

North Yorkshire Council

Community Development Services

Selby and Ainsty Area Planning Committee

20 NOVEMBER 2024

2022/0665/OUTM OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR MEANS OF ACCESS TO, BUT NOT WITHIN, THE SITE FOR THE DEVELOPMENT OF UP TO 156 DWELLINGS AND ASSOCIATED LANDSCAPING AND INFRASTRUCTURE WORKS AT LAND AT MANOR FARM CHAPEL STREET HAMBLETON SELBY NORTH YORKSHIRE ON BEHALF OF HALLAM LAND MAN LTD MESSRS T & M HEY AND MRS D HEY

Report of the Head of Development Management – Community Development

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 permission with all matters reserved except for means of access to, but not within, the site for the development of up to 156 dwellings and associated landscaping and infrastructure works at land.
- 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 EXECUTIVE 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 signing of a legal agreement and the recommended conditions as detailed in this report.

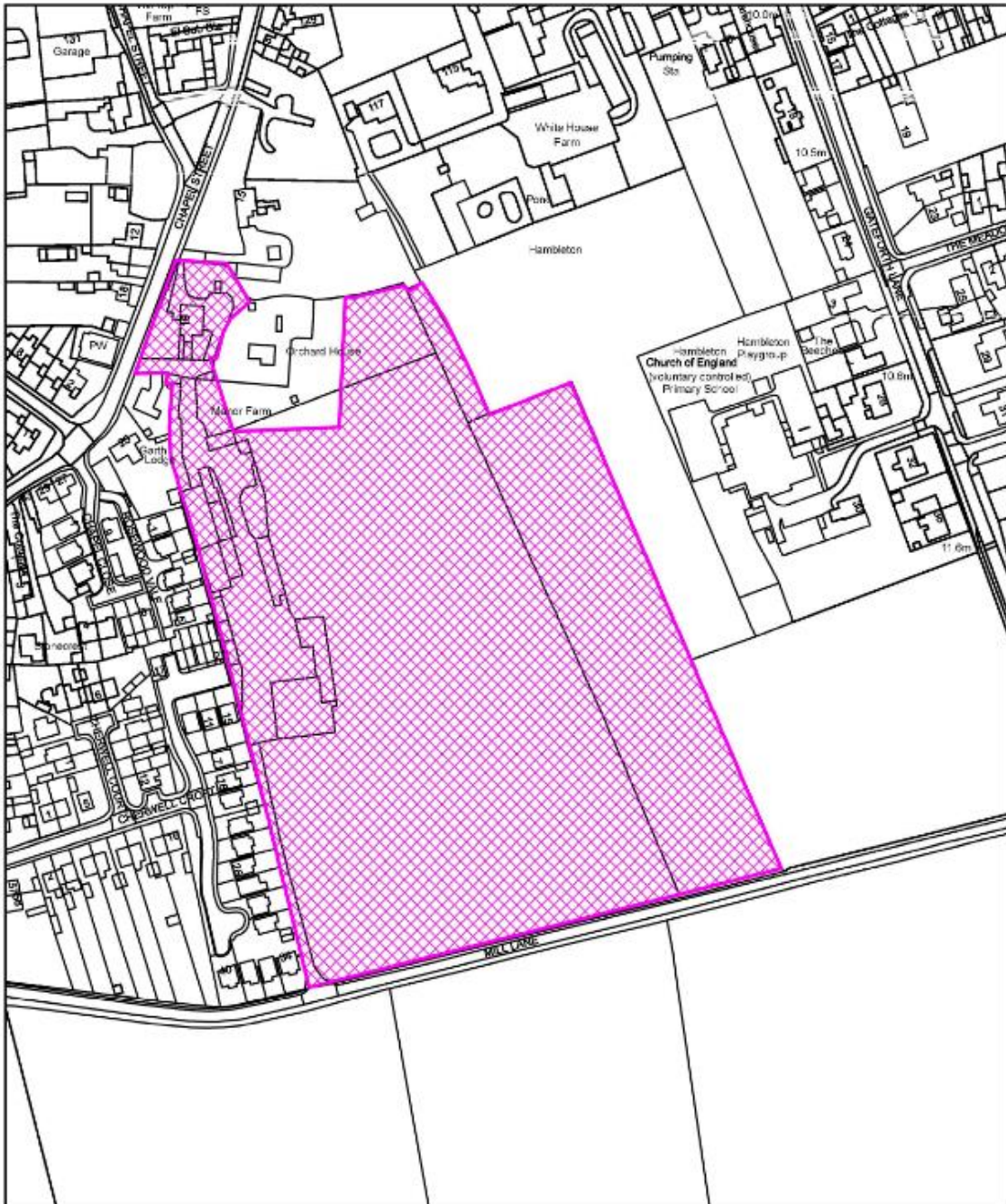
- 2.1 The application was submitted to the Council in June 2022 and relates to a site that forms a draft allocation in the emerging Selby Local Plan. The applicant has been working through the technical matters associated with the proposal. A duplicate application for the site has been submitted in October 2023 under reference ZG2023/1152/OUTM, this application is described as Outline application with all matters reserved except for means of access to, but not within, the site for the development of up to 150 dwellings and associated landscaping and infrastructure works. This application remains undetermined.

