

North Yorkshire Council

Community Development Services

Selby and Ainsty Area Planning Committee

20TH NOVEMBER 2024

ZG2023/0732/OUTM – APPLICATION FOR OUTLINE PLANNING PERMISSION FOR DEVELOPMENT FOR UP TO 200 RESIDENTIAL DWELLINGS WITH ACCESS TO, BUT NOT WITHIN, THE SITE (ALL OTHER MATTERS RESERVED) AT LAND EAST OF BROADACRES, MILL LANE, CARLTON, NORTH YORKSHIRE ON BEHALF OF HALLAM LAND MANAGEMENT LTD

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the Report

- 1.1 To resolve the position the Council will take at an upcoming appeal against non-determination of an application for outline planning for development for up to 200 residential dwellings with access to, but not within, the site (all other matters reserved) at land east of Broadacres, Mill Lane, Carlton, North Yorkshire.
- 1.2 This application is reported to Committee because the Head of Development Management 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 Planning Committee resolve that had the Local Planning Authority determined the application it would have granted planning permission subject to the conditions and the prior completion of a s106 as detailed in this report.

- 2.1. This is an application for outline planning permission on a 9.5ha site for up to 200 dwellings with access to the site to be determined. The parameters plan provides housing and public open space zones with boundary landscaping and a biodiversity net gain area to the east. Primary access is to Mill Lane and an emergency access is proposed to Broadacres Garth. The site is within the countryside immediately to the east of the development limit of Carlton, a Designated Service Village. The site is relatively flat and in arable agricultural use, with an established hedgerow to part of the northern boundary. There are dwellings to the west, agricultural land to the north, a Yorkshire Water facility to the east and to the south is Carlton Towers and its extensive grounds. Carlton Towers, Carlton Park is a Grade I Listed Building.
- 2.2. The proposal entails significant residential development in the countryside adjacent to the development limit of Carlton which is contrary to Policy SP2A(c). In this case the site would entail a modification to development limits which has been consulted on through the Emerging Local Plan evidence base to establish a further defensible boundary for the village which also allows for growth of the village in a planned way. The minimum indicative housing figures in SP5 are now out of date given both the age

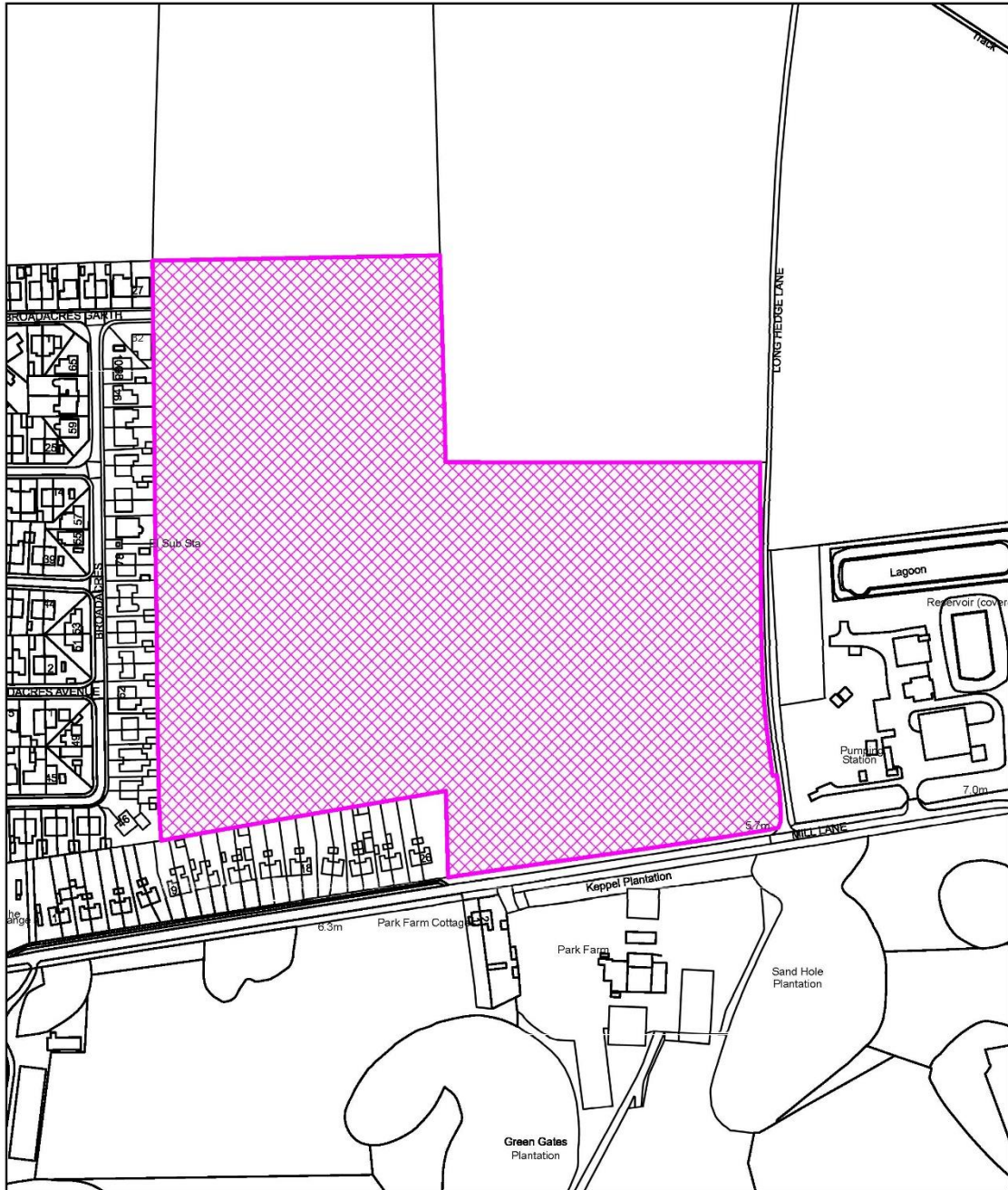
of the Core Strategy and because the Core Strategy housing need was calculated using a method that pre-dates the required standard method. The proposal is not contrary to the minimum housing figures in Policy SP5 which in any case is out of date. At this time, the changes made to the National Planning Policy Framework (NPPF) in December 2023 mean the Council need only demonstrate a four year housing land supply. The fact of having a four-year land supply and passing the housing delivery test cannot be a reason in itself for refusing permission. The proposal would support the Government's objective of significantly boosting the supply of homes. Such support would be subject to there being no unacceptable issues with the application. Moderate positive weight is given to the allocation of the site via reference CARL-G in Policy HG1 and broader compliance with Policies SG1 and SG2 of the emerging local plan. These factors combine to indicate the principle of development should be supported.

- 2.3. On 30 July 2024, the Government announced in a Ministerial statement its intention to reform the planning system, including making changes through a Planning and Infrastructure Bill in the first session and revising the NPPF. The proposed revisions to the NPPF were out to consultation until the 24 September 2024. As such, whilst the Ministerial statement is acknowledged, it is noted that the December 2023 iteration of the NPPF remains until such time as revised legislation is passed and / or policy is published.
- 2.4. Carlton is a reasonably sustainable location with a variety of services and facilities that are accessible for pedestrians and cyclists, and a reasonable bus service. The site is 9.5ha in area, 85% of which is BMV agricultural land. The permanent loss of this land is harmful in itself and would result in minor harm to the agricultural economy in the area as well as food self-sufficiency. The harm is tempered by the proposed allocation of the site in the ELP which indicates a need to release BMV land to meet housing requirements and broader sustainability considerations. There would be no impact upon or from mineral, waste or coal mining matters.
- 2.5. The proposed housing density would be appropriate to the location. The housing mix could be controlled by condition. There would be some localised landscape and visual impact, but this could be mitigated by the landscaping and building height parameters that could be secured by condition, and the subsequent reserved matters.
- 2.6. The site is at low risk of flooding, and drainage matters could be controlled by condition. Highway matters are acceptable including the proposed accesses to the site, traffic generation, junction capacity, design and safety.
- 2.7. Ecological matters are acceptable as sufficient information has been provided to show the potential impact on birds using the functionally linked land associated with the Lower Derwent Valley Special Protection Area/Ramsar site and the Humber Estuary Special Protection Area/Ramsar site.
- 2.8. 10% affordable housing is proposed which accords with the ELP requirement but will be subject to further review. An update will be provided at the meeting.
- 2.9. Policy compliant public open space and play equipment, and ownership, management and maintenance details could be secured by conditions and s106 agreement.

Contaminated land matters could be secured by condition. Construction management and drainage conditions would protect the water environment.

- 2.10. The maximum building height and separation distances set by the parameters plan and control over reserved matters would ensure no harm would arise to residential amenity. The parameters plan and noise assessment show the proposal would ensure acceptable internal and external noise levels for future residents. The construction environmental management plan would ensure construction phase impacts such as noise, air and vibration pollution upon local residents are minimised.
- 2.11. The parameters plan would ensure no harm arises to designated heritage assets. There are no further archaeological requirements.
- 2.12. Education, healthcare, bin and highway contributions are required to ensure appropriate mitigation of the impacts of the development. Public open space would be secured by condition and s106. Biodiversity net gain would also need to be secured by condition.
- 2.13. The application generates economic benefits including construction job creation, new homes bonus and increased resident spending in the area which are given moderate weight. Social benefits include increased housing supply, which is given significant weight. Environmental benefits include public open space with play facilities that are currently missing or inaccessible to residents of Carlton, and biodiversity net gain which are given moderate weight. The minor loss of best and most versatile agricultural land, and the suburbanisation of the site with some localised landscape and visual impact are given moderate weight.
- 2.14. It is concluded, on balance, that the principle of development should be supported, and other matters are acceptable subject to condition or s106. Therefore, had the LPA been determining this application it is recommended that outline planning permission should have been granted subject to conditions and s106 agreement.

Land East of Broadacres, Mill Lane, Carlton
ZG2023/0732/OUTM



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3.0 Preliminary Matters

3.1. Access to the case file on Public Access can be found here:- [ZG2023/0732/OUTM | Outline application \(some matters reserved\) for development of up to 200 residential dwellings with access to, but not within, the site | Land East Of Broadacres Mill Lane Carlton East Yorkshire \(selby.gov.uk\)](https://www.selby.gov.uk/development/outline-application-some-matters-reserved-for-development-of-up-to-200-residential-dwellings-with-access-to-but-not-within-the-site-land-east-of-broadacres-mill-lane-carlton-east-yorkshire)

3.2. During the course of the application an amended suite of documents were submitted as required by consultees and officers.

3.3. The following relevant planning history has been identified for the application site:

Application Number: 2022/0399/OUTM

Description: Outline application (some matters reserved) for development of up to 150 residential dwellings with access to, but not within, the site

Decision: Pending consideration

Application Number: ZG2024/0727/OUTM

Description: Outline application (some matters reserved) for development of up to 200 residential dwellings with access to, but not within, the site

Decision: Pending consideration

4.0 Site and Surroundings

4.1. The application site is to the east of Carlton, beyond the village development limit. This irregularly shaped application site is approximately 9.5 hectares in area and comprises relatively flat arable farmland. The application site is in flood zone 1 (low probability). The site is within source protection zones 1, 2 and 3 relating to potable groundwater from the Yorkshire Water site to the east.

4.2. The southern boundary of the application site abuts Mill Lane and the rear gardens of two storey dwellings fronting Mill Lane. Beyond Mill Lane is the locally designated historic park and garden associated with Carlton Towers (a grade I listed building) which contains woodland plantations and a farm complex immediately to the south of Mill Lane. The western boundary abuts the gardens of bungalows and dormer bungalows fronting Broadacres and Broadacres Garth, as well as the highway at Broadacres Garth. To the north it abuts arable farmland. To the east it abuts arable farmland and Long Hedge Lane, a track that leads to The Holy Family Catholic High School and Station Road. Beyond Long Hedge Lane to the east of the site is a Yorkshire Water facility containing a pumping station, reservoir and a potable groundwater extraction point.

5.0 Description of Proposal

5.1. This is an application for outline planning permission for up to 200 dwellings on a site of approximately 9.5 hectares with access to the site to be determined. Scale, appearance, layout (including road layout within the site) and landscaping matters are reserved for future consideration subject to the parameter plan and detailed masterplan as detailed below. The application form proposes 20 (10%) of the 200 dwellings are social, affordable or intermediate rent affordable dwellings.

- 5.2. Vehicular, cycle and pedestrian access to the proposed development will be via a priority junction on Mill Lane. Pedestrians will also be able to access the development from both ends of public right of way 35.18/15/1 which transects the site between Long Hedge Lane and Mill Lane. A new pedestrian, cycle and emergency access is proposed onto Broadacres Garth.
- 5.3. The application site matches the extent of draft residential allocation reference CARL-G in the latest publication version of the Selby Local Plan (Appendix 2).
- 5.4. The submitted parameters plan proposes a residential zone to include two storey buildings, highways and footways. The buildings would have maximum eaves height of 5.5m and maximum ridge height of 9.5m. It shows public open space totalling 1.2ha located at the Mill Lane site frontage, towards the centre of the site and the eastern boundary. A 0.85ha area for biodiversity net gain is shown near the eastern boundary with Long Hedge Lane. A drainage basin is shown near the site frontage. A 5m wide buffer planting area is shown to the northern boundary of the site. This is a combination of proposed and existing planting. A 3m wide area of new boundary planting is shown on the site boundary with the gardens of properties fronting Mill Lane, Broadacres and Broadacres Garth. An area is reserved for the primary vehicle entrance to the site which is to be a 6m wide transition road with no direct frontage access for properties. The secondary emergency access to Broadacres Garth is indicated. Two field/farmer accesses to the northern fields are shown through the northern site boundary planting. A no-building zone is shown around the route of two Yorkshire Water pipelines in the north-eastern corner of the site. The route of an existing public right of way across the site is shown. A 10.5m deep rear garden zone is indicated near the northern boundary of the site which is separate from the northern landscaping buffer. Separation distances of 21m are shown between the rear elevations of properties on Broadacres and proposed dwellings. The proposed dwellings are indicated as being a minimum of 12m for a side elevation or 21m for a rear elevation from 27 and 32 Broadacres Garth.
- 5.5. The application includes a drawing entitled “detailed masterplan”. Discussions with the agent confirm the site layout shown on the drawing is purely an indication of the how the site *could* be developed taking into account the fixed parameters plan. Layout, scale, appearance and landscaping are reserved for future consideration. Therefore, the reserved matters application could entail different details. However, the plan provides a series of notes listed B to F which propose public right of way signage and surfacing, off-site dropped crossings with tactile paving, amendments to a traffic regulation order at the junction of Mill Lane and High Street, and improvement/replacement of National Cycle Network signage. These works do form part of the proposal.
- 5.6. The application includes:
- Application form (received 17/7/2023).
 - Planning policy statement incorporating statement of community involvement (received 27/10/2023).
 - Design and access statement (received 17/7/2023).
 - Biodiversity metric calculation (received 27/10/2023).

