAN (published admission number) so any additional housing in the area would be welcomed to increase the number on role. Further commented that, “the school and our Academy Trust support the proposed plan by Caddick to build houses adjacent to the school and the revised access roundabout plans. Our school is under PAN in all year groups, and we welcome having a housing development where children could walk to our school.”
- 7.38. 29 letters of objection have been received. A summary of the comments is provided below, however, please see website for full comments:
- The access location would harm highway safety. It is too close to the railway bridge and school. It would generate up to 380 vehicle movements per day which would affect the community and highway capacity. Vehicles already break the speed limit. The roads are gridlocked with school traffic and parking. Highway improvements related to existing developments have caused accidents and are close to the

application site. Lack of safe cycle routes discourages less polluting means of travel. The Transport Assessment appears to exclude ongoing building in the area, makes predictions based on limited data and doesn't take account of the proposed housing development on Mill Lane. Footpaths are narrow and poor quality.

- The roundabout is a bad idea. Vehicles will speed over the railway bridge then have accidents on the roundabout.
- It would increase the size of the village by a massive percentage. Many greenfield sites have already been lost to excessive housing. There is also the Mill Lane proposal. If approved, the village will become a town but without the necessary facilities. Carlton will lose the village feel.
- There is a lack of infrastructure in the village. The village has no recreation or commercial facilities, little public transport and one small shop with no safe parking. Medical and dental facilities are inadequate. School capacity is a problem.
- Harm to residential amenity.
- There are few employment opportunities in the village.
- Electricity pylons pose a risk as a play area.
- The development and additional traffic will harm wildlife. It will cut off the group of trees.
- Increased air and noise pollution.
- Increased anti-social behaviour and crime.
- The site is at risk of flooding and will increase flood risk for existing dwellings.
- Foul drainage is a problem in the area.
- Loss of good agricultural land.
- The site should be kept as green belt.
- Impact on the character and appearance of the village.
- The situation in Europe and the world mean housing policy should be reconsidered to ensure land is kept for food production and building land should be elsewhere such as in and around Selby.
- The proposal will lack affordable housing and bungalows. A balanced housing market that provides single storey dwellings for elderly and disabled people is required.
- Construction disturbance.
- There is no need for more 4-bedroom houses.

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 the thresholds for screening. The LPA issued a screening opinion on 20th June 2022 confirming the proposal is not EIA development. As such, an Environmental Statement is not required.

9.0 Main Issues

- 9.1. The key considerations in the assessment of this application are:
- Principle of development
 - Loss of agricultural land
 - Minerals
 - National Grid infrastructure
 - Housing density and mix

- Character and appearance
- Flood risk, drainage and climate change
- Highway matters
- Impact upon nature conservation sites and protected species, and biodiversity net gain
- Affordable housing
- Recreational open space
- Contaminated land, air quality and noise
- Residential amenity
- Heritage
- Education, healthcare and waste and re-cycling
- Other

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 former Selby 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 Carlton 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 Designated Service Villages (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 SP2A(a) confirms Carlton has some scope for additional residential growth to support rural sustainability. However, the application site is located some 200m (at the closest point) beyond the development limit of Carlton.
- 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 possible to give policy SP2 significant weight based on the tests within NPPF paragraph 219.

- 10.5. The statement on Core Strategy 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 there is no reason why significant weight cannot be given to the development limits and Policy SP2.
- 10.6. The Annual Housing and Employment Land Report (2022-2023) published by North Yorkshire Council dated September 2023 confirms the housing requirements and housing land supply figures for the Local Plan Areas within the Council. The Selby Local Plan Area 5-year Housing Land Supply Report 2023-2028 position at 31st March 2023 demonstrates a 5.3-year supply. The former Selby District Council also passes the housing delivery test 2021 for the financial year 2021/22. Therefore, the tilted balance in NPPF paragraph 11 is not engaged.
- 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 The Scale and Distribution of Housing 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. This policy sets a minimum target of 2000 for the 18 DSVs as a whole, which, the most recent monitoring indicates has been exceeded by completions and permissions in these settlements as a whole. However, the Core Strategy does not set a minimum dwelling target for individual DSVs.
- 10.10. To date, Carlton has seen 136 dwellings built in the settlement since the start of the Plan Period (135 net) in April 2011 and has extant approvals for 94 dwellings (93 net), giving a total of 230 dwellings (228 net). Considering the level of growth in Carlton over the Core Strategy plan period and the dwelling target in that plan for Designated Service Villages as a whole, the proposed development of 190 dwellings conflicts with the scale of development envisaged by Policy SP5.
- 10.11. As the LPA is able to demonstrate a 5-year housing land supply, and passes the housing delivery test, 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 and 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 tilted balance in NPPF paragraph 11 is not engaged. The fact of having a five-year land supply cannot be a reason in itself for refusing permission. The NPPF aim of significantly boosting and maintaining the supply of housing is a material consideration when evaluating planning applications. Approval of this application would provide additional dwellings to the housing supply. It should be noted that the Harron Homes development known as The Hawthorns to the southwest of the application site was approved at a time when the Council could not demonstrate a five-year housing land supply, hence the NPPF presumption in favour of sustainable development was engaged at that time.
- 10.12. The applicant has submitted a number of documents over a period of time disputing whether the LPA has a five-year housing land supply. The most recent uses data from the Annual Housing and Employment Land Report 2022-2023 (July 2023) to conclude the LPA has a 4.39-year supply. However, this is not the formal 5-year housing land supply report.
- 10.13. 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 the Development Plan so far as material to the application unless material considerations indicate otherwise. NPPF paragraph 12 states “The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan...., permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

10.14. The emerging Selby District Council Local Plan is a material consideration. NPPF paragraph 48 states:

“Local planning authorities may give weight to relevant policies in emerging plans according to:

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.

10.15. The Selby District Council Local Plan pre-submission publication version (under Regulation 19 of the Town and Country Planning (Local Development) (England) Regulations 2012, as amended), including supporting documents, associated evidence base and background papers, was subject to formal consultation that ended on 28th October 2022. The responses have been considered and the next stage involves the submission of the plan to the Secretary of State for Examination.

10.16. It should be noted that the site was submitted via the call for sites process but was rejected because “This site is on the periphery of the village, putting it at an extended distance from the existing main facilities and services, extending the nucleated settlement into a more linear form and would also serve to reduce the separation between Carlton and Camblesforth villages. As such it is not in keeping with the existing character and form of the village. The site is also dominated by overhead high voltage power lines.” The emerging local plan does not provide a basis to support the proposal.

10.17. The applicant submitted a further letter, dated 8th September 2022, covering the following topics 1) Adopted Development Plan – assessment of the policies contained therein and the weight to be attached; 2) 5 Year Housing Land Supply – a summary of our findings and assumptions made; 3) Emerging Local Plan – assessment of the policies contained therein and the weight to be attached; 4) Other Material Considerations; 5) Other Technical Matters; 6) Other Matters; and 7) Alternative Ways Forward and Next Steps. The letter sets out various reasons why they consider the Core Strategy out of date; they consider there is not a 5 year supply of housing land; they consider that no weight should be given to the emerging Local Plan and consider there to be significant uncertainty regarding the plan; they consider the proposal to be a sustainable development with significant affordable housing benefits which should be supported; they disagree with the approach being taken in not supporting the proposal given its sustainability credentials; and they believe the wrong site is being allocated in Carlton in the draft Local Plan. The Council does not agree with the content of this letter and remains of the view the proposal is not acceptable in principle.