- 2.2 The Planning Inspectorate has agreed that the procedure for determining the non-determination appeal is via a public hearing which is set for the 27th and 28th November 2024.
- 2.3 The determination of the application now rests with the Planning Inspector and not with the Council, however, officers seek the opinion of Members of the Planning Committee with regards to the outcome they would have been minded to take, should the decision have rested with the Local Planning Authority.
- 2.4 This report sets out the key material planning considerations to enable Members to reach their opinion.
- 2.5 There are still some matters that have not yet been resolved at the time of preparing this report relating to affordable housing provision and viability. Officers will provide an update if this further information comes available for the committee meeting.
- 2.6 The site known as Manor Farm, located off Chapel Lane Hambleton. The application site is accessed from Chapel Street to the north and is the primary point of vehicular access to the site. Pedestrian and cycle access points are also provided to the southeast and southwest of the site connecting with Mill Lane. An emergency access point is also proposed connecting with Mill Lane at the southeast of the site.
- 2.7 The application is in outline form and seeks permission for the principle of housing development with full permission for the access to the site off Chapel Lane. The application was accompanied by various technical reports and surveys and an illustrative master plan, detailed access arrangement and landscape strategy, some of which have been amended and updated to take account of technical consultee comments
- 2.8 The appeal submission included a revised master plan, parameters plan and Financial Viability Assessment.
- 2.9 There were 84 objections from interested parties and no significant outstanding consultee concerns or objections. Further details with regards to objections and a summary of the consultee comments are set out later in the report.
- 2.10 In terms of the emerging Selby Local Plan further details are set out below with regards to the development plan position. The Selby new local plan is a vision and framework for the future growth of our district, identifying where new housing, employment and other development could take place. It also sets out the policies the Council would use to determine planning applications.
- 2.11 The local plan sets a framework for future development in the former Selby district area up to 2040. The decision to proceed with the Selby local plan for the former Selby district area was approved by North Yorkshire Council on 23

February 2023 and 21 February 2024. A key driver for the progression of the Selby local plan is to ensure a continued supply of housing sites. Until the new North Yorkshire Local Plan is adopted for North Yorkshire, housing supply calculations and the housing delivery test will continue to be assessed on a former district boundary basis. Continuing with the Selby local plan will ensure that the Council continues to take positive steps to manage housing delivery within the Selby area and will retain a plan-led approach. Having an up-to-date Selby local plan in place will give certainty for the community, landowners, developers and service and infrastructure providers on the amount of land needed to provide new developments and where this will take place.

- 2.12 Therefore, given the advanced stage that the Selby local plan has reached, the Council decided to make a revised publication version for consultation reflecting the latest evidence and guidance, including updates to the National Planning Policy Framework (NPPF 2023) and which addresses issues raised through the previous consultation, including revisions to policies and site allocations.
- 2.13 The revised publication consultation has now closed and the planning policy team have worked through the responses to the consultation at the same time considering the changes proposed in the government's National Planning Policy Framework consultation document.
- 2.14 The planning policy team advised that, the draft allocation for this site can be given weight as the plan has reached an advanced preparation stage and has considered the significance of unresolved objections made through consultation and is consistent with the NPPF 2023.

Land at Manor Farm, Chapel Street, Hambleton
2022/0665/OUTM



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3.0 Preliminary Matters

3.1 Access to the case file on Public Access can be found here

<https://public.selby.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

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

Reference	Proposal	Decision
2015/0257/OUT	Demolition of existing farm buildings and outline application with all matters reserved apart from access for residential development and the change of use to land to extend the existing school.	Refused 23rd March 2016. Refused on four grounds including principle of development based upon recent growth within the settlement, impact on existing trees, further information required in relation to flood risk and further information required in relation to bats.
2017/0526/OUTM	Outline application for erection of up to 150 dwellings including access and demolition of existing buildings	Refused 21st December 2017. on three grounds including the principle of development and conflict with the spatial strategy of the development plan and impact on the Grade II listed building Garth House as a result of the proposed demolitions to create the site access
2020/1095/DEM	Prior notification for proposed demolition of manor house and outbuildings as 19 Chapel Street, Hambleton	Prior Approval Granted 20th November 2020.

ZG2023/1152/OUTM	Outline application with all matters reserved except for means of access to, but not within, the site for the development of up to 150 dwellings and associated landscaping and infrastructure works	Pending Consideration – 53 letters of objection received
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4.0 Site and Surroundings

- 4.1 The site is located in Hambleton which is situated slightly south, west of Selby. The A63 runs through the centre of Hambleton from Selby towards to the west. The site is an agricultural field with a collection of farm buildings to the north. The site appears as an infill between Mill Lane to the south, the school on Gateforth Lane to the east and housing development off Chapel Street to the west.
- 4.2 The site is relatively flat and bound by hedgerows. A linear hedgerow runs through the site from north to south. There is an overhead line to the north of the site and open fields opposite. The site is in a low flood risk area as defined by the flood m
- 4.3 The existing site access is provided from Chapel Lane to the northwest and Mill Lane to the southwest via an unmade track. Pedestrian and cycle access points are also provided to the southeast and southwest of the site connecting with Mill Lane. An emergency access point is also proposed connecting with Mill Lane at the southeast of the site.

5.0 Description of Proposal

- 5.1 The proposal is for an outline application with all matters reserved except for means of access to, but not within, the site for the development for up to 156 dwellings and associated landscaping and infrastructure works at Manor Farm, Hambleton.
- 5.2 The application details suggest that the proposal can make provision for a variety and mix of house types and puts forward an affordable housing provision of 10%.
- 5.3 The proposal includes provision for Recreational Open Space on site showing a provision of 1.25 ha on the Illustrative Master Plan.
- 5.4 The application is supported by the following plans and information, of which some have been revised during the course of the application to address comments raised by technical consultees:

- Cover Letter
- Site Location Plan
- Illustrative Master Plan
- Illustrative Master Plan Letter
- Planning Statement
- Design and Access Statement
- Arboricultural Assessment
- Flood Risk Assessment
- Ecological Impact Assessment
- Breeding Bird Report
- Supplementary Bat Report
- BNG Metric
- BNG Report
- Heritage Assessment
- LVIA Viewpoints
- LVIA
- Landscape Strategy Plan
- Geoenvironmental Assessment
- Transport Assessment
- Technical Note Response to NY Highways
- Residential Travel Plan
- Topographical Survey
- Statement of Community Involvement

6.0 Planning Policy and Guidance

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise.