- Soil resources and agricultural quality assessment (received 17/7/2023).
- Arboricultural assessment (received 17/7/2023).
- Archaeological desk-based assessment (received 17/7/2023).
- Biodiversity impact assessment (received 27/10/2023).
- Ecological impact assessment report (received 17/7/2023).
- Flood risk assessment (received 6/2/2024).
- Geophysical (gradiometer) survey (received 17/7/2023).
- Heritage impact assessment (received 17/7/2023).
- Exploratory geo-environmental investigation (received 17/7/2023).
- Transport assessment (received 24/7/2023).
- Travel plan (received 13/11/2023).
- Landscape and visual impact assessment (received 17/7/2023).
- Noise impact assessment (received 17/7/2023).
- Site location plan (received 17/7/2023).
- Detailed masterplan (received 27/10/2023).
- Parameter plan (received 27/10/2023).
- Illustrative sections (received 27/10/2023).
- Indicative drainage strategy (received 31/01/2024).
- Shadow Habitat Regulations Screening Assessment (received 26/4/2024)
- Topographical survey (received 17/7/2023)
- Traffic flow Design (received 5/1/2024)
- Priority Intersection Model and Roundabout Model (received 5/1/2024)
- Model Results Comparison (received 5/1/2024)
- Layout visualisations (received 26/4/2024)
- Additional Information to Inform a Shadow Habitat Regulations Screening Assessment (received 14/8/2024)

6.0 Planning Policy and Guidance

- 6.1. The Planning (Listed Buildings and Conservation Areas) Act 1990, Section 66(1) imposes a statutory test that requires “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 Local Plan revised publication version 2024 (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 were considered. In order to fully address the responses to this consultation, a revised Publication Local Plan 2024 was consulted on between 8 March and 19 April 2024. The responses have been considered and the next stage is to move to submission of the plan 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 and, if relevant, will be referred to in the body of the report.

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. **Carlton Parish Council** 2/8/2023 (and reiterated 6/8/2024)- Observations and concerns made by the Parish Council are as follows:

- Traffic - additional traffic due to a high increase in the number of cars on the development. Most of the village residents are commuters and car owners as there is a very limited bus service in the village.
- Egress onto the High Street in Carlton from Mill Lane would be a massive safety concern and especially at busy times (before 9am and around 3pm). There would be issues with traffic using Townend Avenue and Broadacres to get to and from the proposed development; used as a rat run. As there is a primary school with young children and OAP bungalows along Townend Avenue this presents a very significant risk to the safety of these people.
- Safety - Major issue going along Mill Lane, both footpaths are narrow, only a single person can use the footpath from the High Street onto Mill Lane, opposite the

Forrester's Pub. With an increase in traffic at this junction there will be significant safety issues.

- No footpath along Mill Lane after the council houses, no footpath at all on the right-hand side of the road. The preliminary road layout on page 68 of the Transport Plan proposes:

- o A new footway to the access point.

- o Widening the road to 5.9 metres with the extension of the road markings; and

- o Relocation of the 30mph sign to the east of the access point.

- Construction traffic will increase the potential for congestion to and from the site, once again a major safety issues without footpaths along Mill Lane. Consider restricting the time vehicles can go to and from the site to alleviate this issue and reduce the potential risk of accidents.

- Farm vehicles and large construction vehicles will not be able to pass at busy times.

- Parking – 200 properties, 200 + cars – it was felt that most properties would have two cars. Increase the application for two cars per dwelling, and amenity parking –parking bays for visitors.

- Off-Street parking – there needs to be sufficient off-street parking. Parking bays in additional places on the development so it will prevent on-street parking. Space and overspill need to be available.

- The traffic survey was completed in October 2022, but it was felt further surveys should be taken, to include the type and size of vehicles using Mill Lane. A traffic survey completed in the Summer, at harvesting time (when heavy farm machinery is frequent used) and between school hours should be carried out.

- There is a very real concern regarding the fact that a report in the Selby Times (03-07-2003) shows that there was evidence of the very rare Common Spotted Orchid was found to be growing in the land assigned to the application. By developing this land, the probability of this plant surviving is minute and therefore this should be taken into consideration with a full ecological assessment should be completed.

- Loss of outlook and type of building – most of the properties nearby are single storey, therefore will be potentially overlooked. A buffer was proposed however the parish council would like to see the size of the buffer increased.

- Elevation of the proposed properties – although there has not yet been an application submitted it was felt that there is a current trend to build three storey properties and that would not be in-keeping with the surrounding area.

- Loss of Light – a development of houses, rather than bungalows, would potentially lose sunlight to neighbouring properties.

- Overlooking and loss of privacy – the developer had stated that they would erect a fence, and a boundary. Concerns were raised that there would be a gap between the boundary and fence, and potential for people to access the rear of the Broadacres Estate properties. Site drawings on page 30 of the Travel Plan indicate a boundary of buffer planting but still with a potential gap (see 6.1.3 of the police report for security concerns).

- Noise and disturbance – increase for the nearby residents and the village as a whole, with construction traffic coming through the village in both directions. 1/3 of the increase in noise will be centred around the Mill Lane and Broadacres areas.

- Character - change on the nature of the village due to the natural growth and this needs to be taken into consideration. There are already two new recent developments in the village and this new proposal will significantly increase the size of the village once again.

- Outdoor open spaces will increase noise and disturbance.
- Smells and Fumes – increase number of vehicles with Co2 pumped into the village. Increase fumes before, during and after the construction.
- Planting trees and potential landscaping would be a benefit and offer potential for biodiversity
- Drainage and Sewage infrastructure as well as amenities need to be considered by the developer, already drainage problems on the Broadacres Estate.
- Nature, conservation interests – It was felt that this is so well regulated that there would not be any impact and possibly some benefit.
- Visual impact on the community or the village – Carlton is currently a village, the two new estates make it a bigger village but it still has the core characteristics of being a village. Having this additional extensive development will change the character of the village. There are currently only a few three storey properties in the village and they are in the two other new developments and considered not consistent with the character of the existing dwellings. The village did not need additional three storey dwellings.
- No landscaping plans put forward to discuss.
- More open green space needed in the development.
- Very few amenities currently in the village to support an extended community, only one shop, one pub open and a doctor's surgery that is open part-time.
- Affordable Housing –Affordable housing should be available as there seems to be few rental properties available in the village.
- Keep the access from Broadacres Garth, to the proposed site for Emergency vehicles and pedestrian access only.
- Possible downsizing dwellings, i.e. bungalows – need for bungalows but the council understand that this take a larger footprint. If there is a demographic requirement for more bungalows then this should be put forward.

- 7.3. **NYC Environmental Health:** 11/8/2023 The noise impact assessment conclusion that the internal and external noise levels for dwellings would be acceptable without mitigation is agreed. Recommends a condition to secure a Construction Environmental Management Plan to include details of how the impact of noise, vibration, dust and dirt on residential property in close proximity to the site shall be minimised. It should also contain details of planned operating hours for construction which will not exceed the following - 08:00 - 18:00 Monday to Friday; 08:00 - 13:00 Saturdays and at no time on Sundays or Bank Holidays. A foundation piling condition is recommended.
- 7.4. **NYC Landscape Architect** – 25/9/2023 The increase from 150 to 200 dwellings results in more garages/driveways, cross-overs and parked cars visible within the street. It still looks possible to create reasonable grass verges and tree-lined streets. This denser layout also results in more garages and small individual houses; thus there is a busier, less comfortable feel to this latest design. A more considered and efficient built form incorporating semi-detached units and terraced housing (which may also impact on parking arrangements) would reduce the somewhat relentless positioning of small, detached units - especially along the longest primary route, and the street fronting the main green onto Mill Lane, where a greater variety of building types could be applied to create a better village street feel, onto a village green, rather than a uniform housing estate frontage. The increased number of houses should be reflected in the quantity of open space provision. The increase in the number of units also affects the legibility of

the street due to the higher number of repeat units. This places even greater importance on creating additional areas of meaningful open space for immediate accessibility, orientation, and sense of place. To this end, the proposed housing density would probably need to be reduced in order to fine tune a reserved matters masterplan that could respond to the landscape concerns. The landscape principles - both within the landscape and visual impact assessment and the landscape strategy for the site are similar for both schemes; so, the comments relating to 2022/0399/OUTM, are applicable here also, which are reiterated below. Thus, there is no objection to the principle of the increase in density, provided the comments above and below, can be addressed; but the increase in unit numbers reduces the capacity to provide a positive design response. The relentless use of narrow detached units is not supported, when a more efficient and varied building type, alongside more incidental spaces, could be employed to improve the quality of the street scene and sense of place. Garden depth backing onto northern landscape buffers should be increased to prevent pressure to trim landscaping. Garages could be integral to create more space along the northern boundary. Design and layout guidance for the masterplan and tree-lined streets is provided. The pumping station should not be counted as open space. Conditions are recommended regarding tree and hedge protection; and a condition requesting a detailed landscape scheme, and another for a landscape and ecological management plan (LEMP).

- 7.5. 18/12/2023 In order for buffer planting zones on the countryside edge to accommodate sizeable vegetation, the rear gardens need to be larger to prevent future pressure to remove planting.
- 7.6. **NYC Affordable Housing Officer:** 2/8/2023 The proposal for 10% affordable housing is not in accordance with adopted policy aims to achieve a maximum 40% affordable housing. Departure from this policy requires a viability appraisal. Tenure split and the type of housing will be based on the HEDNA (2020) which advises that a minimum of 10% of the homes should be for affordable home ownership. In terms of rented accommodation, both social and affordable rent are required, with a need for social rent more prominent. For rented accommodation, preference is towards 1- and 2-bedroom accommodation, with some 3 and few 4-bedroom requirements. For intermediate tenures, preference is 2- and 3-bedroom housing. No tenure split is proposed. First Homes should account for at least 25% of all affordable housing units delivered by developers through planning obligations. Affordable housing units should comply with the technical housing standards – nationally described space standard. Affordable housing should be of an equivalent standard to market housing and evenly distributed throughout the site. The developer should partner with a registered provider to ensure the proposal is acceptable to them. Local lettings criteria and eligibility details are provided.
- 7.7. **NYC Highways:** 12/2/2024 The Local Highway Authority raises no objections to the proposal and recommends the following contributions: • £1,000 contribution towards placing Public Right of Way signage adjacent to the site. • £7,500 contribution towards TRO, signage and yellow lines at Mill Lane/High St junction • £1,500 contribution towards updating signage for the nearby cycle routes. • £5,000 contribution towards monitoring of Travel Plan. • £40,000 contribution towards a traffic survey and installation of a pedestrian crossing on High St.

- 7.8. **NYC Strategic Planning, Children and Young People's Service:** 3/7/2024 £801,864.00 towards costs of providing educational facilities at Carlton Primary School and/or another primary school within the locality of the development.; £149,184.00 towards costs of providing educational facilities at Selby Special School and/or another school with Special Educational Needs and Disabilities provision serving the locality of the development; £167,832 to be used for early years provision serving Carlton. A formula to be used in the s106 is provided to capture the number dwellings with two or more bedrooms at reserved matters stage to which contribution requirements would apply.
- 7.9. **NYC Public Rights of Way:** 24/7/23 Notes the presence of a public right of way on the site and sets out requirements if temporary or permanent closure of the right of way are required.
- 7.10. **NYC Ecologist:** 26/7/2023 No concerns at this outline stage. The EclA demonstrates that the site is currently of low ecological value and any local ecological impacts resulting from the proposals can be avoided or mitigated through a series of measures set out within the EclA. These could be secured through the requirement for a CEMP: Biodiversity to be submitted and approved in advance of works commencing. With regards to BNG the BIA report concludes that based on the current layout proposals and indicative landscape scheme, the site is capable of achieving over 11% net gain for area-based habitat and over 179% net gain for hedgerow units, which are in excess of current policy requirements. There will be a need to update the BNG assessment at reserved matters stage to ensure that any changes or amendments to the detailed design can be factored in. In addition to the updated BNG assessment, there will be a need to secure a Biodiversity Enhancement and Management Plan (BEMP) by condition, which sets out how the habitats retained and created to achieve BNG will be managed and monitored for a period not less than 30 years. The BEMP should identify key personnel and responsibilities for the management period. There will also be a need to secure the long-term management, for example, using a s106 agreement.
- 7.11. 1/11/2023 The latest iteration (Rev E) of the Biodiversity Net Gain assessment, based on the latest masterplan, projects a +10.87% net gain in area-based Habitat Units and a +177.06% net gain in Hedgerow Units, which would be compliant with policy. The proposals appear realistic. A definitive calculation and BNG plan will need to be submitted at Reserved Matters stage.
- 7.12. 1/5/2024 The ecologist is in agreement with the conclusions of the sHRA that there are unlikely to be any Likely Significant Effects (LSE) upon Europeans designated sites, and their qualifying habitats and species. As such the sHRA can be concluded at Stage 1 (Screening) with no requirement to proceed to Stage 2 (Appropriate Assessment). In order to meet the requirements of the Habitat Regulations and in line with the advice of Natural England, it is recommended that the authority adopts the conclusion of the sHRA and records the decision that likely significant effect can be ruled out.
- 7.13. **NYC Lead Local Flood Authority:** 25/9/2023 No objection subject to conditions regarding approval of drainage design, maintenance, exceedance flow routes and floor levels.

- 7.14. **NYC Archaeologist:** 10/8/2023 No objection to the proposal and there are no further comments to make.
- 7.15. **NYC Waste and Recycling:** 26/7/2023 Design guidance is given the developer will be required to purchase the waste and recycling containers for this development.
- 7.16. **Active Travel England:** 15/8/2023 Recommends approval subject to conditions.
- 7.17. **Contaminated Land Consultant:** 15/8/2023 Recommends conditions regarding investigation of contaminated land; submission of a remediation strategy; verification of remediation works; and reporting of unexpected contamination.
- 7.18. **Historic England** – 10/8/2023 Not offering advice. Seek the views of your specialist conservation and archaeological advisers.
- 7.19. **Yorkshire Water:** 15/8/2023 *Water supply-* conditions are recommended to secure no building or obstruction within 6m of the 600mm water main on the site or alternatively diversion. A separate condition is recommended to prevent the same within 5m of a 400mm raw water pipe on the site. *Groundwater protection-* conditions are recommended for pollution prevention during construction and occupational phases, and prevention of development within 50m of public water supply. *Waste water-* conditions are recommended to secure separate foul and surface water drainage; and a drainage scheme.
- 7.20. 15/11/2023 Previous comments apply.
- 7.21. 22/2/2024 Previous comments apply.
- 7.22. **North Yorkshire Fire and Rescue Service:** 31/7/2023 no objections.
- 7.23. **North Yorkshire Police:** 7/8/2023 There were 68 crimes and 17 antisocial behaviour incidents recorded during 1/8/2022-31/7/2023 period in Carlton. The advice acknowledges this is an outline application and proceeds to provide advice on a wide range of topic such as access control, surveillance and activity support, defensible space and territoriality and physical protection which it recommends are considered at detailed design stage.
- 7.24. **Natural England** – 31/7/2023 Natural England is not able to provide specific advice on this application and therefore has no comment to make on its details.
- 7.25. 24/5/2024 As submitted, the application could have potential significant effects on the Lower Derwent Valley Special Protection Area (SPA) and Ramsar site, the Humber Estuary SPA and Ramsar site, and the Derwent Ings Site of Special Scientific Interest (SSSI) and the Humber Estuary SSSI. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation. The following information is required: • An updated Habitats Regulations Assessment (HRA). • Further information relating to potential impacts on birds using functionally linked land associated with the Lower Derwent Valley SPA/Ramsar and the Humber

Estuary SPA/Ramsar. Without this information, Natural England may need to object to the proposal.