10.18. In conclusion, the proposal constitutes a substantial residential development of up to 190 dwellings in the countryside which is contrary to Core Strategy policy SP2 and conflicts with the scale of development envisaged by Policy SP5. There are no adopted development plan policies, or emerging Local Plan policies with sufficient weight, that

support the principle of development nor are there material considerations within the NPPF or elsewhere that indicate the proposal should be supported. Approval of such a significant departure from the adopted development plan would likely undermine public confidence in the development management system and paragraph 15 of the NPPF which requires “The planning system should be genuinely plan-led.”

Section 149 of The Equality Act 2010

- 10.19. Under Section 148 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.
- 10.20. 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.

Loss of agricultural land

- 10.21. The site is used for arable agricultural purposes and an eastern parcel of the site is used for livestock grazing. Policy SP18 of the Core Strategy seeks to sustain the natural environment by steering development to areas of least agricultural quality.
- 10.22. 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.
- 10.23. 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 3 ‘good to moderate’ agricultural land. It does not differentiate between grades 3a and 3b.
- 10.24. The submitted soil resources and agricultural quality assessment demonstrates the site is 73% subgrade 3a, 22% subgrade 3b and 5% other land. The site is primarily best and most versatile agricultural land.
- 10.25. The application site, at 10.78 hectares, is below the 20-hectare threshold within the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) above which Natural England is a statutory consultee for the loss of best and most versatile agricultural land. The loss of best and most versatile agricultural land would be a form of harm arising from the proposal. Such loss would result in some harm to the agricultural economy in the area as well as food self-

sufficiency. Harm arising from the loss of agricultural land is conflict with Core Strategy Policy SP18 and NPPF paragraph 174 b) needs to be weighed in the planning balance.

Minerals

- 10.26. The site is within a sand and gravel safeguarding area; and a brick clay safeguarding area as designated by Policy S01: Safeguarded surface mineral resources of the Minerals and Waste Joint Plan which states “The following surface minerals resources and associated buffer zones identified on the Policies Map will be safeguarded from other forms of surface non-mineral development to protect the resource for the future:.....
- ii) All sand and gravel, clay and shallow coal resources with an additional 250m buffer”.
- 10.27. Policy S02: Developments proposed within Surface Mineral Resource areas states within the safeguarded minerals resource areas shown on the policies map, permission for development other than minerals extraction will be granted where:
- “i) It would not sterilise the mineral or prejudice future extraction; or
- ii) The mineral will be extracted prior to the development (where this can be achieved without unacceptable impact on the environment or local communities), or
- iii) The need for the non-mineral development can be demonstrated to outweigh the need to safeguard the mineral; or
- iv) It can be demonstrated that the mineral in the location concerned is no longer of any potential value as it does not represent an economically viable and therefore exploitable resource; or
- v) The non-mineral development is of a temporary nature that does not inhibit extraction within the timescale that the mineral is likely to be needed; or
- vi) It constitutes ‘exempt’ development (as defined in the Safeguarding Exemption Criteria list), as set out in paragraph 8.55).
- 10.28. The submitted minerals assessment states:
- “if such deposits were present beneath the site, then we can conclude the site does not represent a site that could facilitate economically viable mineral extraction of either Sand & Gravel or Brick Clay deposits, for the following reasons:
- The site is too small to effectively quarry once appropriate standoffs are implemented;
 - The surrounding land uses would incur significant disruption and nuisance in the form of noise, dust and vibration pollution;
 - The site is in close proximity to vulnerable land uses, which include residential and school uses and a strategically important rail link directly north of the proposed site boundary; and
 - The site has a high voltage overhead power line that runs through the main part of the site. This power line has a significant development standoff which has effectively sterilized a large part of the site in its current position and would attract a significant cost to relocate.”
- 10.29. NYC Minerals and Waste Team concur this justification is sufficient to demonstrate potential mineral resources are not an economically viable resource in accordance with Policy S02 iv).

10.30. Mineral impacts are acceptable.

National Grid infrastructure

- 10.31. Policy SP19 of the Core Strategy requires public and private spaces that are safe. NPPF paragraph 92 requires decisions aim to achieve safe places. Paragraph 97 requires decisions should promote public safety. This policy is consistent with the NPPF and is given significant weight.
- 10.32. There is a high-pressure gas pipeline to the northeast of the application site. The indicative site layout has been designed to avoid housing development within the inner and middle safety buffer zones around the pipeline. The indicative layout restricts housing development to the outer zone. The Health and Safety Executive does not advise against the grant of planning permission on safety grounds. National Grid raises no objections on the basis the nearest property is proposed to be approximately 190m away from the pipeline at the closest point subject to the condition that the location of the pipeline and its easement are confirmed prior to formal permission being granted. Northern Gas Networks raise no objections.
- 10.33. There is a National Grid electricity pylon with associated cables located on the site. The indicative site layout plan shows an assumed 60m no build zone around this infrastructure. National Grid Electricity raise no objections to the proposal and have noted the requirements of their easement around their infrastructure which would inform any reserved matters submission.
- 10.34. The impact upon National Grid infrastructure is acceptable.

Housing density and mix

Density

- 10.35. 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”.
- 10.36. 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”.
- 10.37. 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”.

- 10.38. Up to 190 dwellings on this 10.78ha site equals 17.6 dwellings per hectare gross (gross density means the number of residential units per hectare of land). The indicative layout shows 190 dwellings on 6ha of land which equals 31.5 dwellings per hectare net (net density means the number of dwellings per hectare of land after required infrastructure and critical areas are deducted from the gross area – thus leaving only the area devoted to the plots themselves).
- 10.39. 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 indicative housing density is appropriate in these circumstances.

Mix

- 10.40. 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.”
- 10.41. The wording of the HEDNA intends to provide an element of flexibility in the precise mix put forward within applications, with the need for a range of sizes of homes per tenure type.
- 10.42. The application form does not confirm the precise housing mix given the outline nature of the application. Therefore, in order to prevent a pronounced overprovision of a single house type and to secure a mixed and balanced community, a condition is required to ensure the precise housing mix is submitted with the reserved matters application and agreed by the Local Planning Authority in order to comply with Policy SP8 and the HEDNA. The HEDNA projects there will be 5,308 people with mobility problems in the former Selby District by 2040, or 5% of the projected population of 103,170. The need for wheelchair user homes is projected to be 334 homes, or 4% of the total dwellings. In this context it is considered reasonable to require 6% (rounded up) of the proposed dwellings to be built to Building Regulations M4(3) 'wheelchair user' standard, having regard to this identified need.