Adopted Development Plan

6.2 The Adopted 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)

6.3 The proposal is currently contrary to the adopted development plan as the site is located outside of the settlement of Hambleton and therefore located in the countryside.

Emerging Development Plan – Material Consideration

6.4 The Emerging Development Plan for this site is:

- Selby Local Plan revised publication version 2024 (Reg 19)

6.5 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.

6.6 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 in respect of this proposal the LPA would be giving weight to the eSLP proposed allocation and the most pertinent and relevant policies for decision making in relation to this specific proposal apart from those policies that remain to have unresolved objections.

6.7 The site is referenced HAMB-A in the Emerging Local Plan with an indicative density of 128 dwellings. The draft allocation map is at Appendix 3 and the site specific requirements are at Appendix 4.

Guidance - Material Considerations

- 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
- NYC Interim Guidance on Transport Issues 2015
- NYC Local Cycling and Walking Infrastructure Plan – Selby Tadcaster and Sherburn in Elmet

7.0 Consultation Response

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

Consultee	Outcome
Yorkshire Water	YW advised that a Water supply can be provided. Conditions are recommended regarding separate systems for foul and surface water disposal and no piped discharge.
North Yorkshire Council Archaeology	No concerns. The heritage assessment and previous geophysical survey suggest that the site has a low archaeological potential. The geophysical survey in particular has shown narrow furrow bases from previous ploughing. This suggests that other archaeological anomalies would have been expected to show in the survey if they were present
North Yorkshire Council Conservation	3 June 2024 the amended layout has changed and the farm buildings which are associated to Manor Farm but create an agricultural setting for Garth House are now to be retained. The masterplan has also removed dwellings from the rear of Garth House, these two components together would remove the setting issues previously mentioned on the comments made in November 2023. The revised plan seeking to retain a level of openness to the rear of Gareth House and retention of outbuildings has been noted. Provided that a condition securing the openness and farmyard outbuildings are retained (as noted on No 11) on the Illustrative Masterplan April 24 it is considered that the proposed development would result in a neutral setting to the Grade II listed building Garth House. Condition recommended.
Contaminated Land Consultant	No objection – Phase 1 Report is good. Conditions recommended for Site investigation and risk assessment. Remediation Strategy and Verification report.
Environment Agency	No response consulted 13.06.2022 31.08.2022 12.01.2023 22.05.2024
North Yorkshire Council Ecology	No objection – 17.5 % BNG can be delivered. condition recommended for LEEMP required.
Historic England	Standing advice. Refer to LPA conservation and archaeology.
North Yorkshire Council Environmental Health	No objection. Condition recommended to protect residents from construction related impacts.
North Yorkshire Fire Service	No objection
North Yorkshire Council Highways	Access – No objection the applicant has satisfied LHA concerns regarding junction radii and road space at the site entrance.

	<p>TA - The LHA are content with the comments made in the Technical Note regarding the Transport Assessment. It is noted that the traffic will not have a significant impact at the A63 main roundabout, assuming that all relevant committed developments are in place.</p> <p>No objections overall. Conditions recommended. Planning Obligations Travel plan monitoring required, bus and cycle contribution</p>
Selby Area IDB	No objection to surface water disposed of via soakaways or mains drainage. Condition recommended regarding SUDS if used.
North Yorkshire Council Landscape Architect	<p>22 May 2024 – Object - broadly in agreement with the method and scope of the assessment and with some of the broader principles of the landscape mitigation does not agree that the mitigation can be sufficiently achieved or that this is demonstrated through the Illustrative Masterplan and Landscape Strategy Plan. LVIA is based on the existing LILA designation boundary which does not take account of potential changes currently being considered as part of the Selby new local plan with proposals to extend the LILA designation boundary where Brayton Barff and Hambleton Hough are merged and the LILA extended immediately to the south side of the site adjoining Mill Lane (Hambleton Leaflet, Pre-Submission Publication Selby District local Plan, Selby DC, August 2022; and Selby District Local Landscape Designation Review, LUC, Dec 2019.</p> <p>11 September 2024 Further information provided and amended Illustrative Masterplan Rev P .The previously submitted Landscape Strategy Plan has not been amended to show these corresponding changes. There has been no response from the applicant to comments regarding boundary wall, sightlines, tree protection or recreational open space. However, the Landscape Architect advises that further details can be provided by a detailed hard and soft landscape scheme with future detailed applications through reserved matters applications.</p>
North Yorkshire Council Education Directorate	June 2024 – Primary Education shortfall of 39 places contribution of £727,272.00. Secondary shortfall of 20.28 places contribution of £ 520,141.44. SEND contribution of £116,363.52 Early Years contribution of £70,862.40.
Humber and North Yorkshire Health Care	Existing facility is 2 miles away is at South Milford and has no capacity for the growth. Contribution of

ICB	£183,876 required.
North Yorkshire Police Secured by Design	No objection.
North Yorkshire Council Public Rights of Way	No comments
North Yorkshire Council Drainage Team	No objection. Conditions recommended.
North Yorkshire Council Tree Officer	No objection. Conditions recommended
North Yorkshire Council Urban Designer	No comments
North Yorkshire Council Waste and Recycling	Advice on waste and recycling facilities.
Yorkshire Wildlife Trust	Standing Advice
Parish Council	Objects, the site is outside the development limit, the proposal would result in over-development of the settlement with a sever lack of facilities and amenities. The village has limited public transport. The site is overlooked by Hambleton and the development would be at the forefront of the view from the top of the Hough. The development access would be detrimental to the valued intimate character of Chapel Street and its existing buildings and structures. The proposed access for all vehicles would be via Chapel Street. The Chapel has no parking and uses on street parking for visitors. Surface water drainage issues and existing infrastructure is insufficient to cope. The PC is of the opinion that the development would not benefit their community or environment.