- 7.26. 3/7/2024 The previous information requirements still apply.
- 7.27. 2/9/2024 No objection. Based on the plans submitted, including the additional information provided as part of this consultation, Natural England considers that the proposed development will not have likely significant effects on the Humber Estuary Special Protection Area and Ramsar / the Lower Derwent Valley Special Protection Area and Ramsar, and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision: The shadow Habitats Regulations Assessment (sHRA) (dated August 2024) now provides additional desk-based assessment of impacts, including a data / bird records search from appropriate sources, in-line with our previous advice. Based on the results of this additional assessment, we concur with the conclusion of the sHRA that impacts on the Humber Estuary Special Protection Area / Ramsar and the Lower Derwent Valley Special Protection Area / Ramsar can be ruled out. Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the Humber Estuary Site of Special Scientific Interest (SSSI) and Derwent Ings SSSI have been notified and has no objection.
- 7.28. **Selby Area Internal Drainage District-** 4/8/2023 provides generic drainage option advice, the need for IDB consent and a drainage condition is recommended.
- 7.29. **NHS Humber and North Yorkshire Integrated Care Board-** 16/8/2023 The proposed development will generate approximately 480 residents and subsequently increase demands upon existing services. Selby Town PCN: Beech House Surgery – Carlton Branch does not have capacity to accommodate the additional growth resulting from the proposed development. A developer contribution will be required to mitigate the impacts of this proposal. The ICB note that the S106 contribution secured from this development would fund works at the named practice and/or contribute towards a new development related to the Primary Care Network (PCN) that will accommodate the additional population created by the proposed development. The ICB calculate the level of contribution required in this instance to be £235,749.00. Payment should be made before the development commences.

Local Representations

- 7.30. 111 local representations have been received of which 2 are in support and 109 are objecting. A summary of the comments is provided below, however, please see website for full comments.
- 7.31. Support:
- Growth, diversity and enrichment of village are positives.
- 7.32. Objections:

- The proposal would exacerbate school and medical practice capacity problems in Carlton and nearby settlements. There is no dentist with capacity. Education will suffer.
- Carlton lacks services and facilities with no major shop and only one pub. Amenities and infrastructure should be improved before accommodating more dwellings. The development should include added amenities for the village.
- We do not want the village to be expanded with more housing estates. There are two new housing estates in Carlton that have negatively affected Carlton. The village has already taken its fair share of development. These new developments are not in keeping with the village character and could be found anywhere in the country.
- Additional traffic generation would exacerbate existing road problems. The Mill Lane/High Street and Town End Avenue/High Street junctions are unsafe/narrow. Pub deliveries and on road parking add to safety problems at the junction. Londis delivery parking causes traffic issues. There are traffic and parking problems at the Primary School. There have been accidents near the new estate. It is too close to the railway bridge which people speed over. Roads and footways are in poor condition and too narrow.
- Emergency services comments should be considered.
- Pub beer deliveries cause disruption. Cars park between High Street and Broadacres junction. Access for this development via Mill Lane is completely inadequate.
- Traffic may use Broadacres as a cut through thereby endangering children walking to school. Lack of traffic calming will endanger school children.
- Traffic assessments were carried out during lockdown, road closures, outside harvest time when flows were lower.
- There is very limited public transport with bus timetables reduced in recent years.
- A pedestrian crossing should be installed near the Mill Lane junction. Traffic lights would cause traffic build up, noise and air pollution.
- Lack of parking.
- Developments are changing a small village into a town with subsequent loss of amenity for existing residents.
- Harm to residential amenity due to increased noise, loss of light caused by landscaping, overlooking, loss of privacy and visually overbearing impact. Loss of views and visual amenity.
- Harm to air quality to the detriment of residents and wildlife.
- Construction disturbance. Noise, dust and grime that will be generated by this development over a long construction period.
- Harm to mental and physical wellbeing.
- Harm to the rural economy.
- Loss of valuable best and most versatile farmland in the green belt needed for food production and food security. Local brownfield sites should be used instead, and these redevelopments have added amenities for villagers. Brownfield sites in Selby should be used to enhance its vitality.
- The proposal would not preserve the setting and special character of this historic village.
- Harm to the setting of the Grade I listed Carlton Towers and Gardens.
- Poor internet provision in the village.

- Harm to wildlife.
- Loss of fields where people go walking.
- Crime and fear of crime may increase. Play areas may attract anti-social/criminal behaviour.
- The affordable housing is unaffordable. The affordable housing element proposed is inconsistent with the needs of the village.
- The village is on a flood plain. The proposal will increase flood risk. The land is needed for water to soak away.
- Multiple developments should be considered as one proposal.
- Lack of local employment opportunities.
- Who maintains open spaces?
- This site should not be allocated in the emerging Local Plan.
- The site is outside the current Carlton development limit.
- The site is near a gas pipeline.
- The site is within 10km of an internationally protected site, and this combined with any additional planning is likely to cause significant detrimental effect and impact.
- The site is within 500m of a local wildlife site causing substantial impact to wildlife in the area.
- Risk to archaeology.
- Will the water, drainage and sewerage that exists be sufficient to handle all the additional pressure?
- Long Hedge Lane, which forms part of a route known locally as the square mile, will be affected by the development making it less attractive to pedestrians and dog walkers.
- Settlement coalescence.

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 8 March 2024 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
 - 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

- Residential amenity
- Heritage
- Noise and air pollution
- Education, healthcare and waste and re-cycling
- Other

10.0 **ASSESSMENT**

Principle of development

- 10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with 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.”
- 10.2. Core Strategy Policy SP1 provides a presumption in favour of sustainable development which reflects that found within the NPPF.
- 10.3. Core Strategy Policy SP2 provides a spatial development strategy for the location of future development within the former 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 supporting text to Policy SP2 at 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, 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...is considered appropriate”.
- 10.4. The Core Strategy designates Carlton as a Designated Service Village (DSV). Policy SP2A(a) confirms Carlton has some scope for additional residential growth to support rural sustainability. However, the application site is not within the development limits of the village but is within the countryside adjoining the development limit. 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.
- 10.5. 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.”

- 10.6. 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 for market housing development of the scale proposed would be contrary to Policy SP2A(c) and should not be supported unless there are material considerations that would indicate otherwise. In this regard, the development limit was defined in 2005. The hierarchy outlined within Policy SP2 itself remains soundly based on an understanding of the role and function of different settlements within the former District. The development limit in this location still reflects the situation on the ground because it has not been breached by development and provides a meaningful distinction between Carlton and the surrounding countryside.
- 10.7. 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.
- 10.8. 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. The minimum growth set out in Policy SP5 would have required a review of the development limits in order to accommodate it via a site allocations document. Indeed, Core Strategy page 36 states “Development Limits will be reviewed through further Local Plan documents.” This was not carried out.
- 10.9. 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). With regard to the level of growth in Carlton over the Core Strategy plan period and the minimum dwelling target in that plan for Designated Service Villages as a whole, the proposed development of 200 dwellings cannot be in conflict with the scale of development envisaged by Policy SP5 because the numbers are the minimum required. Notwithstanding the above, the minimum indicative housing figures in SP5 are now out of date given both the age of the Core Strategy and because the Core Strategy housing need was calculated using a method that pre-dates the required ‘standard method’.

- 10.10. The NPPF seeks to deliver sustainable housing development in rural areas though, with the exception of isolated dwellings in the countryside, it does not explicitly seek to prevent edge of settlement housing developments in principle provided they constitute sustainable development in the round. NPPF paragraph 60 states, “To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area’s identified housing need as possible, including with an appropriate mix of housing types for the local community.” The proposal would support this objective.
- 10.11. The proposal represents an opportunity to significantly boost the supply of homes. Such support would be subject to there being no unacceptable issues with the application. 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.
- 10.12. The latest housing land supply figure for the former Selby district area is 4.9 years, as of 31 March 2024, set out in the “Annual housing and employment land report 2023-2024”.
- 10.13. The revised NPPF published in December 2023 set out at paragraph 226 that, because of the progress of the emerging local plan, the Council is only now required to identify and update annually a four year supply of housing against the housing requirement instead of five years. The former Selby District can demonstrate this. The housing delivery test is passed for 2022 looking back over the previous 3 financial years - 2019/20, 2020/21 and 2021/22. Therefore, the tilted balance in NPPF paragraph 11 is not engaged in relation to these matters.
- 10.14. The Government in the Ministerial statement by the Ministry of Housing, Communities and Local Government of 30 July 2024 announced their intention to reform the planning system. Such Ministerial statements can be material to the determination of planning applications. This includes, inter alia, reversing the wider changes made to the NPPF in December 2023 and restoring the standard method as the required approach for assessing housing need ensuring local plans are ambitious to deliver the Government’s commitment to building 1.5 million new homes over the next five years. Clear emphasis is placed on the importance of the plan making system to achieve universal coverage of ‘ambitious’ local plans. For plans at an advanced stage of preparation (Regulation 19) this means allowing them to progress to examination unless there is a significant gap between the plan and the new local housing need figure. There is an intention to introduce a Planning and Infrastructure Bill in the first session as well as longer-term housing strategy to address the identified housing crisis. The Government published a consultation to seek views on the proposed reforms to the planning system and

National Planning Policy Framework on 30 July 2024, until September 24th. As such, whilst the Ministerial statement is acknowledged, it is noted that the December 2023 iteration of the NPPF remains until such time as revised legislation is passed and/or policy is published.

- 10.15. The Revised Publication Selby Local Plan 2024 (under Regulation 19 of the Town and Country Planning (Local Development) (England) Regulations 2012, as amended) is a material consideration. Paragraph 48 of the current NPPF 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)”.

- 10.16. The Revised Publication Selby Local Plan was subject to formal consultation between 8th March and 19th April 2024.

- 10.17. ELP Policy SG1 provides a presumption in favour of sustainable development. The ELP has reached an advanced stage of preparation, this policy is not subject to significant unresolved objections, and it is consistent with that found within the NPPF. Therefore, by virtue of NPPF paragraph 48, Policy SG1 is given moderate weight.

- 10.18. ELP Policy SG2 provides a spatial approach to development. The policy supports the delivery at least 7,728 new homes through, amongst other things, the allocation of this land in Carlton for housing. ELP Policy HG1- Meeting Local Housing Needs sets out that the Council will meet its housing need by a combination of completion of dwellings on sites with planning permission, allocation of new sites (including this site, Carl-G), and windfall sites. The proposal complies with these policies. The ELP has reached an advanced stage of preparation, policies SG2 and HG1 are not subject to significant unresolved objections, and they are consistent with the NPPF. Therefore, by virtue of NPPF paragraph 48, they are given moderate weight.

- 10.19. The application site is identified within ELP Policy HG1 as an allocated housing site, reference CARL-G, with an indicative capacity of 150 dwellings along with other site-specific site requirements. The site would entail a modification to the development limits of Carlton, which has been consulted on through the emerging Local Plan evidence base to establish a further defensible boundary for the village which also allows for growth of the village in a planned way. As the plan is at Regulation 19 stage it is at an advanced stage of preparation which attracts moderate positive weight.

- 10.20. During the Revised Publication Draft Selby Local Plan consultation (March to April 2024), there were three site specific comments received for CARL-G. One of which was support from the site promoter, albeit with a request to raise the indicative capacity of the site to 200 dwellings; their reasoning being that the ELP indicative capacity of

150 dwellings doesn't make efficient use of the site and doesn't reflect the minimum densities expected in Tier 1 settlements. The revised publication draft Selby Local Plan sets a guideline figure (and if a scheme can deliver more homes (ELP policy SG2 refers to 'at least 7,728 new homes'), without compromising the principles set out in the site-specific policy or causing adverse impacts on the highways network this would be supported. These matters are discussed in detail below.

- 10.21. One of these comments was an objection which stated that the policy was not justified or consistent with national policy in particular NPPF paragraphs 205/206 "Conserving and enhancing the historic environment", because it is not consistent with evidence base and because the impact in relation to the Carlton Towers listed building is not properly considered. The Council's response to this is that Policies SG12 and SG13 set out the plans approach to valuing the Historic Environment in line with national guidance, and the consideration of planning applications in this context. These policies have shaped the assessment of potential sites. In line with policy SG13 criterion F a Heritage Impact Appraisal has been carried out for CARL-G by a competent professional. This HIA identified the potential for a scheme to come forward on CARL-G with identified mitigation to minimise harm on heritage assets and was subject to public consultation. Criterion 10 of the CARL-G site specific policy requires mitigation identified in the HIA to be delivered as part of the development of the site, by setting back development to Mill Lane to preserve the significance of the setting of Calton Towers (also note that Carlton Towers and its grounds are protected as a designated historic park and garden under SDLP policy ENV16). Historic England have raised no concerns with the approach, evidence, or policy.
- 10.22. The third comment was a request from the Trans Pennine Trail suggest the development should provide signage to connect to the Trans Pennine Trail and National Cycle Network. The application secures cycle signage upgrades but not to the TPT which is considered unnecessary to make the development acceptable.
- 10.23. Policy HG1 and associated allocation CARL-G are not subject to significant unresolved objections which attracts moderate positive weight.
- 10.24. The allocation of the site in ELP Policy HG1 and the development requirements identified for the site in CARL-G are consistent with the NPPF in terms of seeking to secure economic, social and environmental objectives; it sets out a requirement for education contributions (consistent with NPPF paragraph 34); it is one of a series of sites that together seek to significantly boost the supply of homes (consistent with NPPF paragraph 60); establishes a need for affordable housing (consistent with NPPF paragraph 64); ensures access to high quality open space (consistent with NPPF paragraph 102); protects public rights of way (consistent with NPPF paragraph 104); promotes walking and cycling infrastructure (consistent with NPPF paragraph 108); focusses significant development on locations which are or can be made sustainable (consistent with NPPF paragraph 109); ensures safe and suitable access (consistent with NPPF paragraph 114); requires well designed and landscaped development, with a high standard of amenity for existing and future residents (consistent with NPPF section 12); avoids areas at risk of flooding (consistent with NPPF paragraph 165); requires protection of protected species, their habitat and requires specific spaces for wildlife (consistent with NPPF paragraph 180); protects groundwater (consistent with

NPPF paragraph 180); and seeks to conserve the historic environment (consistent with NPPF section 16). This high degree of consistency attracts moderate positive weight.