Character and appearance

- 10.43. Policy ENV1 requires account is taken of the effect upon the character of the area and the potential loss, or adverse effect upon, features important to the character of the area. 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. Policy SP19 requires residential development to “Incorporate new and existing landscaping as an integral part of the design of schemes, including off-site landscaping for large sites and sites on the edge of settlements where appropriate”. NPPF paragraph 130 states “Planning policies and decisions should ensure that developments:... (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)”.
- 10.44. The site and its setting are located within National Character Area 39: Humberhead Levels with key characteristics including “A low-lying, predominantly flat landscape, with large, regular and geometric arable fields without hedges but divided by ditches and dykes, many of which form important habitats and key corridors for species movement..... Views to distant horizons are often long and unbroken, with big expansive skies, and vertical elements like water towers, power stations and wind turbines are very prominent.”
- 10.45. The Selby Landscape Character Assessment 2019 identifies Carlton and the site as being located within the Camblesforth Farmland landscape character area 15 (LCA15). The key characteristics of LCA15 are identified as “Flat arable farmland with a high concentration of small areas of broadleaved woodland and shelterbelts, creating a sense of enclosure. Medium-large scale rectilinear field pattern, frequently lined by hedgerow trees. Sparse settlement with very few isolated properties and farmsteads. Strong human influence from the industrial Drax Power Station, highly visible from throughout the landscape. Time depth from the juxtaposition of the power station with the historic village of Drax.” Key sensitivities regarding physical character of the area states “The large scale of the landscape is likely to be able to accommodate development which is sympathetically sited and designed, particularly in areas with a stronger presence of vegetation which may limit views.” The principal forces for change include built development which states, “Further development pressure is likely to focus on the larger settlements of Carlton and Camblesforth which have potential capacity for new, sensitively sited development.” The landscape character section notes settlement form differs in the area with Drax and Barlow being long and linear, while Camblesforth and Carlton are more nucleated.
- 10.46. Management guidelines include “Encourage continued maintenance of hedgerows and field trees, and where the opportunity arises encourage reinstatement of hedgerows where field boundaries have been lost;... New development should be sited to take advantage of the screening offered by the existing woodland and boundary vegetation. In more open areas, encourage the use of soft landscaping techniques.” Location specific guidelines for this area include “Housing development should be focused on

the larger settlements of Carlton and Camblesforth, subject to further study edges of the settlements”.

- 10.47. The site is beyond the study areas for Carlton within the Selby District Landscape Sensitivity Study 2021.
- 10.48. Paragraph 2.5 of the Planning Statement states “As described in the Selby District Local Plan (SDLP), Carlton's traditional form is that of a linear settlement².....²Selby District Local Plan Part 2 Carlton paragraph 3.1”. However, paragraphs 3.1 and 3.2 should be read in full to understand the perceived form and character of Carlton in 2005 “3.1 Carlton’s traditional form is that of a linear settlement. Over the years it has expanded to the west along the main street. The two parallel roads of High Street and Low Street support a significant amount of the settlement’s development. 3.2 To the east of High Street, development has been constrained by the grounds of Carlton Towers, a large country house set in parkland. New development has proceeded by infilling and more significant estate development.” This has to some degree been superseded by the more up to date assessment within the Selby Landscape Character Assessment 2019.
- 10.49. The amended landscape and visual impact assessment provides the following summary of landscape effects post construction “There would be a moderate adverse effect on the character of the Site due to the addition of housing and loss of farmland. By Year 10, mitigation planting and green infrastructure within the Site would be partially mature and help contribute to the reduction of effects on the landscape character. The proposed development would be situated on the existing edge of Carlton, on land which is influenced by the presence of residential development to the west and south. Effects on the landscape character of the wider study area would therefore be slight.” It provides the following summary of visual effects post construction “Moderate adverse effects are confined to receptors in close proximity to the Site. Of the 12 representative viewpoints, six were assessed as experiencing moderate adverse effects in year 1, whilst by year 10 only three viewpoints experience moderate adverse effects. From wider viewpoints, it is predicted that visual effects would reduce to slight by year 10 through the retention and enhancement of existing vegetation, together with new mitigation planting.”
- 10.50. The landscape architect raises concerns about the proposed principal mitigation measures such as generous gardens which are not evident in the layout, and street trees and generous verges throughout the development where there is no room. The landscape architect agrees the sensitivity of the landscape within the site is low. Landscape effects would reduce from moderate adverse during construction and year 1, to slight adverse by year 10. The wider landscape within the study area is of medium value. The landscape effects on the study area are assessed to be slight adverse during construction and in year 1, lessening to slight beneficial by year 10.
- 10.51. The proposed application site reduces the separation distance/time travelled between Carlton and Camblesforth by road and also the two public rights of way either side of the application site that connect Carlton with Camblesforth (as seen within Figure 4 of the Study Area). The proposed development would obviously encroach into open countryside by way of its positioning adjacent to the A1041, and Long Hedge Lane from

where the development would be highly visible. The development would also reduce the sense of the extent of open countryside from the PROW network to the east of Carlton. The proposed development would reduce the perceived compactness of the village. The existing woodland does offer screening, however the proposed development protrudes beyond the Pine plantation, thereby pushing development much further east than the existing settlement pattern.

- 10.52. With regard to the LVIA, moderate effects may be considered important but must be supported by reasoned justification. Substantial or very substantial effects are considered to be important and require weighting in the planning balance against the benefits of the proposal.
- 10.53. The landscape architect considers view point 2 at year 10 is bordering on moderate adverse; view point 5 at year 10 moderate adverse impact could increase to substantial adverse for some types of traveller; view point 6 at year 10 substantial adverse effect is identified given the use of the land as an important resource for access to nature and the open countryside for local residents. Viewpoint 9 at year 10 could arguably be increased to moderate adverse due to the relationship between the view and the setting of the village. The landscape informs the approach to the village and its context and sense of place. Consideration should be given to the effect of lighting in the winter months. There is insufficient landscaping to negate cumulative effects. There is very little screening along Station Road and Long Hedge Lane where cumulative effects would be most apparent.
- 10.54. In response to re-consultation on the roundabout amendments, the landscape architect considers that of the representative views within the LVIA, viewpoint 5 would be the most affected. At viewpoint 5 at year 10 the proposed development would have a moderate to substantial adverse impact on views from Station Road in proximity to the site. The inclusion of the proposed roundabout is an additional harmful factor. The proposed roundabout, in addition to the proposed housing development, would further reduce the perceived compactness of the village. The landscape architect does not support the proposal.
- 10.55. The Holy Family Catholic High School is for planning purposes located in the countryside, with the Carlton development limit located along its southern boundary with Carlton Primary School and Broadacres Garth. With its buildings clustered away from site boundaries, expanse of open peripheral sports and parking facilities, and established boundary landscaping, the High School is perceived as providing a transition between the higher density compact residential form of Carlton to the south and the open agricultural land to the north of Long Hedge Lane. The housing estate under construction on the western side of Station Road was approved when the Council did not have a five year housing land supply, does not project as far north as the High School site and retains by rounding off, to a far greater degree, the more nucleated form of Carlton than would the application site. The site is beyond the study areas for Carlton within the Selby District Landscape Sensitivity Study 2021 which indicates the detached nature of the site from Carlton.
- 10.56. The indicative site plan is quite broad-brush in terms of detail whereas that found in the outline landscape strategy is perhaps more realistic. Both demonstrate that when site

constraints such as flood risk and pylon easements are avoided, the proposal would entail a tightly packed form of development that is unsympathetically sited and would significantly extend the form of the village in a disjointed and uncharacteristic manner to the north and east, and that harms the nucleated form, settlement pattern and character of Carlton. The proposal does not take opportunities to connect green infrastructure such as the on-site woodland block with the off-site tree belt to the south, instead indicating dwellings projecting significantly to the east, thus failing to use existing vegetation to limit views. The indicative layout places dozens of dwellings in very close proximity to these landscape features which is very likely to lead to pressure for their reduction or removal, which is an inappropriate implication of the proposal. The tightly packed site layout does not provide room for meaningful boundary planting to soften the appearance of the proposal such as from the countryside to the east or the proposed roundabout location. The landscape architect's interpretation of moderate adverse or substantial adverse impacts at viewpoints 2, 5, 6 and 9 are important and weigh against the proposal.