Local Representations

7.2 The Local Planning Authority received 84 representations objecting to the application and no representations of support. The representations can be found on the public file on the Councils Website, however a summary of the issues raised are set out below:

- Traffic Impact and Highways Safety – traffic increase and access concerns
- Poor public transport provision
- Poor electricity supply
- Low water pressure
- Poor broadband speeds
- Impact on Doctors and GP Surgeries
- Insufficient amenities
- Impact on infrastructure
- Impact on the environment and biodiversity
- Existing drainage issues

- Increased noise pollution
- Closeness to Cherwell Croft boundary
- Loss of Farmland
- Loss of Habitat – bats in the farm buildings and Hare's/Deers seen in the field
- Construction noise
- Lack of employment opportunities
- The site is outside the development limit

8.0 Environmental Impact Assessment

8.1 A formal screening assessment has not been requested by the applicant. The LPA has screened the proposal internally and concluded that 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 are of the opinion that whilst the proposal exceeds the thresholds of exceeding 150 dwellings and a site area of more than 5 ha that the proposal would not be likely to have significant effects on the environment that could not be dealt with by the usual planning process and consideration and as such an Environmental Statement would not be required. The Planning Inspectorate has also screened the application and reached the same conclusion.

9.0 Main Issues

9.1 The main issues are:

- Principle of development
- Housing need and supply
- Loss of agricultural land
- Minerals safeguarding
- Housing density and mix
- Character and appearance
- Landscape character
- Trees
- Heritage impacts
- Flood risk and drainage
- Highway matters
- Impact upon nature conservation sites and protected species, and biodiversity net gain
- Affordable housing
- Recreational open space
- Residential amenity
- Contaminated land and ground conditions
- Noise and air pollution
- Education, healthcare and waste and re-cycling

10.0 Assessment

Principle of Development

- 10.1 Core Strategy Policy SP1 provides a presumption in favour of sustainable development which reflects that found within the NPPF.
- 10.2 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”.
- 10.3 The Core Strategy designates Hambleton as a Designated Service Village (DSV). Policy SP2A(a) confirms Hambleton has some scope for additional residential growth to support rural sustainability. However, the application site is not within the development limits of the village and as such is classed as within the countryside but adjoining the development limit and closely related to the settlement. The Selby District Local Plan 2005 did not identify a specific requirement per settlement but allocated sites in phases 1 and 2 across DSVs (policy H2). The Core Strategy 2013 similarly did not have a specific requirement for each village but instead a quantum to be met across the DSV level in the settlement hierarchy (policy SP5). The Core Strategy did not include any site allocations (other than the mixed-use urban extension, strategic development site at Olympia Park, Selby, policy SP7). It was envisaged that a Site Allocations Local Plan would identify the specific development sites for the CS. Ultimately this was not progressed, and the Council instead progressed the emerging Selby Local Plan (with a new strategy and site allocations together as a complete document).
- 10.4 The proposal conflicts with Core Strategy Policy SP2 and while limited weight is given to the Emerging Local Plan overall, it is possible, based on the tests within NPPF paragraph 48, to give moderate positive weight to the allocation of the site via reference HAMB-A in Policy HG1. These factors combine to indicate the principle of development should be supported. Whilst the eSLP

has not been examined yet, meaning there is potential for change to the policies it contains, the likelihood of the allocation being removed seems remote particularly as it would deliver housing to meet the aims of the Government and has been subject to two rounds of consultation and consideration as part of the plan-making process.

Housing Need and Supply

- 10.5 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”.
- 10.6 Paragraph 226 of the NPPF states that local planning authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or 19 stage will only be required to identify a supply to provide a minimum of 4 years’ worth of housing supply. The NPPF aim of boosting and maintaining the supply of housing is a material consideration when evaluating planning applications. The Government has also issued a Ministerial statement which states that we are in the middle of the most acute housing crisis in living memory. The Government is clear that the housing need in England cannot be met without planning for growth on a large than local scale. This Ministerial Statement is a material consideration.
- 10.7 Whilst the former district has a healthy four-year housing supply, the Council is taking a proactive approach to development and support the release of land for housing where this can further boost housing supply in line with national policy, and it is appropriate to do so in line with a plan-led approach in sustainable locations on emerging allocated sites.
- 10.8 In respect of sustainability, the village contains a variety of local services, a primary school, recreation ground, shops and public houses. Hambleton also benefits from a local bus service. 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.

Loss of agricultural land

- 10.9 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. 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.
- 10.10 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 as Grade 3 which is good to moderate. The site is 6.02 ha of land with some areas being covered with hard standing and buildings. This is below the 20-ha threshold whereby Natural England (as statutory consultee) should be consulted on the loss of best and most versatile agricultural land. (The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)). The permanent loss of best and most versatile agricultural land would be a form of harm arising from the proposal. Such loss, in the opinion of officers, 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 conflict with Core Strategy Policy SP18 and NPPF paragraph 180 b) and foot note 62 which states that where significant development of agricultural land is demonstrated to be necessary poorer quality land should be preferred to those of higher quality, needs to be weighed in the planning balance. Emerging Selby Local Plan policy SG4 deals with best and most versatile land, however in the context of development in the countryside. In proposing the allocation of the site assessment took account of the loss of Grade 3 Agricultural land. It is also worth noting that the intense farming of the land which is site between a school and existing residential development is likely to have impacts on residential amenity. Officers are therefore of the view that given the proximity to the settlement and the scale of the site it would there the use as residential land would be most appropriate.