- 10.25. These elements of positive weight are tempered by the fact the ELP has not yet been examined meaning there is potential for change to the policies it contains, although the likelihood of the allocation being removed seems remote particularly as it would deliver housing to meet the aim of the Government and has been subject to two rounds of consultation and consideration as part of the plan-making process.
- 10.26. The proposal conflicts with Core Strategy Policy SP2 but based on the tests within NPPF paragraph 48, moderate positive weight is given to the allocation of the site via reference CARL-G in Policy HG1 and broader compliance with Policies SG1 and SG2. Weighing in the planning balance these factors combine to indicate the principle of development should be supported.
- 10.27. In respect of sustainability, the village contains Carlton Playschool, Carlton Primary School, The Holy Family Catholic High School (although the potential closure of this school is noted), Carlton Towers Cricket Club, Carlton Village Hall, two convenience stores and a 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. It also benefits from regular bus services to Selby and Goole. Snaith 3km south has a dental practice, secondary school, convenience store, pharmacy and other services. 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. There is no indication from service providers that the settlement cannot accommodate the proposal in terms of infrastructure capacity, subject to developer contributions being secured which are discussed in detail below.

Section 149 of The Equality Act 2010

- 10.28. Under Section 149 of the Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
- 10.29. 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

- 10.30. The site is used for arable agricultural purposes. Policy SP18 of the Core Strategy seeks to sustain the natural environment by steering development to areas of least agricultural quality.
- 10.31. NPPF paragraph 180 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.
- 10.32. 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 indicates approximately the land on the eastern side of High Street is grade 3 and land on the western side is grade 2. It does not differentiate between grades 3a and 3b. The application includes a soil resources and agricultural quality assessment. The survey shows sandy soils over the entire site. The majority of the land, 85%, is of subgrade 3a agricultural land quality, with lesser areas, 15%, of subgrade 3b. Droughtiness is the main agricultural limitation.
- 10.33. The Yorkshire and Humber Agricultural Land Classification indicates that if land is to be developed in and around Carlton, the eastern side of High Street is of lower grade than the western side. The application site, at 9.5 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 permanent loss of best and most versatile agricultural land would be a form of harm arising from the proposal. Such loss would result in minor harm to the agricultural economy in the area as well as food self-sufficiency. Harm arising from the loss of agricultural land is in conflict with Core Strategy Policy SP18 and NPPF paragraph 180 b) which needs to be weighed in the planning balance. The harm is tempered by the allocation of the site in the ELP which indicates a need to release BMV land to meet housing requirements.

Minerals

- 10.34. The site is not within a mineral safeguard area designated by the Minerals and Waste Joint Plan, nor is it subject to any other restrictive designation under the plan. The site is not identified on the Coal Authority interactive map as lying within any type of designated area.

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. ELP Policy SG9 Design requires proposals respond to the location in terms of density. This policy is not subject to significant unresolved objections, and based on the aforementioned NPPF paragraph 48 tests is given moderate weight. Draft allocation Carl-G of the ELP provides specific commentary on density, stating “The indicative capacity has been reduced to 150 dwellings is to reflect lower densities given the rural context of the site and the setting of the heritage asset to the south.”
- 10.38. NPPF paragraph 128 requires decisions should support development that makes efficient use of land. Paragraph 129 encourages consideration of minimum densities “where there is an existing or anticipated shortage of land for meeting identified housing needs”.
- 10.39. The proposal for 200 dwellings on a site with a net developable area of 6ha results in a density of 33 dwellings per hectare. By comparison, taking an area of 1.5 hectares of Broadacres Garth immediately to the west of the site contains 34 dwellings which gives a density of 23 dwellings per hectare.
- 10.40. 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 129 is not engaged because of the robust 4-year housing land supply. Therefore, the proposal is higher density than the selected existing area to the west, which is considered to be representative of the wider estate. However, the proposed density does not result in any clear harm including factors such as the rural context and setting of heritage assets as set out in the relevant sections below, hence it is considered appropriate in these circumstances. The description of development controls the total number of dwellings permitted to a maximum of 200.

Mix

- 10.41. 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.” This policy is consistent with the

NPPF and is given significant weight. ELP Policy HG6 Creating the Right Type of Homes is not subject to significant unresolved objections, and based on the aforementioned NPPF paragraph 48 tests is given moderate weight. It requires, amongst other things, a range of house types and sizes, both market and affordable, is provided that reflects the identified housing needs and demands of local communities shown in the latest Housing and Economic Development Needs Assessment, or in the case of affordable housing, information from North Yorkshire Home Choice (or successor documents/systems); dwellings meet the Nationally Described Space Standards (2015) or any successor standards or policy (to be conditioned); and on developments of 10 or more dwellings, 6% (rounded up) of new homes are built to M4(3) 'wheelchair user' standard (to be conditioned). The HEDNA explains "Where the authority has nomination rights M4(3) would be wheelchair accessible dwellings (constructed for immediate occupation) and in the market sector, they should be wheelchair user adaptable dwellings (constructed to be adjustable for occupation by a wheelchair user)." These matters can be conditioned. ELP Policy HG10 - Self-Build and Custom-Build Housing is not subject to significant unresolved objections, and based on the aforementioned NPPF paragraph 48 tests is given moderate weight. It requires that in order to meet local needs for self-build and custom-build housing; A. Sites providing 50 or more residential dwellings will be required to supply up to 3% (rounded up) of the total plots to self-builders or to custom housebuilders, subject to appropriate demand being demonstrated through the Local Planning Authority's Self-Build and Custom-Build Register at the time the planning approval is considered and the proposal being demonstrated as viable (there is considered to be sufficient demand demonstrated in the Register and it will be conditioned); All self-build/custom-build plots are to be occupied as homes by the self/custom-builders for a period of three years. Where plots which have been appropriately marketed for self-build and have not sold within a 12-month time period, then, upon approval by the Council, these plots may be built out as conventional market housing by the developers. This must be secured by s106. A condition would be unenforceable.

10.42. NPPF paragraph 64 seeks to create mixed and balanced communities through affordable housing provision. 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."

10.43. The wording of the HEDNA intends to provide an element of flexibility in the precise mix put forwarded within applications. The table below from the 2020 HEDNA and Policy HG6 shows the need for sizes of homes per tenure type.

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

- 10.44. 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.

Character and appearance

- 10.45. 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”. ELP Policy NE4 - Protecting and Enhancing Landscape Character is not subject to significant unresolved objections, and based on the aforementioned NPPF paragraph 48 tests is given moderate weight. It supports development which protects, enhances or restores the landscape character of the former Selby district area and the setting of settlements. A. All development must: 1. Promote high-quality designs that respond positively to, and where possible, enhance, the distinctive local landscape character as described in the latest 'Selby Landscape Character Assessment'; and 2. Give particular attention to the design, layout, landscaping of development and the use of materials in order to minimise its impact and to enhance the traditional character of buildings and landscape in the area, reflecting the 17 character areas defined the latest 'Selby Landscape Character Assessment'; and 3. Respect the overall development guidelines in the latest 'Selby Landscape Sensitivity Study'. ELP Policy NE6 - Protecting and Enhancing Trees, Woodland and Hedgerows is given moderate weight for the same reasons. It seeks to protect existing trees and hedgerows and secure new planting. NPPF paragraph 135 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)”. At paragraph 180, planning decisions are encouraged to contribute to and enhance the natural and local environment by, inter alia, recognising the intrinsic character and beauty of the countryside.
- 10.46. ELP Policy SG9 Design requires that development should, where appropriate, seek to respond to its location in terms of the natural, historic and built environment reflecting important views and landscapes and reinforce the distinctiveness and character of the local area having regard to the existing form, scale, density, layout, building materials and detailing. This policy is not subject to significant unresolved objections, and based on the aforementioned NPPF paragraph 48 tests is given moderate weight. The site requirements of CARL-G include multiple elements that relate to character and appearance impacts including 1) Provide a well-designed development which adds to the overall quality of the village, creating a strong sense of place with specific and dedicated spaces for wildlife. The indicative capacity has been reduced to 150

dwelling is to reflect lower densities given the rural context of the site and the setting of the heritage asset to the south. The site is on the rural fringe of Carlton and has the opportunity to play an important role in enhancing the village's character and interface with the wider landscape through significant areas to the south and east being kept permanently open to protect the local historic and landscape character and views into the village form surrounding areas"; "2)... Single-storey dwellings should be provided in proximity to the existing built development of Broadacres and no more than two-storey dwellings are included as part of the development overall"; "5. Retain and enhance the existing Public Right of Way which traverses the southeastern part of the site and provide a significant buffer to the bridleway to the east to maintain its rural setting"; "9. Keep the land in proximity to the Groundwater Source Protection Zones 1 and 2 and water pipelines in the southeastern corners permanently open and ensure that any risk can be managed"; "10. Due to the identified heritage assets in this location (the site is adjacent to the designated landscape setting to Carlton Towers, which is also a Grade I Listed Building), keep land to the south of the development open and set back from Mill Lane and incorporate the recommended mitigation measures as set out in the Heritage Impact Assessment which has been undertaken to preserve and where appropriate enhance these features"; "11. Provide a significant area of open space, sport and recreation on site, in a location accessible to the existing residential development of Broadacres and separate from the areas to be kept permanently open to buffer and protect the local historic and landscape setting"; "12. Provide robust landscape infrastructure and buffering to protect the rural nature of Mill Lane and Long Hedge Lane, including permanent screening to the north and east of the site. Development should be set back from Mill Lane in the southeast corner of the site and include robust landscape infrastructure to the east and north in order to maintain the rurality and context of the village and Carlton Towers Parkland when approaching the village from the east along Mill Lane, and the longer distance views from the north into Carlton. The landscaping has the opportunity to provide an important home for nature on this rural fringe location and has the need for this has been taken into consideration through a reduced housing capacity"; "13. Retain any mature hedges and trees on the boundaries of the site."

- 10.47. 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."
- 10.48. 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.”

- 10.49. 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”.
- 10.50. The Selby Landscape Sensitivity Study 2021 considers the site within Landscape Assessment Parcel CA1: Carlton Eastern Fringes. The overall landscape sensitivity score for this parcel is low to medium (the lowest of the three parcels considered in and around Carlton) based on a development scenario of 2 to 3 storey residential development. The overall development guidelines in appendix 2 states “Development within the Parcel would be at odds with the existing settlement pattern. The Parcel does not play a key role in the perception of a gap between the settlements of Carlton and Camblesforth to the north.” The Council’s website states, “This document is to be used to inform planning decisions and plan making in relation to landscape sensitivity”.
- 10.51. The submitted landscape and visual impact assessment summarises the above layers of assessment and provides its own assessment of the landscape and visual effects of the proposal. The LVIA considers visual setting including a number of representative views with photographs and commentary. It notes the site is not covered by any landscape designation that would suggest an increased value or sensitivity to change, and there are no statutory or non-statutory designations that would prohibit its development. For the purposes of the assessment, effects that are of major and major-moderate significance (highlighted in blue within the assessment) are those considered particularly relevant to the planning decision making process. When considering the development of green field sites for residential development, a relatively common assessment scenario, effects of this significance are not uncommon or unexpected at a site level, and should not make a development unacceptable in landscape terms per se. No major or major-moderate adverse significance, long term landscape effects at year 15 post development are identified. View 1 would experience major-moderate adverse long term visual effects at year 15 post development. Given the immediate adjacency of the development proposal backing onto the existing properties the magnitude of effect is likely to remain high in the long-term.
- 10.52. The baseline assessment has considered the landscape and visual setting of the site and identified a number of constraints that include: the existing boundary vegetation associated with the site; the setting of public footpath 35.18/8/1 crossing the site; the setting of Carlton Park just beyond the southern boundary of the site; the wider setting of views from the local network of footpaths and public rights of way looking back

towards the treed skyline of Carlton Park that includes Carlton Tower and the spire of St Mary's Church.

10.53. The LVIA opines these have been considered through the master planning process and incorporated as part of the development primary mitigation. It should be noted that while layout and landscaping remain reserved matters, the parameters plan includes these elements and would form part of any permission with which the reserved matters must comply.

10.54. The LVIA concludes:

“7.8 The assessment of landscape effects has identified that whilst the development will result in the transformation of the open arable setting of the site though the extension of the modern settlement this is unlikely to result in changes to the character and appearance of area CA1 in the long-term considered particularly relevant to the planning decision making process.

7.9 In terms of the wider setting of the settlement, Carlton Park, and the surrounding setting of the Camblesforth Farmland landscape this assessment has confirmed that the proposal is unlikely to result in adverse effects particularly relevant to the planning decision making process.

7.10 The assessment of visual effects has confirmed that any effect considered particularly relevant to the planning decision making process is restricted to the receptor groups at the immediate boundaries of the site. This is in part due to the proximity of these receptors and the scale and nature of the proposed change. These changes are not unexpected and common to this type of development. The adoption of primary mitigation measures is likely to secure a scheme capable of providing an attractive setting to the development and its local environment, and a suitable transition to the wider landscape setting.

7.11 Beyond the immediate setting of the site this assessment has confirmed that the development is unlikely to result in long-term visual effects that are considered particularly relevant to the planning decision making process.”

10.55. The NYC Landscape Architect considers new landscaping infrastructure should present a foreground apron of trees as viewed from the public footpaths to the north and northeast of the application site in order to reinforce the rural village setting and its juncture with the open countryside and its relationship with Carlton Park. They opine the depth of buffer planting appears to be adequate, but for the planting to fulfil its function it must be able to attain its natural height and breadth without resulting in demands from occupants to reduce the height of trees as they mature due to e.g. overhang, seasonal fall, and the shade they cast across the garden on a late summer's afternoon. Thus, opinion is that the rear gardens backing onto the north and northeast boundaries may not be long enough. Boundary trees should include large species within the mix to provide scale in keeping with the landscape character. If for example, the scale of existing hedgerow trees, typical for the rural landscape character, were superimposed onto the buffer zones on the plans, it would illustrate an incompatibility with the length of the gardens and the proximity of dwellings. The existing young

hedgerow along the NE boundary of the site, includes some mixed groups of semi-mature trees, which require some management. These trees could be sizeable at maturity.