Flood risk and drainage

- 10.57. 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. 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." NPPF paragraph 169 requires "major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate."
- 10.58. The vast majority of the application site is in flood zone 1 (low risk of river flooding). The northern fringes of site are in flood zones 2 (medium risk of river flooding) and flood zone 3 (high risk of river flooding). Part of the site frontage with Long Hedge Lane is at high to medium risk of surface water flooding as is part of the northern site frontage with the railway line. Surface water flooding areas are related to the topography of the site with natural depressions being at higher risk. Approximately the northern half of the site is at risk of reservoir flooding when there is also flooding from rivers.
- 10.59. The submitted flood risk assessment (FRA) demonstrates it will be possible at reserved matters stage to locate all built development within flood zone 1. The Environment Agency raises no objection to the proposal on the basis all built development is indicated to be in flood zone 1. The FRA confirms surface water flood risk will be reduced to a manageable level by the development of the site levels and the introduction of positive drainage to remove the natural depressions. The FRA considers

there to be low flood risk arising from groundwater flooding based on historic borehole records in the area; the risk of flooding from sewers is low; the risk of flooding from reservoirs, canals and other artificial sources is low; and that the site has not been subject to historic flooding. The site is sequentially preferable for development on this basis.

- 10.60. The FRA confirms separate foul and surface water drainage systems are proposed. The application does not provide soakaway testing to show whether this is feasible on the site, instead relying on indicative mapping for the purposes of the application and stating soakaway tests will be carried out. It is suggested SUDS may be feasible on the site and that if this is not possible surface water will be discharged to Camblesforth Village Drain located approximately 200m to the east of the site. A greenfield run-off calculation has been submitted which indicates a greenfield runoff rate (Q_{bar}) for the site of 16.0 l/s (1.51 l/s/Ha). Camblesforth Village Drain is within the catchment of Selby Area Internal Drainage Board. The applicant sought agreement to this proposal from the Selby Area IDB but did not receive a response. The Selby Area IDB responded to the Council consultation with generic advice, part of which states "If the surface water is to be discharged to any ordinary watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission and would be restricted to 1.4 litres per second per hectare or greenfield runoff". The IDB also recommends standard conditions regarding the need for its consent and the timing of SUDS implementation. The FRA demonstrates surface water can be discharged from the site at greenfield runoff rate in accordance with IDB requirements. This demonstrates it is possible to drain surface water in an acceptable manner that will not increase flooding elsewhere.
- 10.61. Foul water drainage would be to an existing foul water sewer within Station Road as already advised by Yorkshire Water within the FRA. Yorkshire Water did not comment on this in its response to the application.
- 10.62. In the event the proposal is acceptable a comprehensive series of foul and surface water drainage conditions will be attached to the outline planning permission as recommended by the LLFA. This would also deal with Network Rail drainage requirements.
- 10.63. Flood risk and drainage matters are acceptable subject to conditions in accordance with CS Policy SP2, and the advice in the NPPF.

Highway matters

- 10.64. 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.
- 10.65. 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.

- 10.66. 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.
- 10.67. 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”.
- 10.68. 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.”
- 10.69. 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).
- 10.70. 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. NPPF paragraph 104 recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
- 10.71. Paragraph 108 permits maximum parking standards in certain limited circumstances. The aforementioned NYCC standards are minimum standards.
- 10.72. 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.”

- 10.73. 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.”
- 10.74. 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.”
- 10.75. The aforementioned development plan policies are considered broadly consistent with the NPPF and are given significant weight.
- 10.76. The application form confirms approval is sought for access matters to, but not within, the site. The Town and Country Planning (Development Management Procedure) (England) Order 2015 defines access as: “in relation to reserved matters, means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;”
- 10.77. Access matters have been amended in accordance with the request of the Local Highway Authority to include a roundabout on a realigned Station Road to provide access to the site. This is provided within LHA land and the application site. Shared foot and cycle ways are proposed on the eastern side of the roundabout and into the site. A footway is proposed on the western side. Emergency access with collapsible bollards is proposed to Long Hedge Lane along with footways and uncontrolled pedestrian crossing. The footway would continue south along Station Road. The footway at the existing bus stop would be widened and a shelter provided. The western bus layby would be realigned with the road and a shelter provided.
- 10.78. The transport assessment addendum 2 justifies the visibility splays proposed. A seven day automatic traffic count (ATC) was carried out just south of the railway bridge structure approximately representing the northern extent of the visibility splay to the north of the proposed access junction on the A1041 Station Road. The ATC survey

confirmed 85th percentile traffic speeds at this location on Station Road as 47.4mph and 41.4mph in the northbound and southbound directions respectively. This data and that collected from a previous survey at the proposed access junction indicates that the speed of southbound traffic increases from the railway bridge structure and Carlton. The traffic speeds surveyed are slower immediately south of the railway bridge (at the northern extent of the visibility splay) than at the location of the proposed access junction, north of the village. Based on the highest speed of southbound traffic surveyed (of 46.4mph at the proposed access point), the desirable minimum stopping sight distance would be 132m. The resulting visibility splay north of the proposed access junction can be achieved, as demonstrated on Fore drawing 3957/100/P/002D. It is noted that such a splay exceeds visibility requirements for the speed of traffic immediately south of the railway bridge structure (the equivalent stopping sight distance is 109m). Regardless, additional clear visibility of the proposed access junction would be available to southbound traffic from beyond the northern extent of the identified visibility splay, up to a distance of approximately 175m.

- 10.79. With regard to visibility to the south of the proposed access junction, the surveys undertaken to date demonstrate that the speed of northbound traffic at the proposed access junction is 47.5mph. This equates to a stopping sight distance of 137m. Fore drawing 3957/100/P/002D demonstrates that a visibility splay reflecting this distance is achievable, though the splay extends south of the existing junction with Long Hedge Lane. Justification is provided based on Design Manual for Roads and Bridges standard. The junction layout also complies with DMRB standards.
- 10.80. The transport assessment addendum 2 provides a detailed review of STATS-19 accident data for the A1041 Station Road in the vicinity of the site and the wider Carlton village from NYCC for the period covering 1 January 2016 to 31 December 2022 inclusive. The accidents recorded are of an isolated nature, and there is no clear pattern either related to the nature of the accidents or the location in which they were recorded. The existing road layout is not identified as the sole contributory factor in any of the recorded accidents. Where layout-related factors are identified as factor, it was identified that behavioural factors (such as failure to look and failure to judge speed, and careless / reckless driving, indicative of driver error) were equally or more likely to be factors. There is no clear pattern of accidents related to changes in travel patterns during the Covid pandemic and related measures. On the evidence of the detailed accident data obtained, there is no existing specific layout-related issue either in the immediate vicinity of the site, or within the wider Carlton village, that needs to be addressed to safely accommodate changes in traffic associated with the development.
- 10.81. Estimated weekday vehicle trip generation during the peak periods is summarised in the assessment as ranging from 57-98 total Weekday AM Peak (noted as the hours between 07:00 and 10:00) and 82-98 total Weekday PM Peak (noted as the hours between 16:00-19:00). the table below:
- 10.82. The distribution of vehicle trips associated with the development at peak times has been estimated based on travel to work data from 2011 Census data. The TA demonstrates the following:

- Beyond the access junction and the A1041 Station Road / A645 roundabout and the site access junction, the traffic impacts associated with the development are not considered to be significant in terms of the impact on the wider network.
- Specifically, the maximum overall increase in traffic associated with the development on the wider network is approximately 60 two-way vehicle movements per hour, at the A63 / A1041/ Bawtry Road junction. On average, this equates to 1 vehicle per minute at peak times, which is not considered to be significant in practice. Beyond this junction, the impacts are further dispersed.
- No links at M62 junctions 34 or 36 experience an increase in two-way trips greater than 10. As such, the impacts of the development at the Strategic Road Network are not considered to be significant.