Minerals Safeguarding

- 10.11 The site is located within a mineral safeguarding area for sand and gravel designated by the Minerals and Waste Joint Plan (MWJP). The MWJP states that 'Effective safeguarding of minerals helps to preserve finite resources for the future, although there is no presumption that safeguarded resources will be worked'. Sensitive development in close proximity to minerals resources can also impact on the ability to work a resource in future, as a result of the impacts necessarily involved in working some minerals. Policy S01 states the type of material that will be safeguarded from other surface non mineral development. The accompanying maps show that the safeguarded material is building material, clay, sand and gravel. The site is also in an area or 'low' risk as identified on the Coal Authority Map. Policy S02 sets out where non mineral development will be granted permission in safeguarding areas such as development that would not sterilise the mineral or future extraction, whether the extraction would have an unacceptable impact on the environment or local communities, the need for the non-mineral development would outweigh the need to safeguard the material or that the mineral is no longer valuable. The Minerals and Waste Joint Plan also sets out proposals that are exempt where consideration of safeguarding policies do not require consideration. Policy S04 sets out the types of surface mineral resources that will be safeguarded from other forms of non-mineral development to protect them for the future. The proposal for housing development does not fall within

the exemptions and as such a minerals assessment is required. A Minerals Assessment has not been provided with the application as such it is not known whether the mineral is of value, however, given the proximity of the site to existing residential properties, the school and Hambleton Hough LILA which is proposed to be extended through the emerging plan, it is likely that any mineral extraction from this site would have an unacceptable impact on the environment and the local community.

Housing density and mix

Density

- 10.12 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”. The site area is around 6 ha and as such using a minimum density of 30 dph should amount the 180 dwellings on the site.
- 10.13 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.
- 10.14 The proposed allocation for HAMB-A of the eSLP states an indicative capacity of 128 dwellings along with the criteria requiring the scale to be reflective of the character of the village. The proposal puts forward a density of up to 156 dwellings, which sits between the 128 proposed allocation and the 180 minimum density suggested in the current policy. Concerns have been raised with regards to the proposed density, which may result in some of the key design considerations not being able to be met, however, this application is in outline with all matters reserved apart from access. A condition has been suggested requiring a design guide to be provided to demonstrate that the future reserved matters applications can be with local and national design requirements. The illustrative plan shows key development areas and picks up on the requirements of the emerging allocation in terms of required buffer zones to the Listed Building, landscaping buffers to the front and east elevation to respect the proposed extension of the LILA and the school. The number of properties put forward is slightly higher than expected in the eSLP, however this is an outline application which seeks permission for up to a maximum of 156 dwellings. Concerns have been raised by interested parties

and consultees that the layout shown in the illustrative masterplan would not necessarily deliver a scheme that is well designed. Detailed assessment of the final details will be undertaken through the reserved matters applications as this application is to secure the principle of development

Mix

10.14 Policy SP8 Housing Mix states “All proposals for housing must contribute to the creation of mixed communities by ensuring that the types and sizes of dwellings provided reflect the demand and profile of households evidenced from the most recent strategic housing market assessment and robust housing needs surveys whilst having regard to the existing mix of housing in the locality.” NPPF paragraph 64 seeks to create mixed and balanced communities through affordable housing provision. This policy is consistent with the NPPF and is given significant weight. Paragraph 10.36 of the Housing and Economic Development Needs Assessment (HEDNA) (October 2020) states: “The ‘market’ is to some degree a better judge of what is the most appropriate profile of homes to deliver at any point in time, and demand can change over time linked to macro-economic factors and local supply.” The wording of the HEDNA intends to provide an element of flexibility in the precise mix put forwarded within applications. The table below from the 2020 HEDNA shows the need for sizes of homes per tenure type.

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

Fig 5 Extract taken from the HEDNA 2020

Self Build

Policy HG10 of the emerging Selby Local Plan requires that site providing more than 50 or more dwellings will be required to supply up to 3% of total plots to self-builders. The Parameter Plan shows that the development parcel can accommodate self-build plots and as such this requirement can be met. Future reserved matters applications will secure the self build plots. This aligns with paragraph 70 of the NPPF in seeking opportunities for self-build and custom build housing to come forward.

M4 (3) and Nationally Described Space Standards NDSS

Policy HG6 of the emerging Selby Local Plan requires 6% of new homes are to be built to M4 (3) (wheelchair user dwellings) standard on developments of 10 or more and dwellings meet the NDSS. This can be addressed through the reserved matters submissions.

- 10.15 The application form doesn't confirm the type of properties and the Illustrative Master Plan Revision Q and Parameter Plan Rev A (submitted with the appeal) do not identify types of homes. The Planning Statement states in para 6.41 that the proposal provides a mix of housing suitable for different household types but that this is to be determined at a later date through reserved matters submissions. Future reserved matters applications and conditions can ensure that a mix of types of homes are provided.
- 10.16 Paragraph 60 of the NPPF states 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 Paragraph 135 e) of the NPPF states that planning decisions should optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development, which will be possible through the reserved matters submissions.

Character and Appearance

- 10.17 CS Policy SP18 requires the high quality and local distinctiveness of the natural and man-made environment will be sustained by 1. Safeguarding and, where possible, enhancing the historic and natural environment including the landscape character and setting of areas of acknowledged importance. Policy SP19 requires residential development to "Incorporate new and existing landscaping as an integral part of the design of schemes, including off-site landscaping for large sites and sites on the edge of settlements where appropriate". NPPF paragraph 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.
- 10.18 The site requirements for HAMB-A include various elements that relate to character and appearance impacts including:
- Provide a development that is sensitively sited and designed, reflecting the rural and agricultural form and character of the village in terms of form, scale, density, layout and materials, in order to ensure the development compliments the existing form and character of this part of the settlement, preserves and where appropriate enhances the setting of the adjacent Listed Garth House, and respects the setting and views of the Hambleton Hough Locally Important Landscape Area. Development should be carefully designed to ensure the impacts on the surrounding landscape character and existing views towards Hambleton Hough are retained and enhanced, where possible, through design considerations such as road orientation to facilitate views towards Hambleton Hough.