- 10.56. The NYC Landscape Architect does not raise fundamental concern with the acceptability of the proposal in landscape and visual terms and instead focusses on the layout and landscaping details to mitigate the impacts of development. This combined with the lack of fundamental issue being identified within the emerging local plan supporting documents (the Landscape Sensitivity Study tests a 2 to 3 storey development on this site and concluded low to medium sensitivity) and the documents that support this application indicate the landscape and visual impacts of a maximum two storey residential housing scheme do not represent a reason for refusal in this instance. There would be some impacts associated with the proposal via the suburbanisation of the site and landscape, but this would be mitigated to acceptable levels by the landscaping and building height parameters that can be secured by conditioning the parameters plan submitted with this application, and the subsequent reserved matters including landscaping details. The illustrative sections show a 5m wide planting area at the northern site boundary. This would enable tree and hedgerow planting to be secured at reserved matters stage that softens views of the proposal from countryside to the north and northeast.
- 10.57. The arboricultural assessment confirms at paragraph 5.4 “no tree material will need to be removed to facilitate the proposals.” The assessment identifies a series of individual and groups of boundary trees and hedgerows that are categorised as grades B and C. It is necessary to condition protection measures be submitted within the construction environmental management plan to ensure trees and hedgerows it is agreed are suitable for retention are appropriately protected during development.
- 10.58. The impact upon the character and appearance of the area is considered acceptable in this context in accordance with the requirements of Core Strategy Policies SP18 and SP19, NPPF paragraph 135 and ELP Policies SG9, NE4, NE6 and CARL-G.

Flood risk and drainage

- 10.59. 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. ELP Policy SG11 Flood Risk parts A, B and C is not subject to significant unresolved objections, and based on the aforementioned NPPF paragraph 48 tests is given moderate weight. It supports development in areas at lowest risk of flooding and that does not increase the risk of flooding off-site. Emerging Local Plan site allocation Carl-G requires the proposal to “9. Keep the land in proximity to the Groundwater Source Protection Zones 1 and 2 and water pipelines in the southeastern corners permanently open and ensure that any risk can be managed.” ELP Policy IC4 is not subject to significant unresolved objections, and based on the aforementioned NPPF paragraph 48 tests is given moderate weight. It requires the Council will work with statutory water infrastructure providers, prospective developers and key stakeholders to identify where strategic solutions to water supply, wastewater treatment and drainage-related

infrastructure investment may be required or where phasing is necessary to ensure there is sufficient headroom within existing facilities in order to support the strategic aims and expectations of the plan. ELP Policy NE5 - Protecting and Enhancing Rivers and Waterbodies is given moderate weight for the same reasons. It seeks to prevent deterioration in ground water quality.

- 10.60. NPPF paragraph 165 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 168 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 175 requires “major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.”
- 10.61. The application site is in flood zone 1 (low probability of flooding) for sea and river flooding. The parameters plan ensures housing would be located in areas at very low or low risk of surface water flooding. A small part of the site frontage to Mill Lane where the access and open space are proposed would be at medium and high risk of surface water flooding but land raising, and the installation of a drainage system would overcome this issue. The site frontage at Mill Lane is at risk of reservoir flooding when there is also flooding from rivers but this is considered to be a low risk and no houses would be located in this area. In the very unlikely situation that there is flooding at the access, an alternative emergency access is available to Broadacres Garth for emergency services and residents’ access if required. The very small section of the site frontage at medium and high risk of surface water flooding means a sequential test is required. The flood map for planning shows that the village is encircled by flood zones 2 and 3 for river and sea flooding except the broad area of Carlton Park as well as the eastern and northern fringes of the village. It would not be appropriate to locate the proposal in Carlton Park due to heritage sensitivities. The LPA recently won an appeal against a similarly large housing development at the northern end of the village which was dismissed in part due to the poor relationship with the village. This casts major doubt on any housing development in the low risk flood zone to the north of the village. This leaves only the area of the application site that can be considered appropriate for development taking into account broader sustainability considerations. The small remaining areas to the north and east of the site are less sustainably located in terms of proximity to village services and amenities so are less sustainable. It is considered reasonable to restrain the search area for sequentially preferable sites to the village and its periphery due to the ELP intention to allow the settlement to grow in order to sustain it. There are no reasonably available sites at lower risk of flooding than the application site. The sequential test is passed for these reasons. The exceptions test is not required in the particular circumstances of this proposal.
- 10.62. The submitted flood risk assessment notes over half the site is within Source Protection Zone 2 for groundwater protection, and site investigation records low infiltration rates

and shallow groundwater, therefore infiltration type SuDS such as soakaways are discounted. It is proposed to pump surface water to public surface water sewer in Mill Lane. Discharge will be restricted to a minimum practicable rate of 3.5 litres per second (3.5 l/s). Attenuation storage will be provided for rainfall events up to the return period of 1 in 100 year plus climate change via a surface water attenuation pond. The total estimated storage volume is approximately 4205m³ subject to detailed design. Foul effluent will discharge via a pumped system to the 225mm public foul sewer in Mill Lane. The surface and foul water drainage networks will be offered for adoption to, and maintained by, Yorkshire Water. These are indicative details because a final drainage design will need to be produced to accommodate the reserved matters details.

- 10.63. Yorkshire Water confirms it can supply water to the site, does not object to the proposal and recommends conditions. The Selby Area IDB provides generic advice about drainage options. The LLFA raises no objections and recommends conditions regarding a scheme detailing foul and surface water drainage; maintenance; exceedance flow routes; dwelling finished floor levels; percolation testing and construction phase flood prevention measures. A simplified amalgamated set of conditions is recommended to deal with all relevant flood risk and drainage matters. The construction environmental management plan would deal with construction risks to the ground water source protection zones; the foul water drainage condition would deal with risks arising from the occupational phase of development; and the surface water drainage condition would deal with associated risks to ground water. The parameters plan shows a building free zone in the northeast corner of the site which corresponds with the location of two Yorkshire Water pipelines it seeks to project with a 6m separation distance as secured by condition.
- 10.64. Flood risk and drainage matters are acceptable in accordance with the aforementioned policies subject to conditions.

Highway matters

- 10.65. 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.
- 10.66. 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.
- 10.67. 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.

- 10.68. 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”.
- 10.69. 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.”
- 10.70. 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).
- 10.71. ELP Policy IC6 - Sustainable Transport, Highway Safety and Parking is not subject to significant unresolved objections, and based on the aforementioned NPPF paragraph 48 tests is given moderate weight. It requires the Council will work with other authorities, stakeholders, transport providers and developers to deliver a suitable transport network and associated infrastructure which supports sustainable travel, accessible to all, and helps to deliver net-zero carbon emission across the Plan Area. Emerging Local Plan site allocation CARL-G requires the proposal to “3. Provide vehicle, cycle and pedestrian access through a 6-metre wide transition road linking the new development to Mill Lane. The Mill Lane access should consider the farm access opposite the development and also include improvements to the footway on Mill Lane to enable safe pedestrian access to the development and the Public Right of Way which joins the site. Off-site improvements to Mill Lane and High Street road junctions and footpaths should be undertaken, if required. 4. Provide a secondary access for emergency vehicles, pedestrians and cyclists only to Broadacres Garth to the west of the site. 5. Retain and enhance the existing Public Right of Way which traverses the southeastern part of the site and provide a significant buffer to the bridleway to the east to maintain its rural setting. 6. Include measures to minimise pressures and safety concerns at school pick-up and drop-off times which may be exacerbated by the development and incorporate a safe walking route from the development to the schools, ideally through a dedicated footpath link from the north of the proposed development. Site promoters/developers are expected to engage with the adjacent schools regarding these opportunities.” ELP Policy IC7 - Public Rights of Way is not subject to significant unresolved objections, and based on the aforementioned NPPF paragraph 48 tests is given moderate weight. It seeks to protect PROW, and where appropriate looks to secure enhancements.
- 10.72. NPPF paragraph 108 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 109 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.

- 10.73. Paragraph 112 permits maximum parking standards in certain limited circumstances. The aforementioned NYCC standards are minimum standards.
- 10.74. Paragraph 114 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.”
- 10.75. Paragraph 115 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.”
- 10.76. Paragraph 116 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.”
- 10.77. The aforementioned development plan policies are considered broadly consistent with the NPPF and are given significant weight.
- 10.78. 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;”

- 10.79. The primary access into the site will be from Mill Lane. Transport Assessment drawing 17105/GA/02 Rev F shows a priority junction with a 6m wide carriageway with 2m wide footways to either side and extending along Mill Lane primarily to the west across the site frontage, along with associated road widening to provide two lanes to a point just east of the proposed access junction with Mill Lane, signage, markings, lighting and visibility splays. The vehicle visibility splays to be provided at Mill Lane give clear visibility of 54m east and 47m west measured along both channel lines of the road from a point measured 2.4m down the centre line of the access road. A secondary emergency / pedestrian / cycle access to Broadacres Garth is proposed. Design details of the secondary access are not provided within the application but are secured by condition. The site can also continue to be accessed by walkers from either end of the public right of way that cuts across the south-eastern corner of the site. The parameters plan shows two field/farmer accesses to the northern boundary of the site to the farmland to the north.
- 10.80. The Transport Assessment (TA) demonstrates that the High Street/Mill Lane junction has visibility splays of 2.4m x 40m to the south and 2.4m x 38m to the north along High Street for drivers exiting Mill Lane, which comply with recommended Manual for Streets Stopping Sight Distances based on the recorded 85th percentile speeds contained within Table 2.3 of the TA.
- 10.81. The TA predicts the following average weekday AM and PM peak hour trip rates and resultant generated traffic.

Table 5.1 Trip Rates and Trip Generation

Time Period	Vehicular Trip Rates (per dwelling)			Traffic Generation (200 Dwellings)		
	Arrivals	Departures	Total	Arrivals	Departures	Total
AM Peak 08:00-09:00	0.147	0.375	0.522	29	75	104
PM Peak 17:00-18:00	0.349	0.183	0.532	70	37	107

- 10.82. Proposed access arrangements would ensure the development is permeable. The LHA raises no concerns regarding proposed accesses to the site, traffic generation, junction capacity, design or safety. The parameters plan would ensure the Mill Lane access remains free of frontage development along the transition road which accords with LHA requirements.
- 10.83. The TA demonstrates future residents of 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 2.3km/15-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 High Street, 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.

- 10.84. The detailed masterplan includes a series of notes which include proposals for signage at each end of the public right of way and hard surfacing to encourage its use (it was noted during the officer site visit the path did not appear well used), multiple off-site dropped kerb crossings with tactile paving and tactile paving on the road network to the west of the site, extended single yellow lines along Mill Lane to prevent parking in the vicinity of the junction with High Street, and improvement/replacement of cycle signage along Low Street/Hirst Road and from Low Street to Burn Airfield (including signage at approximately 4-5 junctions). These would encourage the sustainable transport choices the application seeks to promote and are secured by condition while requisite funding is secured by S106. Electric vehicle charging points are now dealt with by Building Regulations.
- 10.85. The LHA comments raise no objections subject to conditions which have been reworded and amalgamated, and a S106 agreement with each improvement costed as follows: £1,000 to fund the Public Right of Way signage; £7,500 to improve traffic safety at the Mill Lane High Street junction by means of installing yellow lines and the appropriate signage and related traffic regulation order; £1,500 to improve and update cycle route signage locally to encourage modal shift to cycling; and £5,000 to enable NYC to monitor the implementation of the Travel Plan. These contributions are to be paid prior to the first occupation of the development.
- 10.86. The LHA also recommends that a S106 contribution be sought for £40,000 to undertake a traffic/pedestrian survey and subsequently install a pedestrian crossing to improve pedestrian safety at High Street. This will mitigate impacts on pedestrians of the additional traffic from this development. The LHA suggest that a pedestrian crossing is required across High Street in the vicinity of its junction with Church Lane as additional development would exacerbate an already existing issue for pedestrians seeking to cross the main road, which is supported by the local community. However, the TA includes a Vulnerable Road User Assessment (Appendix J) and the existing crossing opposite Londis was included within the assessment of Route 3 and no issues were identified. The development is predicted to generate 5 trips to work on foot during the network peak hours (refer to Tables 5.3 and 5.4 of the TA). This low volume of pedestrian activity would not trigger the requirement for a crossing upgrade. There will be additional unquantified pedestrians walking to school, bus stops, shopping, social visits but the problem is that the LHA has not provided information setting out what it considers to be the actual likely pedestrian flow from the site and how this triggers a need for a crossing. In terms of peak hour traffic volumes along High Street, passing the crossing, the development is predicted to generate 41 additional trips, which clearly would not have any impact on the ability for pedestrians crossing an A classified road, when through flows are around 1,500 vehicles per hour during baseline 2029 AM peak. It is considered that the existing crossing point to the south of the High Street/Mill Lane

junction is of a sufficient standard to accommodate current and predicted pedestrian and vehicular flows and therefore, there is no technical justification to support the request for an upgraded crossing based on the traffic generated by an additional 50 residential dwellings (compared to the 150 dwelling scheme currently before the Council under application 2022/0399/OUTM).

- 10.87. The application includes a Travel Plan which seeks to encourage sustainable modes of transport.
- 10.88. The Planning Policy statement confirms “We have also been in dialogue with the headteacher of Holy Family Catholic High School in Carlton to explore the potential to provide a pedestrian link from the site to the school. The school is not keen to create a new access from the allocation into the School Playing Fields because of security and safeguarding issues.” Therefore, pedestrian links to the school are not achievable. The applicant has shown they have explored the issue with the school that controls the initial stretch of potential pedestrian link, which accords with the requirements of Carl-G to investigate opportunities to provide a footpath link to the north of the site connecting to the schools to the west.
- 10.89. The proposal demonstrates highway matters including access location and design, traffic generation, junction capacity, safety implications and highway improvements are acceptable in accordance with the aforementioned development plan policies, emerging policies and NPPF.