10.83. On this basis, detailed capacity assessments have been undertaken at the following locations for the purposes of this assessment:

- A1041 Station Road/A645 roundabout.
- Site Access junction.

10.84. The TA goes on to consider changes in traffic flows associated with the development are satisfactorily accommodated, and mitigation (in terms of physical changes to the junctions layout) is not considered necessary.

10.85. The TP target will include a 10% reduction in single occupancy car journeys to be achieved over a 5-year period (i.e. the lifespan of the Travel Plan). 6 months following first occupation, or at 50% occupancy (whichever happens first) a travel survey will be undertaken by the TPC to discover how residents are travelling. If occupation levels are low (less than 30% of dwellings), the TPC will liaise with NYCC to agree an appropriate time to survey.

10.86. The proposal seeks to accommodate and encourage a range of sustainable travel options including walking, cycling and public transport through the Travel Plan. The proposal commits to providing each dwelling with an electric vehicle charging point which can be secured by condition; and the access details provide a short stretch of pedestrian/cycle way to the south of the site. On-plot cycle storage can be secured by condition to ensure compliance with Policy T7.

10.87. Policy T2 does not allow the proposed access onto Station Road (a primary road) 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. The only alternative is an access onto Long Hedge Lane but this may result in conflicting traffic movements and highway capacity and safety issues, at the aforementioned peak times, when combined with the vehicular accesses and school drop off point serving The Holy Family Catholic High School.

10.88. The LHA raises no concerns regarding proposed accesses to the site, traffic generation, junction capacity, design or safety. The LHA does not consider there to be a requirement for a pedestrian crossing near the shops in Carlton. The proposal demonstrates the highway implications are acceptable in accordance with the aforementioned policies.

10.89. In respect of sustainability, the village contains Carlton Playschool, Carlton Primary School, The Holy Family Catholic High School, Carlton Towers Cricket Club, Carlton Village Hall, a convenience store with post office, beauty salon, sandwich shop, hot food take away, two public houses, a taproom, country store, St Mary's Catholic Church, Carlton Methodist Church, a vehicle service centre and Beech Tree Doctors Surgery. A further convenience store is currently under construction. Snaith has a dental practice, secondary school, convenience store, pharmacy and other services. the proposal would have good access on foot to services, facilities and transport links in Carlton. Carlton, Camblesforth, Snaith, Drax, Pollington and the outskirts of Rawcliffe are within a reasonable cycle distance of 8km which provides a wider range of services and employment opportunities. Snaith railway station is a 3km/20-minute (approximately) cycle ride away but the service is so limited it is unlikely to be used by future residents. Selby railway station has frequent services to major settlements but is 10km to the north. The number 401 bus, accessed via bus stops on Station Road, provides an hourly service linking the site to Selby and Goole via Snaith on weekdays and Saturdays from approximately 7.30am to 6pm. Overall, it is considered future residents have good access on foot to services and limited employment opportunities in Carlton; good access by cycle to services and more extensive employment opportunities in Carlton and nearby villages; good access by bus to Snaith and the larger settlements of Goole and Selby for services and employment; but good train services are distant. In terms of access to services and facilities and a choice of mode of transport, the site can be considered as being in a reasonably sustainable location with alternatives to car-based travel and that minimises the need to travel.

Impact upon nature conservation sites and protected species, and biodiversity net gain

- 10.90. Local Plan Policy ENV1 requires account is taken of the potential loss, or adverse effect upon, significant wildlife habitats.
- 10.91. 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, including SINCs, 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.
- 10.92. 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.

- 10.93. NPPF 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.
- 10.94. The development plan policies are consistent with the NPPF and are given significant weight.
- 10.95. The Conservation of Habitats and Species Regulations 2017 (as amended) requires the LPA to determine if the proposal may affect the protected features of a habitats site before deciding whether to permit development. This requires consideration of whether the proposal is likely to have significant effects on that site. This consideration – typically referred to as the ‘Habitats Regulations Assessment screening’ – should take into account the potential effects both of the proposal itself and in combination with other proposals. The submitted Ecological Impact Assessment found the site to be of low ecological value, with limited opportunities for protected or notable species and scope for enhancements. It identifies designated sites in the area, namely the River Derwent Special Area of Conservation (SAC) 4.2km north east; The Humber Estuary Special Protection Area (SPA), Special Area of Conservation (SAC) and RAMSAR site lies approximately 8km east; Eskamhorn Meadows Site of Special Scientific Interest (SSSI) 1.8km south east; and three Sites of Importance for Nature Conservation (SINC) Carlton Park Pond 1.5km south, Kerrick Spring Wood Deleted SINC 1.6km west, and Coble Croft Wood SINC 1.9km north-west. No harmful impacts are anticipated to these sites.
- 10.96. The Council’s Ecologist does not raise concern in relation to these sites. Natural England raises no objection to the proposal stating “the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.” The LPA considers the individual and cumulative impacts of the proposal would not result in significant effects upon these sites.
- 10.97. The Ecological Impact Assessment considers habitat impacts, with the loss of arable fields being ecologically insignificant. Loss of priority habitat hedgerow to the western boundary would arise due to proposed roundabout and highway works but more diverse replacement hedgerow can be secured by condition.
- 10.98. The woodland and scrub offered some potential for foraging and sheltering faunal species and these areas would be considered of moderate ecological value in the context of the site. However, they were small in size and relatively isolated within the arable landscape and their value is unlikely to extend beyond the site boundaries. These areas are indicated to be retained and there are opportunities for enhancement. Impacts to amphibians are considered unlikely and no mitigation measures are required. Impact on mammals is unlikely and mitigation measures are recommended. Roosting bat impacts are unlikely, potential foraging habitat is to be retained, and bat friendly lighting is recommended. Site clearance works may impact nesting birds therefore mitigation is recommended. Bird nesting habitat loss is insignificant and direct harm is unlikely, subject to mitigation. Brown hare habitat loss would be minor. Hedgehog may use the site and could be harmed or disturbed during site clearance

works. Loss of foraging habitat would occur. Impacts would be considered moderate direct, permanent and irreversible at a local level. Mitigation measures during construction and to secure habitat creation are recommended. Reptile impacts are unlikely although occasional presence along the northern boundary cannot be ruled out. This area is shown to be retained but some disturbance and or clearance of this area is likely to be required as part of habitat creation works. If reptiles were present within this area there is potential for them to be harmed during the clearance or new habitat creation. This would be a minor impact at a local level. Mitigation measures are proposed including toolbox talks. Himalayan Balsam invasive species mitigation is proposed.