- 10.19 The Illustrative Master Plan shows a particularly strict layout with linear development being the strong character which does not necessarily represent the looser character around Chapel Street. The parameter plan identifies the development parcel but doesn't drill down to any particular character areas being created. This can be addressed through the future reserved matters submission will take account of the form, scale, density, layout and materials and officers consider that condition requiring the submission of a design guide to be approved prior to submission of the reserved matters applications is necessary for the detailed design strategy and parameters to be agreed prior to working up the detailed plans.
- 10.20 The parameter plan shows a 10-metre-wide landscape buffer and includes the enhancement of existing hedgerows. It has not been identified that the hedgerows are protected, however the site requirements for the emerging allocation requires the retention and enhancement of the existing hedgerows. Subject to further details via reserved matters submission and details required by conditions. The parameter plan and landscape strategy demonstrate that the setting of the views of the Hambleton Hough Locally Important Landscape Area and the surrounding landscape character can be protected and enhanced.

Landscape character

- 10.21 The site-specific criteria for the proposed allocation states that the proposal should respect the setting and views of the Hambleton Hough Locally Important Landscape Area. Development should be carefully designed to ensure the impacts on the surrounding landscape character and existing views towards Hambleton Hough are retained and enhanced, where possible, through design considerations such as road orientation to facilitate views towards Hambleton Hough. The eSLP also proposes to extend the LILA to the left and north of Hambleton Hough opposite the site.
- 10.22 Hambleton Hough sits around 400 metres to the southeast of the site. 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.
- 10.23 The site and its setting fall within the Hambleton Sandstone Ridge Character Area (14) within the Selby Landscape Character Assessment 2019. The Hambleton Sandstone Ridge character area is located at the heart of the Selby District, to the west of Selby. It has a varying topography dominated by two low but distinctive wooded hills: Brayton Barff; and Hambleton Hough.

The area features two main settlements: Hambleton and Thorpe Willoughby. Both feature predominantly modern housing, with village centres comprising a handful of more traditional properties, commonly constructed of mottled red brick. The villages are well served by the local road network, including the major roads of the A63 and A1238 leading into Selby: the A63 creates a degree of severance in the landscape. Gateforth is a much smaller estate village to the south, with stronger historic character. Brayton Barff is topped by a reservoir, and there is a large disused farm in the centre of the area, but otherwise non-residential development is limited.

- 10.24 The distinctive Hambleton Hough and Brayton Barff are key landmarks across this area and beyond. Skylines are distinctly wooded looking up to these hills, with the avenue trees at Hambleton Hough being particularly sensitive. Panoramic views of the landscape are experienced from the top of both hills, with distant views of the Yorkshire Wolds to the north. Relatively few prominent features are seen in these long views across the expansive level's farmland. Development that obstructs these views would affect the setting of the hills.
- 10.25 The application is accompanied by an LVIA, LVIA Landscape Strategy Plan and LVIA viewpoints. These have been superseded during the course of the application to respond to the Council's Landscape Architect's comments. The latest comments from the Landscape Architect are that the boundary walls, sightlines, tree protection or recreational open space comments had not been considered further, however, further details can be provided in future submissions and by a detailed hard and soft landscape scheme with future detailed applications. Future consideration of detailed landscape proposals can be through the reserved matters applications and conditions.

Trees

- 10.26 An Arboricultural Assessment has been provided which shows the trees to be retained and those to be removed. It is noted that the plan shown within the assessment has not been updated in line with the revised Illustrative Master Plan. A group of trees G1 (B) are to be removed at the access point to achieve suitable visibility. A group of trees G6 (B) to the west middle part of the site are proposed for removal. A group of trees G7 (B) along the western boundary to the south of the site is to be removed, A hedgerow H4 (B) that runs through the length of the site north to south is also proposed for removal. A number of Category C trees (of low quality with an estimated remaining life expectancy of 10 years or young trees with a stem diameter of 150mm) are also proposed for removal.
- 10.27 The Council's Tree Officer has been consulted and raises no objections to the proposal. They have recommended conditions should planning permission be granted.
- 10.28 The impact upon the character and appearance of the area is considered acceptable in this context in accordance with the requirements of Core

Strategy Policy SP18 and NPPF paragraph 135 along with the requirements of the eSLP set out above.

Heritage impacts

- 10.29 Policies SP1 'Presumption in Favour of Sustainable Development', SP18 'protecting and Enhancing the Environment', SP19 'Design Quality' of the Core Strategy, and policies ENV1 'Control of Development' and ENV24 'Alterations to Listed Building' of the Local Plan. Policy SG12 of the eSLP sets out the requirements of development should preserve and/or enhance the historic environment. Both policy SG12 and the proposed allocation criteria requires the submission of a Heritage Impact Assessment undertaken by a suitably qualified expert.
- 10.30 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving the Listed Building(s) or its setting or any features of special architectural or historic interest which it possesses. Paragraph 196 of the NPPF requires that plans should set out a positive strategy for the conservation and enjoyment of the historic environment. The aforementioned policies and paragraph 200 of the NPPF require that the applicant describes the significance of any heritage assets affected. A Heritage Assessment, prepared by Pegasus Group supports the application. The assessment identifies that a total of five Listed Buildings. Garth House around 20 metres to the west of the site, Walmsley House around 230 metres north east of the site, The Old Vicarage around 200 metres west of the site, 22 Main Road around 190 metres north of the site and Church of St Mary around 260 metres north of the site. Garth House is the closest to the site and a Grade II Listed building which fronts Chapel Street and backs on to the application site. The heritage significance of Garth House derives from the architectural interest of its historic fabric and of a dwelling constructed in the early-mid 18th century and classed as an asset of less than the highest significance. The setting also contributes towards the setting of Garth House. The immediate surrounds of the Listed Building have changed substantially due to residential development taking place to the asset's northwest, west and southwest during the later 20th century, the construction of 'Garth Lodge' to the building's immediate north, as well as 21st century development to its south. These elements are not considered to make any contribution towards the heritage significance of this asset through setting.
- 10.31 Paragraph 201 of the NPPF states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 203