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. ELP Policy NE1 - Protecting Designated Sites and Species is not subject to significant unresolved objections, and based on the aforementioned NPPF paragraph 48 tests is given moderate weight. It seeks to protect internationally, nationally, and locally important sites, habitats and species and irreplaceable habitats. Emerging Local Plan site allocation CARL-G requires the proposal to provide “1. ...specific and dedicated spaces for wildlife”; and “15. Undertake an Appropriate Assessment for: i. Functionally-linked habitats as the site lies within the typical foraging ranges of species associated

with the Lower Derwent Valley and Humber Estuary SPA/Ramsar designations and provides potentially suitable habitat. This should include either evidence that the proposed development site habitat is unsuitable for SPA/Ramsar designated species or assessment of the proposed development sites use by SPA/Ramsar designated species, including through the provision of wintering and passage bird surveys, and if necessary, appropriate mitigation.; and ii. Recreational pressure from development (having regard to up-to-date visitor monitoring data and incorporate any required mitigation measures) as the site lies within 5 kilometres of the LDV or Skipwith Common or 10 kilometres of the Humber Estuary.” Policy NE2 - Protecting and Enhancing Green and Blue Infrastructure (Strategic Policy) is not subject to significant unresolved objections, and based on the aforementioned NPPF paragraph 48 tests is given moderate weight. It states “The Council will seek to protect, maintain, enhance and, where possible, restore and extend the Plan Area’s green and blue infrastructure assets (GBI) supporting the creation of an integrated network for the benefit of nature, people’s health and well-being and the economy including landscapes, ecological networks, natural environment, open spaces, Public Rights of Way, geodiversity, biodiversity, river and waterway assets. Major residential development will be required to provide a Green and Blue Infrastructure Masterplan, (the detail required will be commensurate with the scale of the development) as part of the overall masterplan for the development site, to be agreed with the Planning Authority. The Green and Blue masterplan should have regard to the latest green and blue infrastructure audit or strategy, Local Nature Recovery Strategy, and relevant Catchment Management Plans and demonstrate how the development: 1. Avoids loss, damage or deterioration to green and blue infrastructure; and 2. Addresses deficiencies of green and blue infrastructure; and 3. Creates or enhances green and blue infrastructure; and 4. Provides links or access to green and blue infrastructure.”

- 10.93. NPPF paragraph 180 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.
- 10.94. NPPF paragraph 186 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.
- 10.95. The development plan policies are consistent with the NPPF and are given significant weight.
- 10.96. 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 Shadow Habitat Regulations Assessment (sHRA) and Additional Information to Inform a Shadow Habitat Regulations Screening Assessment considers, the series of internationally designated statutory nature conservation sites including Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar Sites within a 10km radius (the zone of influence) around the application site, namely the Humber Estuary (RAMSAR / SAC / SPA); Lower Derwent Valley (RAMSAR / SAC / SPA); River Derwent (SAC); and Thorne Moor & Hatfield (SPA). Natural England initially made no comment, then required further information to determine the impact upon designated sites and finally raised no objection in relation to the impact upon designated sites.

- 10.97. NYC Ecology are in agreement with the conclusions of the submitted information that there are unlikely to be Likely Significant Effects (LSE) upon European designated sites, and their qualifying habitats and species. The NYC Ecologist considers the sHRA can be concluded at Stage 1 (Screening) with no requirement to proceed to Stage 2 (Appropriate Assessment). Had the LPA been determining this application, it would, as competent authority, have adopted these documents as its Habitats Regulations Assessment to conclude that the impact upon these sites is acceptable.
- 10.98. The parameters plan shows an “area reserved for biodiversity improvement- 0.85ha”. The biodiversity impact assessment and associated metric shows it is possible to deliver significant net gain in biodiversity habitat units and hedgerow units. The outline nature of the proposal means a condition is required to secure an updated assessment, objectives, implementation, maintenance and monitoring details is submitted with the reserved matters application for approval by the Local Planning Authority.
- 10.99. The EclA rules out significant impacts on Eskamhorn Meadows SSSI, Carlton Park Pond SINC and arable habitat. Natural England considers that the proposed development will not have likely significant effects on the SSSI and has no objection to the proposed development in this regard. Mammals, great crested newts and other protected species are ruled out from further assessment. Habitats of principal importance, hedgerows and trees, bats, breeding birds, hare and hedgehog are subject to further assessment as follows. A construction environmental management plan is recommended to secure fencing, buffers, pollution prevention measures and bat sensitive lighting during construction, to prevent harm to woodland to the south, all of which are secured by the CEMP. It recommends using fencing and buffers to protect the retained hedgerow and trees, as well as pollution prevention measures during construction. Both are secured by condition. Bats would be protected by the same conditions. There is an additional requirement to secure bat sensitive lighting on the operational phase which is secured below. Breeding birds and hare may be present on site and can be protected by the CEMP. Hedgehog gaps in fencing are secured by condition. Ecological enhancements are secured by condition.
- 10.100. The Council’s Ecologist notes the submitted information and has no concerns about the proposal at this outline stage. They do not raise concerns about the impact on nature conservation sites; consider the EclA demonstrates that the site is currently of low ecological value and any local ecological impacts resulting from the proposals can be avoided or mitigated through a series of measures set out within the EclA which can be secured through conditions; the proposal shows the site can deliver appropriate

biodiversity net gain subject to conditions securing an updated assessment at reserved matters stage, biodiversity enhancement and management plan setting out how habitat will be managed and monitored and should identify key personnel and responsibilities for the management period.

10.101. The parameters plan effectively provides the green and blue infrastructure plan required by Policy NE2. It retains existing hedgerows on the site, created blue infrastructure on the site in the form of an attenuation pond, creates green infrastructure through substantial BNG and open space areas as well as hedgerow and tree planting, and will enhance use of the public right of way across the site.

10.102. The proposal demonstrates that impacts upon protected species are acceptable and biodiversity net gain can be delivered in accordance with the aforementioned policies, subject to conditions. It demonstrates that the impact upon nature conservation sites is acceptable. Therefore, ecological matters are acceptable subject to conditions.

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. SPD paragraph 9.5 confirms the LPA can reduce the affordable housing percentage required if a viability appraisal demonstrates 40% is unviable.

10.105. ELP Policy HG7 Affordable Housing is not subject to significant unresolved objections, and based on the aforementioned NPPF paragraph 48 tests is given moderate weight. It confirms the minimum affordable housing requirement for each allocated site is set out in the individual site policies in Part 3 of the Plan. In all cases where affordable housing is provided it must: 1. Reflect the appropriate type and size of homes to meet local needs as informed by the Council's latest evidence on local housing need; and 2. Meet the minimum bedroom and space standards required by the nominated affordable housing provider; and 3. Be distributed throughout the market housing in any development and the design and layout of the affordable homes should also be

indistinguishable from the market housing. It requires at least 25% of the affordable dwellings must be First Homes (unless the development is one of the types listed as an exception under paragraph 66 of the National Planning Policy Framework, December 2023) and a mix of affordable rent, shared ownership and home ownership. Emerging Local Plan allocation reference CARL-G requires the proposal to “Provide a minimum of 10% affordable dwellings on site.” The ELP sets affordable housing rates for allocated housing sites in their policies, and these rates are evidenced in the 2022 Local Plan Viability Assessment. That assessment considers how much affordable housing a site can viably deliver taking into account other ELP policy requirements namely, site allocations and likely development; site density assumptions; biodiversity net gain and local nature recovery strategy cost; electric vehicle charging costs; affordable housing; housing mix based on HEDNA (including First Homes); some dwellings being built to Building Regulations M4(2) and M4(3); and unit sizes based on Nationally Described Space Standards. The 2022 Local Plan Viability Assessment is predicated on the basis the Community Infrastructure Levy (CIL) is set at £0 per square metre. However, it is currently set at £35 psm for this area but this may change in the future.

- 10.106.NPPF paragraph 65 allows affordable housing to be sought on such major residential developments. Paragraph 66 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 (which is the case here). 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). The Ministerial Statement published on 30 July 2024 continues to place emphasis on the need for affordable housing though further details are to be confirmed as part of the Government’s intended overhaul of the planning system.
- 10.107.Policy SP9 and the SPD do not reflect the Ministerial Statement for First Homes and are based on supporting assessments that are over a decade old, but do provide a broad basis for securing affordable housing. Policy HG7 does reflect the Statement and is based upon up to date supporting assessments. It is considered appropriate to use Policy HG7 to consider affordable housing matters instead of 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. First Homes should account for at least 25% of all affordable housing units delivered. Affordable housing policy requirements are as follows:

- A minimum of 10% of the total number of dwellings are to be affordable housing.
- Of these, 25% are to be First Homes, 65% affordable rent and 10% shared ownership.
- 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 below recommended in the HEDNA.

	1-bedroom	2-bedrooms	3-bedrooms	4+-bedrooms
Market	0-10%	25-35%	40-50%	15-25%
Affordable home ownership	10-20%	40-50%	30-40%	0-10%
Affordable housing (rented)	30-40%	35-45%	15-25%	0-10%

10.109. The application proposes 10% affordable housing. As set out in the planning policy advice note, acceptance of ELP affordable housing percentages is subject to proposals delivering all other ELP policy requirements. As set out in the section below, the proposal will not provide public open space in accordance with Policy IC3 because the applicant has decided to make an application on this basis and because the policy has an issue that prevents its use. Use of Policy RT2 instead of IC3 results in a different and less costly mix of open space typologies being provided on site. This may make a difference to the viability of the proposal and the level of affordable housing it can viably deliver. The appellant has submitted a viability appraisal as part of the appeal. The Council has not been able to obtain a professional opinion on the assessment at the time of preparing this report, however, a professional opinion is being sought in the light of the aforementioned context. It may be possible to deliver more. An update will be provided at the meeting.

Recreational open space

10.110. 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.

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

10.112. ELP site reference CARL-G requires the proposal to “11. Provide a significant area of open space, sport and recreation on site, in a location accessible to the existing residential development of Broadacres and separate from the areas to be kept permanently open to buffer and protect the local historic and landscape setting.” Policy IC3 - Protection and Creation of New Open Space, Sport and Recreation Provision sets out requirements for residential development including within Appendix 4 of the ELP. However, there is a gap in the evidence base that does not allow the LPA to determine whether there are existing open spaces of sufficient capacity and quality to

accommodate the additional demand, and therefore whether a contribution is required. For this reason, it is not appropriate to use Policy IC3.

10.113. The NPPF at paragraphs 96-97 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 102 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 parameters plan shows 1.2ha of public open space split across two areas. The first is at the site frontage to Mill Lane and near the eastern boundary; the second is near the centre of the site. Policy RT2 requires 12,000sqm or 1.2ha of open space for 200 dwellings. Conditioning the parameters plan would secure this amount of open space in accordance with the aforementioned policies. The detailed masterplan indicates the northern open space would feature proposed equipped play spaces. The Green Space Audit August 2024 confirms Carlton has no Local Areas for Play (LAPs) aimed at very young children; there are no Locally Equipped Areas for Play (LEAPs) aimed at children who can go out to play independently within a reasonable 400m walk of the proposal as recommended in the Developer Contributions SPD; there are no Neighbourhood Equipped Areas for Play (NEAPs) in Carlton or within reasonable walking distance. Therefore, it is considered reasonable to condition that the public open spaces contain a LAP and a LEAP to accommodate younger and more independent children. Based on the design requirements for each set out in the SPD and Fields in Trust, Guidance for Outdoor Sport and Play- Beyond the Six Acre Standard, England (November 2020) each can fit within the open space shown on the parameters plan. Conditions will secure the design of the open space and equipment. A S106 will secure delivery, ownership, management and maintenance arrangements.

10.116. Recreational open space matters are acceptable subject to conditions and a S106 agreement.

Contaminated land and ground conditions

10.117. 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.

10.118. 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. ELP allocation reference

CARL-G requires the proposal to “9. Keep the land in proximity to the Groundwater Source Protection Zones 1 and 2 and water pipelines in the southeastern corners permanently open and ensure that any risk can be managed.” This is clearly a drafting error because zone 2 covers more than half the site which would largely prevent development envisaged by the proposed allocation. It is considered appropriate to keep zone 1 (the most sensitive to development) permanently open and to consider the risks associated with development within zone 2 and 3. ELP Policy NE8 - Pollution and Contaminated Land is not subject to significant unresolved objection and is given moderate weight. It requires consideration of contaminated land potential and remediation if required.

10.119.NPPF paragraph 180 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 191 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 192 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.

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

10.121.The contaminated land consultant has reviewed the Exploratory Geo-environmental Investigation. The report shows significant contamination is unlikely but there is some potential due to historic agricultural activity. The site is of high sensitivity with respect to vulnerability to pollution given its location within source protection zones 1, 2 and 3. Recommendations for further ground investigation are made including about 50 trial pits to determine near surface ground conditions, including depth to bedrock, groundwater, and stability. It recommends cable percussion boreholes, with in-situ geotechnical testing & installation of monitoring wells. The report also recommends that a Construction Environmental Management Strategy (CEMS) is prepared to describe the robust pollution prevention mitigation measures necessary to deal with risks to groundwater posed both by the construction phase and the final development. The contaminated land consultant recommends a series of condition regarding the investigation of contaminated land, submission of a remediation strategy, verification of remediation works and reporting of unexpected contamination. These are recommended below. The requirements to protect the ground water environment are address in individual construction management, foul and surface water drainage conditions.

10.122. Contaminated land and ground condition matters are acceptable in accordance with the aforementioned policies subject to conditions.

Residential amenity

10.123. 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 135 (f) which seeks to ensure a high standard of amenity for existing and future users. ELP site reference CARL-G requires “2Single-storey dwellings should be provided in proximity to the existing built development of Broadacres and no more than two-storey dwellings are included as part of the development overall.” ELP Policy SG9 Design requires development to provide sufficient private amenity space which is appropriate to the type of development proposed ensuring proposals do not have an adverse impact on overlooking, loss of privacy, light or disturbance from noise, vibration, odour or fumes. This policy is not subject to significant unresolved objection and is given moderate weight.

10.124. 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.

10.125. The existing neighbouring properties consist of two storey semi-detached dwellings fronting Mill Lane; and a broadly even split between bungalows and dormer bungalows fronting Broadacres and Broadacres Garth.

10.126. The parameter plan shows a residential zone with the following parameters: two storey buildings with maximum eaves height of 5.5m and maximum ridge height of 9.5m. The same plan annotates a 21m distance from the rear elevations of neighbouring properties along Broadacres Garth and Broadacres into the site stating “21m standoff from rear of existing dwellings including rear extensions and conservatories to rear of proposed dwellings for amenity purposes. Dwellings must be minimum 12m (side elevation) or 21m (rear elevation) away from 27 and 32 Broadacres Garth”. The plan also shows “new boundary planting (3m width) to rear of properties along Broadacres and Mill Lane”. The detailed masterplan shows an indicative layout. Layout remains a reserved matter aside from the details secured by the parameter plan. Therefore, the reserved matters layout can take a different approach to the submitted detailed masterplan provided it complies with the parameters.

10.127. The provision of 21m separation distances between the proposed two storey dwellings and the rear elevations of existing dwellings at Broadacres and Broadacres Garth is considered sufficient to prevent harmful mutual overlooking, overshadowing, overbearing or loss of light. The dwellings along Mill Lane have lengthy rear gardens. Therefore, it will be possible at reserved matters stage to secure appropriate separation distances. A 12m separation distance between the side elevations of 27 and 32 Broadacres Garth and the side elevations of proposed dwellings at reserved matters stage is considered to be a reasonable solution that would not harm residential amenity. A sensitive layout will also be required at reserved matters stage in relation to these existing dwellings, particularly number 32 because it has a number of side openings

overlooking the site. The combination of the parameters plan and control over reserved matters means it will be possible to ensure no harm to residential amenity would arise.