- 10.99. The Ecological Impact Assessment recommends enhancement measures in the form of a specific Biodiversity Enhancement and Mitigation Plan (BEMP) to be produced for the development. The BEMP is recommended to detail measures by which to protect retained habitats, enhance and create habitats, provide an overview of habitat management as well as details of species-specific enhancements provided within the EclA.
- 10.100. The submitted Biodiversity Net Gain Assessment demonstrates the existing habitats present on-site are considered to be widespread and common, with the majority of the site dominated by an arable field and modified grassland field margins. The main habitats of value are considered to be the woodland and hedgerows. With the implementation of the landscaping included within the report, the development would result in an overall increase in 7.02 habitat units resulting in a net gain of 23.56%. The planting of 1.64km of hedgerow within the final landscaping design, as well as the enhancement of the majority of the existing hedgerow will result in a gain of 1438.78% for hedgerows.
- 10.101. NYC Ecology does not object to the proposal noting the site has the opportunity to incorporate biodiversity enhancement measures, particularly to the north boundary of the site. The Biodiversity Net Gain assessment clearly demonstrates that the site is capable of delivering biodiversity net gain well in excess of the recommended 10%. The BNG assessment will need to be updated as the detailed design is worked up and this can be submitted as part of the reserved matters. A condition can secure a detailed BNG assessment and plan will be provided as part of the reserved matters stage. In addition to this, biodiversity avoidance and mitigation recommendations as set out within the EclA shall be incorporated into a Construction Environmental Management Plan (CEMP) to provide protection during construction and a Biodiversity Enhancement and Management Plan (BEMP) detailing how retained and created habitats will be established and managed for a period not less than 30 years, in accordance with current standards. These requirements can form conditions of outline planning permission and would also form part of a s106 agreement.
- 10.102. Ecological matters accord with the requirements of the aforementioned development plan policies and NPPF subject to conditions and s106.

Affordable housing

- 10.103. 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.
- 10.104. The Developer Contributions SPD (2007) contains a section entitled "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. It establishes that viability testing is to be used at outline application stage to establish the amount of affordable housing the proposal can viably deliver. This can be reappraised at reserved matters stage for multi-phase development. SPD paragraph 9.5 confirms the LPA can reduce the affordable housing percentage required if a viability appraisal demonstrates 40% is unviable.
- 10.105. NPPF paragraph 64 permits affordable housing to be sought on such major residential developments. 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) unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. 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 and as set out in Planning Practice Guidance (PPG).
- 10.106. Whilst Policy SP9 and the SPD do not reflect the Ministerial Statement for First Homes, they do provide a broad basis for securing affordable housing.
- 10.107. The application form states 76 (40%) affordable dwellings are proposed with a mixture of social, affordable or intermediate rent. The Affordable Housing Officer notes the site is within the countryside and does not comply with Policy SP10 for rural exceptions sites but that the proposed 40% housing complies with Policy SP9.
- 10.108. Tenure split and the type of housing being sought will be based on the Council's latest evidence on local need contained within the Housing and Economic Development Needs Assessment (HEDNA) (2020). It shows net need for social/affordable rented housing of 141 dwellings per annum. It is not recommended that the Council has a rigid policy for the split between social and affordable rented housing. It suggests that in general terms there is no substantive need to provide housing under the new definition of 'affordable home ownership.' However, access to capital and mortgage restrictions may exclude many households in the area from owning a dwelling. It suggests that if

the Council does seek to provide 10% of housing as affordable home ownership (the default figure suggested in the NPPF), then shared ownership is the most appropriate option.

10.109. Affordable housing policy requirements are as follows:

- 40% affordable housing.
- Of these, 25% are to be First Homes (The 25% expected First Homes contribution for any affordable product can make up or contribute to the 10% of the overall number of homes expected to be an affordable home ownership product on major developments as set out in the NPPF).
- The remaining 75% of the affordable housing shall, based on local need, be 60% affordable rent and 40% intermediate shared ownership. The affordable rented properties shall be made up of social and affordable rent with social rent forming the greater proportion.
- Based on local need, rented accommodation should be mostly 1- and 2-bedroom accommodation, with a smaller proportion of 3-bedroom accommodation and an even smaller proportion of 4-bedroom accommodation; intermediate tenures should be 2- and 3-bedroom housing. This reflects the mix recommended in the HEDNA.

10.110. Any legal agreement securing affordable housing must express affordable housing in percentages to account for the possibility housing numbers may change at reserved matters stage. There may be a requirement to round up or down to the nearest whole dwelling. Affordable housing is unresolved at this stage.

Recreational open space

10.111. 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.” The NPFA is now known as Fields in Trust.

10.112. The Developer Contributions Supplementary Planning Document 2007 provides further guidance on the provision of open space.

10.113. 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.

10.114. Policy RT2 is considered consistent with the NPPF and is given significant weight.

10.115. The planning statement proposes “Significant Public Open Space – formal and informal areas”. The indicative site layout shows the northern section of the site as open space.

Policy RT2 requires 11,400sqm of open space for 190 dwellings. The indicative site plan shows 35,000sqm of open space but no specific on-site equipment nor are there suggested off site contributions. Table 1 of the SPD requires the 60sqm per dwelling to be divided into individual types of green infrastructure. Section 5 of the SPD provides guidance on travel distances to facilities. The quantum of development and distance to other play areas means children's equipped play space would need to be on site. The Green Space Audit August 2022 highlights a lack of informal green space/ natural or semi natural open space in Carlton. The overprovision of this type of open space is so significant there may be grounds to depart from normal requirements for other equipment and off-site contributions. Maintenance arrangements and ownership would need to be established. Open space matters are unresolved at this stage.

Contaminated land, air quality and noise

- 10.116. 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.
- 10.117. 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.
- 10.118. 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.
- 10.119. These development plan policies are consistent with the NPPF and are given significant weight.
- 10.120. The submitted phase 1 desk study report (contamination) shows that the site has previously been used as agricultural land and woodland. A railway line is located

adjacent the site to the north, and a filled pit is located a short distance to the south. These past activities could have given rise to land contamination and the report assesses the risk from these sources to be “very low” to “moderate”. The report recommends that an intrusive site investigation should be undertaken to confirm the general soil profile and conceptual site model. The contaminated land consultant considers the report acceptable and recommends conditions regarding the investigation of land contamination; submission of a remediation strategy; verification of remediation works; and reporting unexpected contamination. It should be noted these conditions require consideration of ground water which is a proportional response to the site being located within source protection zone 3 for potable ground water. Ground contamination matters are acceptable subject to conditions.

- 10.121. The submitted air quality assessment concludes construction impacts are not significant provided good practice dust control measures are implemented. Operational phase impacts may arise from exhaust emissions. Dispersion modelling was undertaken to predict pollutant concentrations at sensitive locations (including the High School). Review of the dispersion modelling results indicated that impacts on annual mean NO₂ concentrations as a result of operational phase road vehicle exhaust emissions were predicted to be slight at one location and negligible at eight receptors. Impacts on PM₁₀ and PM_{2.5} concentrations were predicted to be negligible at all sensitive locations. The results of the dispersion modelling also indicated that predicted annual mean NO₂, PM₁₀ and PM_{2.5} concentrations were below the relevant Air Quality Objectives and Air Quality Limit Values across the development. As such, the site is considered suitable for the proposed use from an air quality perspective. Based on the assessment results, air quality issues are not considered a constraint to planning consent for the development.
- 10.122. The submitted noise impact assessment consider there to be negligible noise risk for the majority of the site with no acoustic restrictions to these areas. A low to medium risk is identified to the west of the site adjacent to the A1041. Therefore, an acoustic design process is required to demonstrate how the risk of adverse impact can be mitigated and minimised in the finished development. Potential measures to reduce external noise levels impacting on the building façades or on external amenity spaces are discussed in Section 8 of the report. The assessment acknowledges the specification for noise mitigation is dependent on a future detailed site and building layouts and that further assessment may be required, subject to Local Planning Authority requirements but that based on the existing noise risks and details outlined in the report, the site is considered suitable for residential development.
- 10.123. Environmental Health considered the air quality assessment and noise impact assessment. A Construction Environmental Management Plan (CEMP) condition is recommended to minimise the impact of foundation piling (if required), working hours, noise, vibration, dust and dirt on residential property in close proximity to the site. Regarding the noise assessment Environmental Health state “While I am satisfied with most of the information put forward in this report, I would comment on how suitable ambient indoor noise levels are achieved. The assessment uses an approximate calculation of internal noise levels as an example for proposed mitigation as the exact design of windows & rooms has not yet been finalised. I would argue that to confirm appropriate mitigation measures are in line with internal noise limits put forward in

BS8233:2014, room design and window size in all affected properties will first need to be finalised.” A noise condition is recommended to overcome the issue.