of the NPPF states that ‘ In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness. The Council’s Conservation Officer has been consulted and advised that the proximity and potential intervisibility with the site and Garth House the only Grade II listed building remains a potentially sensitive to the development. The Conservation Officer felt that the proposed density would be too high and the amount of traffic movements via the access on Chapel Lane within a few metres of the Listed Building has the potential to impact the setting of the Listed Building. The Conservation Officer feels that that a reduced density of the development would lessen impacts on the impact of the development to the setting of the Listed Building. The Conservation Officer requested that the existing outbuildings to the rear of Garth House be retained to protect the setting of Garth House from the development. The amended masterplan has also removed dwellings from the rear of Garth House, these two components together would remove the setting issues previously mentioned by the conservation officer and such the concerns have been addressed in regard to setting.

Archaeology

- 10.32 The Heritage Impact Assessment sets out the archaeological interest of the site. The assessment summarises the results of a previous archaeological geophysical survey undertaken as part of a previous planning application. The heritage assessment and previous geophysical survey suggest that the site has a low archaeological potential. The geophysical survey in particular has shown narrow furrow bases from previous ploughing. This suggests that other archaeological anomalies would have been expected to show in the survey if they were present. Given these negative results the Council’s Archaeologist has no archaeological concerns regarding this application.
- 10.33 Overall the significance of the heritage asset is less than significant and the Conservation Officer is of the view that the harm is neutral. Given that the proposal is an outline submission and the density is indicative the concerns raised can be addressed through the reserved matters submissions. A condition that specifically requires the retention of the agricultural buildings is recommended given that the Master Plan is illustrative. Subject to this the Conservation Officer is of the view that the requirements of paragraph 196 and 203 of the NPPF are met.
- 10.34 On balance the Council are of the view that specific consideration relating to design, character and appearance can be addressed through future submissions and recommended conditions and that the proposal will deliver public benefits that derive from economic, social or environmental benefits. Overall the proposal will deliver homes, planning gain, construction

investment in the area, affordable housing, public open space, accessible development by foot, cycle and public transport, development in an area of low flood risk, biodiversity enhancement along with careful consideration of the heritage asset Garth House.

Flood risk and drainage

- 10.35 Relevant policies in respect of flood risk, drainage and climate change include Policy ENV1(3) of the Selby District Local Plan and Policies SP15 “Sustainable Development which seeks to apply sequential and exceptions tests, and Climate Change”, SP16 “improving Resource Efficiency” and SP19 “Design Quality” of the Core Strategy. NPPF paragraph 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.”
- 10.36 The site is located in Flood Zone 1 which is at a low probability of flooding, as defined by the Flood Maps for Planning Website. The FRA submitted with the application states that there is a small area at low risk of surface water ponding in the northern portion of the site, indicating an existing localised low point in the field. The ground levels on the site will be altered to raise depressions along the northern boundary of the site to match the remaining areas of the site. This will remove any surface water ponding and will lower the modelled flood depth. Percolation tests have shown the site is unsuitable for infiltration-based drainage.
- 10.37 Surface water disposal will be via gravity to an attenuation basin before being pumped via a rising main to the 920 mm public surface water sewer located in Main Road north of the site, as agreed with Yorkshire Water. Surface water discharge will be restricted to the minimum adoptable pump rate of 4.75 l/s, as stipulated by Yorkshire Water. Attenuation storage will be provided for rainfall events up to the return period of 1 in 100 year plus climate change. The total estimated storage volume is 4602 m³ subject to detailed design.
- 10.38 Foul effluent will discharge via gravity to an onsite pumping station where it will be pumped via a rising to the 225 mm public foul sewer in Chapel Street, north-west of the site. Both the surface water and foul drainage systems will be offered for adoption to Yorkshire Water.
- 10.39 The Environment Agency have not responded to various rounds of consultation. Yorkshire Water and the Council’s Drainage Team along with the IDB raise no objections to the proposed drainage strategies subject to conditions to secure the final details.

Highway matters

- 10.40 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.

- 10.41 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. 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.
- 10.42 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. 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.”
- 10.43 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).
- 10.44 Emerging Local Plan site allocation HAMB-A requires the proposal to “2. Provide vehicle, cycling and pedestrian access from Chapel Street and 3. Provide cycling and pedestrian access links onto Mill Lane. The Transport Assessment provides preliminary details of the proposed access to the site (site Access General Arrangement Rev A) and includes a 2 m wide footway and uncontrolled pedestrian cross where the access joins the existing foot path on Chapel Street which is also to be widened and enhanced. The new access will provide shared vehicle and cycle access from the development to Chapel Street and existing routes. Pedestrian and cycle links are indicatively shown at the southwest of the site connecting with Mill Lane. Final details of the link will be considered through the design guide and reserved matters submissions.
- 10.45 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.

- 10.46 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.”
- 10.47 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.”
- 10.48 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.
- 10.49 The aforementioned development plan policies are considered broadly consistent with the NPPF and are given significant weight.
- 10.50 The application is supported by a Transport Assessment and a Travel Plan. The application seeks approval for access into the site but not within in it. The access is proposed on Chapel Street to the north of the farm buildings opposite numbers 16 and 18 Chapel Lane. A footway of 2 metres wide is

proposed either side of the access. The Council have proposed a primary cycle route from Hambleton to Selby in the LCWIP.