10.128. Conditioning the parameters plan also restricts the reserved matters to two storey buildings up to the aforementioned maximum dimensions. The maximum height of 9.5m is appropriate for a two-storey dwelling. The final designs would be subject to reserved matters approval.

10.129. One of the criteria in the Emerging Local Plan allocation for CARL-G requires that single storey dwellings are provided adjacent Broadacres and two storey elsewhere. However, the application submission does not reflect this criterion. Instead, it seeks to demonstrate that the proposed relationship would be appropriate because sufficient separation distances can be achieved. There is evidence of similar relationships in the locality, for example the dormer bungalows at 42 and 44 Broadacres back onto two storey dwellings on Mill Lane. In light of this, Officers consider that, as outlined above, the separation distances outlined on the parameters plan are acceptable in this location in accordance with Policy ENV1. The provision of two storey elsewhere on the site is appropriate.

10.130. The impact of the proposal upon residential amenity is considered acceptable subject to conditions. 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

10.131. Carlton Towers, Carlton Park, a grade I listed building, is approximately 500m to the south of the application site. The associated historic park and garden is a locally designated heritage asset located directly south of the application site on the opposite side of Mill Lane. St Mary's Catholic Church, a grade II* listed building, is approximately 350m to the west. The Parish Church of St Mary's, a grade II listed building, is approximately 500 south west of the site.

10.132. 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."

10.133. 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.

- 10.134. 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.
- 10.135. Policy ENV16 permits development that does not harm the setting of historic parks and gardens.
- 10.136. Policy ENV28 requires that where development proposals affect sites of known or possible archaeological interest, the 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.
- 10.137. ELP Policies SG12 and SG13 require the former Selby district area's heritage assets will be preserved and where appropriate enhanced in a manner commensurate to their significance. These policies are not subject to significant unresolved objections, and based on the aforementioned NPPF paragraph 48 tests is given moderate weight. ELP allocation CARL-G requires the proposal "10. Due to the identified heritage assets in this location (the site is adjacent to the designated landscape setting to Carlton Towers, which is also a Grade I Listed Building), keep land to the south of the development open and set back from Mill Lane and incorporate the recommended mitigation measures as set out in the Heritage Impact Assessment which has been undertaken to preserve and where appropriate enhance these features."
- 10.138. NPPF paragraph 200 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.
- 10.139. Paragraph 205 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.
- 10.140. Paragraph 206 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.

- 10.141. These development plan policies are consistent with the NPPF and are given significant weight.
- 10.142. The submitted heritage impact assessment considers the proposal would have a neutral effect on the setting of all identified heritage assets and will sustain their significance. Other more distant heritage assets are also considered within the assessment with neutral effects identified.
- 10.143. Historic England is a statutory consultee because the proposal has the potential to affect the setting of the grade I listed Carlton Towers. Historic England has not provided specific advice on this application, but comments made to the application for up to 150 dwellings are of relevance and confirm that following the submission of a parameters plan Historic England does not wish to offer any comments.
- 10.144. The proposal is considered to preserve (not harm) the setting of listed buildings and would not harm the locally designated park and garden associated with Carlton Towers subject to conditioning the parameters plan which sets maximum building heights and provides public open space at the site frontage to Mill Lane closest to Carlton Towers and the park and garden.
- 10.145. The submitted archaeological geophysical survey demonstrates there is no requirement for further archaeological investigation. The Council's Archaeologist confirms the results are negative and requires no further action. Archaeological impacts are acceptable.
- 10.146. Heritage matters are acceptable in accordance with the aforementioned policies subject to condition. The statutory test within the Planning (Listed Buildings and Conservation Areas) Act 1990, section 66 (1) has been duly applied.

Noise and air pollution

- 10.147. The policies referred to in the contaminated land section above are relevant. ELP Policy NE7 - Air Quality is given moderate weight for the same reasons as other ELP policies noted in this report. It resists development that results in further significant air quality deterioration or results in any increase in the number of people exposed to poor air quality or harms designated nature conservation sites. It supports development that has acceptable air quality impacts and mitigates adverse impacts, by promoting the uptake of low-emission mitigation (such as through electric vehicle charging provision) and supporting sustainable travel to reduce air quality impacts.
- 10.148. The applicant submitted a noise assessment in response to initial Environmental Health comments recommending a noise mitigation condition. The submitted noise assessment demonstrates future residents of the proposal would not be exposed to harmful noise pollution. Internal noise levels with a partially open window, when adjusted to reflect the separation distance from Mill Lane secured by the parameters plan, accord with relevant noise criteria. External noise levels are acceptable. Noise pollution matters are acceptable and there is no requirement for building design

mitigation. Subsequently, Environmental Health confirms it is satisfied with this assessment and has no further comments regarding this matter.

10.149.Environmental Health recommends a construction environmental management plan to minimise impacts upon existing residents with regards to construction noise, vibration, dust and dirt, and construction hours. These are included in the CEMP condition below. Environmental Health does not require an occupational phase air quality assessment. A separate condition controlling the impacts of piled foundations (if required) is recommended.

10.150.Noise and air pollution matters are acceptable in accordance with the aforementioned policies subject to such conditions.

Education, healthcare and waste and re-cycling

10.151.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.

10.152.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”.

10.153.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.

10.154.The Developer Contributions SPD provides further guidance regarding contributions towards waste and recycling facilities; education facilities; and primary health care facilities amongst others. ELP Policy IC1 - Infrastructure Delivery requires all new development will provide new or improved infrastructure, as necessary and evidenced, either on-site or through proportionate contributions towards the overall costs of off-site provision. This policy is not subject to significant unresolved objections, and based on the aforementioned NPPF paragraph 48 tests is given moderate weight. ELP allocation CARL-G requires the proposal to “8. Provide S106 financial contributions for additional early years, primary, secondary and Special Educational Needs and Disability (SEND) school places to meet demand arising in the Plan Area as a result of the development on this site, at Carlton Primary, Holy Family Catholic High School, or other schools serving the development.”

10.155.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.

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

10.157. NYC Children and Young People's Service seek primary education contributions of £801,864.00 towards costs of providing educational facilities at Carlton Primary School and/or another primary school within the locality of the development.; £149,184.00 towards costs of providing educational facilities at Selby Special School and/or another school with Special Educational Needs and Disabilities provision serving the locality of the development; £167,832 to be used for early years provision serving Carlton. A formula to be used in the s106 is provided to capture the number dwellings with two or more bedrooms at reserved matters stage to which contribution requirements would apply.

10.158. NHS Humber and North Yorkshire Integrated Care Board seeks contributions on the following basis. The proposed development will generate approximately 480 residents and subsequently increase demands upon existing services. Selby Town PCN: Beech House Surgery – Carlton Branch does not have capacity to accommodate the additional growth resulting from the proposed development. A developer contribution will be required to mitigate the impacts of this proposal. The ICB note that the S106 contribution secured from this development would fund works at the named practice and/or contribute towards a new development related to the Primary Care Network (PCN) that will accommodate the additional population created by the proposed development. The ICB calculate the level of contribution required in this instance to be £235,749.00. Payment should be made before the development commences. A formula would be used in the s106 to capture the number dwellings at reserved matters stage to which contribution requirements would apply.

10.159. 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.

10.160. These contributions are justified and would need to be secured via s106 on a per dwelling basis or with an appropriate formula to reflect the subsequent reserved matters approval and with appropriate triggers for payment. The proposal would need to provide a s106 to secure these necessary contributions to mitigate its health, education and waste impacts in accordance with Local Plan Policy ENV1, Core Strategy Policies CS6 and SP12, the Developer Contributions SPD and ELP Policy IC1 and allocation CARL-G.

Other

10.161. The Mill Lane frontage of the site contains an overhead power line with associated supporting poles. It appears to be located on or very near to the public right of way which it is proposed to enhance with hardstanding and new signage to encourage its use. It is necessary to attach a condition requiring the reserved matters to include an

assessment of the implications of the development upon it, including options to retain, divert or underground it to be agreed with the LPA.

- 10.162.ELP site allocation reference CARL-G requires the proposal does not extend into the Health and Safety Executive Consultation Zone around the high-pressure gas pipeline which is located in the northeast of the site. The proposal complies with this requirement.
- 10.163.Policy SP16 requires the proposal to provide a minimum of 10% of total predicted energy requirements from renewable, low carbon or decentralised energy sources. However, this has been overtaken by Building Regulations so is no longer conditioned.
- 10.164.NPPF paragraph 118 states “Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning.... decisions should support the expansion of electronic communications networks, including...full fibre broadband connections. Policies should set out how high-quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).” ELP Policy IC5 Part A supported developments that are designed to support access to Full Fibre to Premises (FTTP) Broadband as a minimum, or the fastest technical available emerging technology where viable. However, this matter is now controlled by Building Regulation. Therefore, it is not necessary to consider this matter further.
- 10.165.Policy SG9 requires proposals for major development should be accompanied by a health impact assessment screening checklist which will determine whether a full assessment is required and where appropriate, a full health impact assessment should be undertaken, and any design requirements accommodated into the scheme. The screening checklist is not provided as part of the application and is conditioned as part of the reserved matters.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. The proposal entails significant residential development in the countryside adjacent to, though out with, the development limit of Carlton which is contrary to Policy SP2A(c). The spatial development hierarchy outlined in Policy SP2, which seeks to deliver sustainable development across the former District, remains soundly based and the development limit in this location still reflects the situation on the ground and provides a meaningful distinction between Carlton village and the surrounding countryside. As such, the proposal should only be supported where there are material considerations that would indicate a departure from the adopted development plan policy.
- 11.2. The proposal would support the Governments objective of significantly boosting the supply of homes. The fact of having a four-year land supply and passing the housing delivery test cannot be a reason, in itself, to refusing permission. The proposal represents an opportunity to significantly boost the supply of homes. Moderate positive weight is given to the allocation of the site via reference CARL-G in Policy HG1 of the emerging Revised Publication Draft Local Plan. The proposal is also in compliance with

ELP policies SG1 and SG2. These factors combine to indicate the principle of development should be supported.

- 11.3. Carlton has a variety of services and facilities that are accessible for pedestrians and cyclists. The village has good bus services to Snaith, Goole and Selby. 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.
- 11.4. The site is 9.5ha in area, 85% of which is BMV agricultural land. The permanent loss of this land is harmful in itself and would result in minor harm to the agricultural economy in the area as well as food self-sufficiency in conflict with Core Strategy Policy SP18 and NPPF paragraph 180 b). But that harm is tempered by the draft allocation of the site which indicates a need to release such land for housing purposes.
- 11.5. There would be no impact upon or from mineral, waste or coal mining matters.
- 11.6. The potential housing density of 33 dwellings per hectare is appropriate to the location. The housing mix can be controlled by condition. A condition is required to ensure 6% of new homes are built to M4(3) 'wheelchair user' standard. A s106 must be used to secure 3% of the total plots are provided as self-build or custom-build to ensure an appropriate housing mix.
- 11.7. There would be some localised landscape and visual impact associated with the proposal via the suburbanisation of the site and landscape, but this would be mitigated by the landscaping and building height parameters that can be secured by conditioning the parameters plan submitted with this application, and the subsequent reserved matters including landscaping details which include tree and hedgerow protection.
- 11.8. The site is at low risk of flooding, and drainage matters can be controlled by condition to provide suitable drainage that protects the water environment.
- 11.9. The proposal demonstrates highway matters are acceptable including the proposed accesses to the site, traffic generation, junction capacity, design and safety. The Local Highway Authority raises no concerns regarding the proposal. A series of highway improvements could be secured by conditions and s106 agreement.
- 11.10. The proposal demonstrates that the impact upon nature conservation sites is acceptable. It demonstrates protected species impacts are acceptable and biodiversity net gain can be delivered, subject to conditions securing a BNG management and monitoring plan.
- 11.11. The application proposes 10% affordable housing but a viability appraisal has been submitted and this must be reviewed before concluding whether this is appropriate. An update will be provided at the meeting.
- 11.12. Policy compliant public open space and play equipment, and delivery, ownership, management and maintenance details could be secured by conditions and s106 agreement.

- 11.13. Further contaminated land assessment, remediation and verification are secured by condition. Construction management and drainage conditions would protect the water environment.
- 11.14. The maximum building height and separation distances set by the parameters plan and control over reserved matters would ensure no harm would arise to residential amenity.
- 11.15. The parameters plan would ensure no harm arises to designated heritage assets. There are no further archaeological requirements.
- 11.16. The parameters plan and noise assessment show the proposal would ensure acceptable internal and external noise levels for future residents. The construction environmental management plan would ensure construction phase impacts such as noise, air and vibration pollution upon local residents are minimised.
- 11.17. Education, healthcare and waste mitigation are required and can be secured by Section 106 agreement.
- 11.18. The application generates economic benefits including construction job creation, new homes bonus and increased resident spending in the area which are given moderate weight. Social benefits include increased housing supply, including affordable housing which are given significant weight. Environmental benefits include public open space with play facilities that are currently missing or inaccessible to residents of Carlton, and biodiversity net gain which is given moderate weight. The minor loss of best and most versatile agricultural land, and the suburbanisation of the site with some localised landscape and visual impact are given moderate weight.
- 11.19. It is concluded, on balance, that had the LPA been determining the application, material considerations indicate the proposal would have been recommended for approval subject to prior completion of a s106 and the conditions listed below.

12.0. RECOMMENDATION

- 12.1 It is recommended that Planning Committee conclude that had the LPA been determining the application in its current state permission would have been granted subject to prior completion of a s106 and conditions below.

S106

Healthcare

- £235,749.00 towards works at Selby Town PCN: Beech House Surgery – Carlton Branch and/or contribute towards a new development related to the Primary Care Network (PCN) that will accommodate the additional population created by the proposed development. A formula will be used calculate the final contribution based on the reserved matters.

Waste

- £65 per dwelling to provide to pay for 4no. wheeled bins per property.

Public open space and play equipment

- Delivery, ownership, management and maintenance

Affordable housing

- % to be agreed. Of these, 25% are to be First Homes, 65% affordable rent and 10% shared ownership.

Education

- £801,864.00 towards costs of providing educational facilities at Carlton Primary School and/or another primary school within the locality of the development.;
- £149,184.00 towards costs of providing educational facilities at Selby Special School and/or another school with Special Educational Needs and Disabilities provision serving the locality of the development;
- £167,832 to be used for early years provision serving Carlton.
- A formula will be used in the s106 to capture the number dwellings with two or more bedrooms at reserved matters stage to which contribution requirements would apply.