10.124. Environmental pollution matters including land, noise, air quality and water pollution comply with the aforementioned development plan policies and are acceptable subject to conditions.

10.125. Subject to the above, it is considered that the proposal would not breach Convention rights in the Human Rights Act 1998 in particular the right to health and the right to private and family life.

Residential amenity

10.126. 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.

10.127. 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.

10.128. The application site is located in the countryside to the north of Carlton and there are very few residential dwellings adjacent to the site. There is a caretaker’s bungalow within the grounds of The Holy Family Catholic High School approximately 42m south of the application site; Sandhoe House on Long Hedge Lane is approximately 58m southeast of the application site; and Station House on the western side of Station Road is approximately 24.5m from the application site. The small number of neighbouring dwellings, the separation distances from the site and the intervening landscaping and or features mean there would be no harm to residential amenity in accordance with the aforementioned policies.

10.129. Furthermore, 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.

Heritage

10.130. Carlton Towers, a grade I listed building, is approximately 1km to the south of the application site. The associated historic park and garden is a locally designated heritage asset. The Church of St Mary (Roman Catholic), a grade II* listed building, is approximately 500m south of the application site. The Church of St Mary, a grade II listed building, is approximately 775m to the south of the site. There are other listed buildings along High Street but those named above are the nearest to the application site or are the most likely to be effected because of the height of the buildings. The landscape in this area has archaeological potential, particularly for later prehistoric and Romano-British settlement and land use. A number of cropmarks indicative of

trackways, field systems and enclosures of these periods are evident to the west of the site.

- 10.131. The statutory test within the Planning (Listed Buildings and Conservation Areas) Act 1990, section 66 (1) requires “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”
- 10.132. Core Strategy Policy SP18 requires the high quality and local distinctiveness of the natural and man-made environment will be sustained by safeguarding and, where possible, enhancing the historic and natural environment including the landscape character and setting of areas of acknowledged importance; and conserving those historic assets which contribute most to the distinct character of the District and realising the potential contribution that they can make towards economic regeneration, tourism, education and quality of life.
- 10.133. Local Plan Policy ENV1 requires consideration of the potential loss, or adverse effect upon, significant buildings, related spaces, trees, wildlife habitats, archaeological or other features important to the character of the area.
- 10.134. Policy ENV16 permits development that does not harm the setting of historic parks and gardens.
- 10.135. Policy ENV28 requires that where development proposals affect sites of known or possible archaeological interest, the District Council will require an archaeological assessment/evaluation to be submitted as part of the planning application; where development affecting archaeological remains is acceptable in principle, the Council will require that archaeological remains are preserved in situ through careful design and layout of new development; where preservation in situ is not justified, the Council will require that arrangements are made by the developer to ensure that adequate time and resources are available to allow archaeological investigation and recording by a competent archaeological organisation prior to or during development.
- 10.136. NPPF paragraph 194 requires in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. 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.
- 10.137. Paragraph 199 requires when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be 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.

10.138. Paragraph 200 requires any harm to, or loss of, the significance of a designated heritage asset (from.....development within its setting), should require clear and convincing justification. Substantial harm to or loss of:.....(b) assets of the highest significance, notably..... grade I and II* listed buildings.....should be wholly exceptional.

10.139. These development plan policies are consistent with the NPPF and are given significant weight.

10.140. The submitted initial Heritage Appraisal recommends “a full desk-based assessment, to include a more detailed settings assessment, particularly with reference to Carlton Towers Park and Garden. It also suggests that the Site is subject to geophysical survey, as an initial phase of fieldwork, which will help to inform on the possible presence and significance of archaeological features. Should features of potential archaeological origin be identified in the results of the survey, a programme of trial trenching would assist further in understanding whether they are indeed of archaeological origin, and determine their likely significance.”

10.141. The submitted subsequent heritage assessment uses a desk-based assessment to conclude archaeological interest would be of limited significance; and concludes there would be no harm to the setting of listed buildings or the historic park and garden.

10.142. The residential nature of the proposal combined with the 1km separation distance and intervening built form between the site and the listed buildings at Carlton Towers with locally designated historic park and garden mean there would be no harm to the setting of these heritage assets. Therefore, it is considered that there would be no harm to the setting of the aforementioned churches nor any of the other listed buildings in the area. As such, the proposal would not conflict with the legislative framework, national policy advice or the development plan in respect of the impact on designated heritage assets.

10.143. The NYC Archaeological Officer recommended field evaluation takes place before a decision is made. A geophysical survey has been submitted which demonstrates anomalies that can be appropriately investigated via trial trenching which can be secured by condition in accordance with the comments of NYC Archaeology in compliance with Policy ENV28 and NPPF paragraph 194.

10.144. Heritage matters are acceptable in accordance with the aforementioned policies subject to condition.

Education, healthcare and waste and re-cycling

10.145. 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.

- 10.146. 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”.
- 10.147. 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.
- 10.148. The Developer Contributions SPD provides further guidance regarding contributions towards waste and recycling facilities; education facilities; and primary health care facilities amongst others.
- 10.149. 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.
- 10.150. These development plan policies are consistent with the NPPF and are given significant weight.
- 10.151. NYC Education seek a primary education contributions of £345,268.50 to be used for the provision of primary education facilities at Carlton Primary School and/or another primary school within the locality of the development; no secondary contribution; SEND contributions of £122,050.30 to be used for the provision of SEND provision at the new Selby Special School for children and young people with complex special educational needs; and no early years contribution is sought. These contributions would need to be secured on a per dwelling basis and with appropriate triggers for payment.
- 10.152. The NHS was consulted, and a further email sent to the relevant contact, but no response was received. In the absence of evidence from the relevant provider of a shortfall in health services in the area arising from the proposal there is no basis to request a contribution. However, the Infrastructure Funding Statement sets out CIL receipts will be prioritised for improvements to the strategic highways network; strategic flood mitigation measures; and healthcare provision. Healthcare impacts may still be mitigated via this method.
- 10.153. The Developer Contributions SPD requires a S106 agreement requiring the developer to pay for 4no. wheeled bins per property, 1no. 180 litre refuse bin, 1no. 240 litre green waste bin and 2no. 240 litre recycling bins at a price of £65 per dwelling.

10.154. These contributions are justified and would need to be secured on a per dwelling basis and with appropriate triggers for payment.

Other matters

10.155. Energy- Policy SP16 requires the proposal to provide a minimum of 10% of total predicted energy requirements from renewable, low carbon or decentralised energy sources. The submitted energy report considers and evaluates the use of renewable technology incorporated into the design of the development to reduce the energy usage of the site. The energy strategy will provide more than 10% of the forecasted energy demand of each property through renewable technology in the form of air source heat pumps. A list of additional sustainability measures is provided including glazing design and property orientation; insulation; air tightness; low energy lighting; external space for waste storage to enable recycling etc. The air source heat pumps would provide a 62% reduction in energy demand compared to the use of mains gas. These sustainable construction techniques comply with the aforementioned development plan policies subject to a condition securing them.

10.156. Railway- Policy SP19 requires public and private spaces that are safe. NPPF paragraph 92 requires decisions aim to achieve safe places. Paragraph 97 requires decisions should promote public safety. This policy is consistent with the NPPF and is given significant weight.

10.157. The application site is to the south of a railway line. The indicative site layout shows open space and landscaping near the railway line. Network Rail raises no objection in principle to the development. It does require details of construction transport routes for abnormal loads; drainage design is to protect railway assets and specific guidance is provided including the need for a condition; a condition securing a trespass proof fence along the boundary is required; a landscaping condition is required to secure appropriate separation distances and species that protect railway assets; and future residents may be sensitive to railway noise therefore soundproofing should be considered. These requirements can be dealt with by a series of conditions and the reserved matters submission. Environmental Health have recommended a condition regarding noise mitigation that would address noise concerns. Railway impacts are acceptable subject to conditions.

11.0 PLANNING BALANCE AND CONCLUSION

11.1. The proposal constitutes a substantial residential development of up to 190 dwellings in the countryside which is contrary to the spatial development strategy set out in Core Strategy policy SP2 and conflicts with the scale and distribution of development envisaged by Policy SP5. As the LPA is able to demonstrate a 5-year housing land supply, and passes the housing delivery test, 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 and 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 tilted balance in NPPF paragraph 11 is not engaged. 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 the Development Plan so far as material to the application unless material considerations

indicate otherwise. NPPF paragraph 12 states “The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan...., permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

- 11.2. There are no development plan policies that support the principle of development nor are there material considerations within the NPPF or elsewhere, such as emerging Local Plan policies with sufficient weight, that indicate the proposal should be supported. Approval of such a significant departure from the adopted development plan without justification would conflict with paragraph 15 of the NPPF which requires “The planning system should be genuinely plan-led” and would likely undermine public confidence in the planning system.
- 11.3. The loss of best and most versatile agricultural land which covers 73% of the site would result in some 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).
- 11.4. The application demonstrates potential mineral resources are not an economically viable resource in accordance with Policy S02 iv) of the Minerals and Waste Joint Plan. National Grid infrastructure implications are acceptable.
- 11.5. The housing density and mix are appropriate subject to condition. Affordable housing is unresolved at this stage but 40% is offered. The impact on residential amenity is acceptable.
- 11.6. The proposal would entail a tightly packed form of development that is unsympathetically sited and would significantly extend the form of the village in a disjointed and uncharacteristic manner to the north and east, and that harms the nucleated form, settlement pattern and character of Carlton. The proposal does not take opportunities to connect green infrastructure such as the on-site woodland block with the off-site tree belt to the south, instead indicating dwellings projecting significantly to the east, thus failing to use existing vegetation to limit views. The indicative layout places dozens of dwellings in very close proximity to these landscape features which is very likely to lead to pressure for their reduction or removal, which is an inappropriate implication of the proposal. The tightly packed indicative site layout does not provide room for meaningful boundary planting to soften the appearance of the proposal such as from the countryside to the east or the proposed roundabout location. The landscape architect’s interpretation of moderate adverse or substantial adverse impacts at viewpoints 2, 5, 6 and 9 are important and weigh against the proposal. The proposal would harm the perceived compactness and context of the village and the experience of the open countryside from public footpaths. Therefore, the impact of the proposal upon the character and appearance of the area is contrary to development plan policies ENV1, SP18 and SP19, The Selby Landscape Character Assessment 2019 and NPPF paragraph 130.

- 11.7. The proposal passes the flood risk sequential test, demonstrates flood risks are acceptable and that appropriate surface and foul water drainage can be achieved subject to conditions.
- 11.8. The application demonstrates the proposed roundabout, highway alterations, traffic generation and safety matters are acceptable. Sustainable transport is encouraged via travel plan. The site is considered to be in a relatively sustainable location for residential development in accordance with locational factors noted in the foreword to Policy SP2 and the provisions of NPPF.
- 11.9. There would be no harm to nature conservation sites and protected species, and biodiversity net gain can be achieved. The proposed percentage of affordable housing accords with adopted policy. Final details are unresolved at this stage. Open space is unresolved at this stage, but a substantial overprovision of open space is indicated. Contaminated land, air quality and noise matters are acceptable subject to conditions. No harm would arise to residential amenity. There would be no harm to the setting of listed buildings or the locally designated historic park and garden. Archaeological matters can be dealt with by condition. Education and waste and recycling contributions are justified.
- 11.10. The proposal would provide economic benefits through construction phase spending and employment and occupational phase spending. Significant positive weight is given to these factors.
- 11.11. Social benefits would arise through the contribution to housing supply with a mix of housing and 40% affordable housing, and overprovision of open space. Significant positive weight is given to these factors.
- 11.12. Environmental benefits would arise through biodiversity net gain. Significant positive weight is given to this factor.
- 11.13. Conflict with the spatial development strategy and scale and distribution of housing policies is given very significant negative weight. Environmental harm arising from the loss of best and most versatile agricultural land is given significant negative weight; and very significant weight is given to the harm arising to the character and appearance of the area.
- 11.14. The harm arising from the proposal is considered to significantly outweigh the benefits. Therefore, outline planning permission should be refused.

12.0. RECOMMENDATION

- 12.1 It is recommended that outline planning permission be refused for the following reasons:
- 1) The proposal constitutes a substantial residential development of up to 190 dwellings in the countryside. In accordance with the overall Spatial Development Strategy for the District, development within the countryside will be restricted to the replacement or extension of existing buildings, the re-use of buildings preferably for employment

purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances. The proposal does not comprise any of the types of development that are acceptable in principle under Policy SP2A (c) of the Core Strategy and conflicts with the scale and distribution of development envisaged by Policy SP5. Furthermore, the loss of best and most versatile agricultural land which covers 73% of the site would result in some harm to the agricultural economy in the area as well as food self-sufficiency. Therefore, the proposal is unacceptable in principle and contrary to Policies SP2A (c), SP5 and SP18 of the Selby District Core Strategy and paragraphs 15 and 174 b) of the NPPF.

2) The proposal would entail a tightly packed form of development that is unsympathetically sited and would significantly extend the form of the village in a disjointed and uncharacteristic manner to the north and east, and that harms the nucleated form, settlement pattern and character of Carlton. It would result in harm to the character and appearance of the countryside, and the loss of open green character from the suburbanisation of the site. The proposal does not take opportunities to connect green infrastructure such as the on-site woodland block with the off-site tree belt to the south, instead indicating dwellings projecting significantly to the east, thus failing to use existing vegetation to limit views. The indicative layout places dozens of dwellings in very close proximity to these landscape features which is very likely to lead to pressure for their reduction or removal, which is an inappropriate implication of the proposal. The tightly packed indicative site layout does not provide room for meaningful boundary planting to soften the appearance of the proposal such as from the countryside to the east or the proposed roundabout location. Moderate adverse or substantial adverse impacts are important and weigh against the proposal. The proposal would harm the perceived compactness and context of the village and the experience of the open countryside from public footpaths. Therefore, the impact of the proposal upon the character and appearance of the area is contrary to development plan policies ENV1, SP18 and SP19, The Selby Landscape Character Assessment 2019 and NPPF paragraph 130.

Target Determination Date: 8/11/2023

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Appendix A – Indicative Site Plan