Highway

- £1,000 to fund the Public Right of Way signage;
- £7,500 to improve traffic safety at the Mill Lane High Street junction by means of installing yellow lines and the appropriate signage and related traffic regulation order;
- £1,500 to improve and update cycle route signage locally to encourage modal shift to cycling;
- and £5,000 to enable NYC to monitor the implementation of the Travel Plan.

Self-build and custom build housing

- Secure 3% of the total development plots as serviced plots of land for self-build and custom build housing.

Conditions:

1. Details of the access (within the site), appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

Reason:

In order to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

2. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission. The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Reason:

In order to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

3. The development hereby permitted shall be carried out in accordance with the following approved drawings:

- Location Plan 2337.01
- Mill Lane proposed access arrangements and visibility splays 17105/GA/02 Rev F (within the Transport Assessment)

Reason: For the sake of clarity and in the interests of proper planning.

4. The reserved matters application(s) shall conform with the approved parameter plan number 2337:04 Rev D.

Reason: To accord with the terms of the application.

5. The reserved matters application(s) shall provide details of the housing mix which is to be agreed in writing by the Local Planning Authority. The details shall demonstrate that, as a minimum, the dwellings meet the Nationally Described Space Standards (2015) or any successor standards or policy; and how 6% of the dwellings will be built to Building Regulations M4(3) 'wheelchair user' standard. Where the North Yorkshire Council has nomination rights M4(3) must be wheelchair accessible dwellings (constructed for immediate occupation) and in the market sector, they must be wheelchair user adaptable dwellings (constructed to be adjustable for occupation by a wheelchair user). Development shall proceed in accordance with the approved details.

Reason: To ensure a mixed and balanced community is created in pursuance of Policy SP8 of the Core Strategy, Policy HG6 Selby Local Plan Revised Publication 2024 and the Housing and Economic Development Needs Assessment (HEDNA) (October 2020).

6. No development (excluding demolition, archaeological investigation, service diversions and any land remediation/ground improvement works) shall take place until detailed engineering drawings of the following have been submitted to and approved in writing by the Local Planning Authority:

- a) All internal roads of the development;
- b) All works on drawing number 17105/GA/02 Rev F Mill Lane Proposed Access Arrangements and Visibility Splays (as part of the Transport Assessment);
- c) Notes B to F inclusive on Detailed masterplan 1761:03 Rev D;
- d) The widening, to 2m, of the footway on the northern side of Mill Lane from the application site frontage to the junction of Mill Lane with High Street. The Local Planning Authority may dispense in writing with part of this requirement where it is demonstrated this will encroach on to the carriageway;
- e) The emergency access to Broadacres Garth shown on Detailed Masterplan 1761:03 Rev D.

The submission shall include an independent Stage 2 Road Safety Audit [commissioned in accordance with NYC protocol] carried out in accordance with

GG119 - Road Safety Audits or any superseding regulations. The development shall proceed in accordance with the approved details. The works secured by criteria b to e inclusive shall be completed prior to the first occupation of any dwelling on the development.

Reason: To secure the terms of the application and an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users in pursuance of Policies ENV1, T1 and T2 of the Selby District Local Plan.

7. The vehicle visibility splays, as shown on drawing number 17105/GA/02 Rev F Mill Lane Proposed Access Arrangements and Visibility Splays (as part of the Transport Assessment), shall give clear visibility of 54m east and 47m west measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Pedestrian visibility splays to be provided at Mill Lane shall give clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. The visibility splays shall be provided prior to the first occupation of any dwelling on the development. Once created, these visibility splays must be maintained clear of any obstruction.

Reason: In the interests of highway safety in pursuance of Policies ENV1, T1 and T2 of the Selby District Local Plan.

8. No dwelling shall be occupied until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved and kerbed and connected to the existing highway network with any street lighting installed and in operation. The penultimate dwelling shall not be occupied until the access routes serving the development have been completed to wearing course level.

Reason: To ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and convenience in pursuance of Policies ENV1, T1 and T2 of the Selby District Local Plan.

9. The Travel Plan October 2023 (Rev 2) shall be implemented in accordance with the details it contains.

Reason: To establish measures to encourage more sustainable non-car-based travel in pursuance of Policies SP15 and SP19 of the Core Strategy and paragraph 114 of the NPPF.

10. No development (excluding demolition, archaeological investigation, services diversions and any land remediation/ground improvement works) shall commence until a scheme for the provision of surface water drainage for the whole site, including ground water pollution prevention measures, adoption/maintenance details and a timetable for its implementation, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall comprise sustainable urban drainage systems, unless comprehensive justification for other methods is agreed. Thereafter

the drainage scheme shall be implemented and maintained in accordance with the approved scheme.

Reason: To ensure the provision of adequate and sustainable means of drainage in pursuance of Policy ENV1 of the Selby District Local Plan, Policies SP15, SP16 and SP19 of the Core Strategy and paragraph 175 of the NPPF.

11. No development (excluding demolition, archaeological investigation, services diversions and any land remediation/ground improvement works) shall commence until a scheme for the provision of foul drainage for the whole site, including details of the means and extent of impermeable lining of foul sewers within ground water source protection zones, a timetable for its implementation and adoption/maintenance details has been submitted to and approved in writing by the Local Planning Authority. Such details shall be accompanied by written confirmation from the sewerage undertaker that sufficient capacity and treatment facilities exist to accommodate the foul water drainage or that an agreement is in place for necessary works to ensure such capacity and treatment facilities. Thereafter the foul drainage scheme shall be implemented and maintained in accordance with the approved scheme. There shall be no temporary storage of foul sewage on the site.

Reason: To ensure the provision of adequate and sustainable means of drainage and to protect the water environment in pursuance of Policy ENV1 of the Selby District Local Plan, Policies SP15, SP16 and SP19 of the Core Strategy, paragraph 175 of the NPPF and Policies IC4 and NE5 of the Selby Local Plan Revised Publication 2024.

12. No development (excluding demolition, archaeological investigation, services diversions and any land remediation/ground improvement works) shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction phase for the development. The plan shall include:

1. details of any temporary construction access(es) to the site including measures for removal following completion of construction works;
2. restrictions on the use of access(es) for construction purposes;
3. details of onsite wheel and chassis underside washing facilities and methods of cleaning the highway;
4. the parking of contractors', site operatives and visitor's vehicles;
5. areas for storage of plant and materials used in constructing the development clear of the highway;
6. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries, loading and unloading areas;
7. pre-development condition survey of the parts of Mill Lane that will be used by vehicles associated with the development;
8. protection of carriageway and footway users at all times during construction;
9. location of contractors compounds and welfare facilities;
10. any abnormal load movements;
11. protection of contractors working adjacent to the highway;
12. details of development and delivery hours;
13. erection of temporary security fencing;

14. measures to control and monitor dust, dirt, noise and vibration emissions arising from the development;
15. an undertaking that there must be no burning of materials on site at any time during construction;
16. removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
17. location and type of temporary lighting and methods to prevent light nuisance and harm to bats;
18. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue;
19. provision of water to the site during construction;
20. details of prevention and interception measures to avoid pollution of ground water source protection zones;
21. a commitment that vegetation clearance, including ground clearance, will be carried out outside the nesting bird season (March-September inclusive) or vegetation will be checked by an ecologist and any nesting birds allowed to fledge prior to removal;
22. a commitment that in relation to Hare a visual check of vegetated areas prior to commencement of works will be undertaken; that during excavations, an access ramp will be provided overnight to allow trapped animals an escape route; and chemicals will be stored in secure compounds and open pipes will be temporarily capped at the end of each working day to prevent any animals gaining access.
23. Temporary flood risk measures during the construction phase to mitigate the impact of flooding during the construction of the development.
24. Details of the means of protecting trees and hedgerows during construction of the development, to be installed prior to the commencement of other elements of the development and to be retained until the development adjacent to the tree or hedgerow is completed.

Reason: In the interest of public safety, amenity, ground water protection, preventing harm to protected species and to ensure existing landscaping is incorporated into the development in order to preserve the character and appearance of the area in pursuance of Policy ENV1 of the Selby District Local Plan, Policies SP18 and SP19 of the Core Strategy and NE5 of the Selby Local Plan Revised Publication 2024..

13. No foundation piling shall take place until a schedule of works to identify those plots affected and setting out mitigation measures to protect residents from noise, dust and vibration has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To protect residential amenity in pursuance of Policy ENV1 of the Selby District Local Plan.

14. No development shall take place, until a site investigation and risk assessment has been undertaken to assess the nature, scale and extent of any land contamination and the potential risks to human health, groundwater, surface water and other receptors, and it shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination in pursuance of Policy ENV2 of the Selby District Local Plan.

15. Where remediation works are shown to be necessary, no development shall take place (excluding demolition) until a detailed remediation strategy has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy must demonstrate how the site will be made suitable for its intended use and must include proposals for the verification of the remediation works.

Reason: To ensure that the proposed remediation works are appropriate and will remove unacceptable risks to identified receptors in pursuance of Policy ENV2 of the Selby District Local Plan.

16. Prior to the occupation of any dwelling, remediation works should be carried out in accordance with the approved remediation strategy. On completion of those works, a verification report (which demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990.

Reason: To ensure that the agreed remediation works are fully implemented and to demonstrate that the site is suitable for its proposed use with respect to land contamination in pursuance of Policy ENV2 of the Selby District Local Plan.

17. In the event that unexpected land contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, if remediation is necessary, a remediation strategy must be prepared, which is subject to approval in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation strategy, a verification report must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination in pursuance of Policy ENV2 of the Selby District Local Plan.

18. No building shall be located over or within 6 metres of the two water mains that pass through the site. Any tree, hedgerow or shrub planting within this protected area shall first be agreed in writing by the Local Planning Authority. If the required stand-off distance is to be achieved via diversion or closure of the water main(s), the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker.

Reason: In order to allow sufficient access for maintenance and repair work at all times and to prevent root damage to this essential drinking water infrastructure in pursuance of Policy ENV1 of the Selby District Local Plan.

19. The reserved matters application(s) shall include a flood water exceedance flow plan to be submitted to and approved in writing by the Local Planning Authority. This shall include details of how the site design will ensure that when SuDS and or drainage features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30-year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100-year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site. Development shall be carried out in accordance with the approved details.

Reason: To prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site in pursuance of Policy ENV1 of the Selby District Local Plan, Policies SP15, SP16 and SP19 of the Core Strategy and paragraph 175 of the NPPF.

20. The reserved matters application(s) shall include details of finished floor levels of the Dwellings, and existing and proposed surrounding ground levels, to be approved in writing by the Local Planning Authority. Finished Floor Levels shall be set above the 1 in 100 year plus climate change flood level with an additional 300mm freeboard above the flood level. The development shall be carried out in accordance with the approved details.

Reason: In order to secure appropriate dwelling and site levels and flood risk mitigation in pursuance of Policy ENV1 of the Selby District Local Plan, and Policies SP15, SP16 and SP19 of the Core Strategy.

21. No tree, shrub or hedge shall be cut down, uprooted or destroyed, topped or lopped other than in accordance with the approved landscaping plans submitted at Reserved Matters stage, without the written consent of the Local Planning Authority. Any existing tree, shrub or hedge or any tree, shrub or hedge planted as part of the landscaping scheme or any replacement that dies or is removed, uprooted or destroyed or becomes seriously damaged or defective within a period of 5 years of completion of the landscaping scheme must be replaced by another of the same species in the next available planting season.

Reason: To ensure existing and proposed landscaping is kept, protected and replaced as necessary, in order to preserve and enhance the character and appearance of the area in pursuance of Policy ENV1 of the Selby District Local Plan and Policies SP18 and SP19 of the Core Strategy.

22. The reserved matters application(s) shall include an up-to-date biodiversity metric and a Biodiversity Gain and Management Plan to demonstrate biodiversity net gain at the level indicated in the outline planning permission as a minimum, as a result of the development. The Biodiversity Gain and Management Plan shall include objectives, an implementation schedule, management responsibilities, maintenance schedules and a methodology to ensure the submission of regular monitoring reports with remedial actions to achieve the objectives (if required) for a minimum of 30 years from the date of completion of the habitat creation or enhancement. Biodiversity net gain shall be

carried out in accordance with the approved details. The developer shall notify the Local Planning Authority in writing within 14 days of the completion of the habitat creation and or enhancements that constitute the approved biodiversity gain scheme.

Reason: To ensure the proposal delivers biodiversity net gain in pursuance of Policy SP18 of the Core Strategy and paragraph 180 of the NPPF.

23. The reserved matters application(s) shall include a scheme of ecological enhancements for bats, birds and hedgehogs based on the measures outlined in the submitted Ecological Impact Assessment Report; hedgehog gaps in fences; a bat sensitive lighting scheme (with particular avoidance of hedgerows and new / enhanced habitat); and an implementation schedule for approval in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details and the implementation schedule it contains.

Reason: To secure ecological enhancements and avoid harm to protected species as proposed in the application and in pursuance of Policy ENV1 of the Selby District Local Plan, Policies SP2 and SP18 of the Core Strategy and paragraph 180 of the NPPF.

24. The reserved matters application(s) shall include details of the public open spaces, and a Local Area for Play (LAP) and a Locally Equipped Area for Play (LEAP) which are to be located within the public open spaces shown on the approved parameter plan. These facilities shall be designed in accordance with the standards contained within the adopted Developer Contributions Supplementary Planning Document (March 2007) and Fields in Trust, Guidance for Outdoor Sport and Play- Beyond the Six Acre Standard, England (November 2020). Development shall be carried out in accordance with the approved details.

Reason: To ensure the development delivers public open space and facilities in pursuance of Policy RT2 of the Selby District Local Plan, the Developer Contributions Supplementary Planning Document 2007, and paragraphs 96-97 and 102 of the NPPF.

25. The reserved matters application(s) shall include proposals to relocate, divert or place underground the electricity cables and related infrastructure that cross the site along the Mill Lane frontage and a timetable for doing so, for approval in writing by the Local Planning Authority. This infrastructure shall be moved in accordance with the approved details.

Reason: This electricity infrastructure appears to be located atop/ in very close proximity to the public right of way that the application proposes to retain and enhance with signage and hard surfacing. Therefore, it is important that potential conflict is resolved as part of the reserved matters application in pursuance of Policy ENV1 of the Selby District Local Plan and Policies SP15 and SP19 of the Core Strategy.

26. A Health Impact Assessment Screening Checklist shall be submitted with the first reserved matters application. If the screening checklist determines that a full Health Impact Assessment should be undertaken this shall be provided with the first reserved matters application and any design requirements it recommends shall be provided in the scheme.

Reason: In accordance with Chapter 8 of the NPPF to enable and support healthy lifestyles and policy SG9 of the Revised Publication Selby Local Plan 2024.

Target Determination Date: 15.5.2024

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

Appendix A – Parameter Plan

Appendix B - Planning Policy & Place Advice on emerging Selby Local Plan housing allocations