10.51 The Transport Assessment concludes that the traffic associated with the development is satisfactorily accommodated on the wider highway network in terms of operation and road safety, vehicular access can be satisfactorily accommodated from Chapel Lane, opportunities are available to travel to the site by other modes than single occupancy car trips, including walking and cycling. There are no specific safety issues related to the existing highway network, which could be exacerbated by modest changes in traffic flows associated with the proposal.

10.52 The Travel Plan Actions include the following:

- Appointment of a Travel Plan Coordinator
- Funding of Travel Plan Measures (advice to residents and travel information, pedestrian routes within the site, cycle parking and adequate levels of parking)
- Travel surveys
- Monitoring reports to NYC
- Discussion of monitoring and reporting with NYC
- Ongoing sustainable travel communication

10.53 A further Technical Note has been provided in response to NYC's Highways comments. The Council's Highway Officer raised no objections. The Highways Officer has provided a final consultation response advising that The Local Highway Authority would like to inform you that, regarding active travel, Active Travel England has been a statutory consultee since 1st June 2023. As this application was submitted prior to that date, active travel considerations were not included. Nevertheless, the Cycle and Walking Plan for England, published in 2019, is aligned with the Local Cycling and Walking Infrastructure Plan (LCWIP). 1. Contributions towards Local Cycling and Walking Infrastructure Plan (LCWIP). The LCWIP identifies the A63 as a primary route, the broader strategy includes creating a high-quality, interconnected network of cycling and walking paths that will link areas such as Hambleton to Selby and beyond. The aim is to extend cycling infrastructure to peripheral areas like Hambleton, aligning with both Policy T7 and emerging Policy IC6, by enhancing connectivity and promoting sustainable transport options. These improvements will support local and regional networks, providing safer and more accessible routes for residents and reducing car dependency. The contribution aligns with planning policies, LCWIP for Selby and the requirements of Section 106 agreements, ensuring that funds are used for relevant and justified infrastructure improvements that benefit the development and the surrounding community. 2. A contribution will also be required to enhance the bus service in Hambleton. This is to provide a more efficient public transport service into Selby. The LHA raise no

objections subject to the recommended conditions and financial contributions for the following:

- Travel Plan Monitoring £5,000.00
- Contribution of £1,350.00 per dwelling towards the Local Cycling and Walking Infrastructure Plan for Hambleton to Selby
- Financial Contribution to enhanced bus services £1266 per dwelling

10.54 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 site criteria and NPPF. The contribution towards the proposed primary cycle route and enhanced bus service will ensure that sustainable travel options are available and that the proposal delivers health and wellbeing benefits for the occupiers of the site. Paragraph 122 of the CIL Regulations 2010 state that a planning obligation may only constitute a reason for granting planning permission if the obligation is:

- 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.

It is considered that the aforementioned financial contributions are necessary to make the development acceptable in terms of sustainability, traffic impacts and highway safety. The appellant has agreed provisionally to these contributions in their draft legal agreement.

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

10.55 Local Plan Policy ENV1 requires account is taken of the potential loss, or adverse effect upon, significant wildlife habitats.

10.56 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.

- 10.57 Emerging Local Plan site allocation HAMB-A criteria requires the retention and enhancement of the existing mature hedgerow along the southern and eastern extents of the site through a suitable landscaping scheme, to provide screening of views from these directions. Viewpoints towards the Hambleton Hough should be considered in the layout of the landscaped screening. This criteria relates to impacts on views towards Hambleton Hough, however, retention and enhancement of the hedgerows will contribute towards protecting and enhancing biodiversity.
- 10.58 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. Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on public authorities in the exercise of their functions to the purpose of conserving biodiversity by having regard to the relevant key policies and legislation which includes local policy, Chapter 15 of the NPPF, planning practice guidance, The Town and Country Planning Act along with the Wildlife and Countryside Act (1981) (as amended).
- 10.59 The Illustrative Master Plan and Parameter Plan shows the retention of the southern and east hedgerows along with the indication that these are to be widened and enhanced. This complies with the criteria within the draft allocation.
- 10.60 The application was supported by an Ecological Impact Assessment and Biodiversity Net Gain feasibility Assessment. Further information has been submitted during the course of the application, including a Breeding Bird Report Rev A and Bat Report along with a BNG Metric Calculation and Biodiversity Net Gain Report Rev C. The Councils Ecologists advised that the report is of a high standard and confirms that due to changes in the illustrative layout off site habitat creation is not required. The report demonstrates that 19.61% net gain in habitat units can be provide and 19.80% net gain in hedgerow units would be comfortably compliant with policy. Point to note is that the application was submitted prior to the mandatory requirement of BNG.
- 10.61 The Bird Breeding Report shows that the site supports an assemblage of species, consisting in the most part, of widespread and common species associated with arable and urban edge habitats. The assemblage is considered to be of no more than Local Conservation Importance. Proposals will result in permanent losses of habitats under the footprint of the development. The loss of the arable habitat within the site will lead to a probable not-significant negative effect on several farmland specialists, which would be considered significant at a Local scale. The report concludes that The proposed extensive areas of green infrastructure and areas of built development have the potential to achieve significant benefits for a range of

urban edge bird species, many of which are currently present on site. The Council's Ecologist is happy with this conclusion.

- 10.62 The Bat Report (July 2022) states that current proposals suggest that all trees with roosting potential will be retained and therefore it is considered unlikely that, if present, roosting bats within these trees will be affected. Buildings were assessed as having moderate to negligible suitability for roosting bats. A small number of feeding remains, but no signs of regular bat roosting, were found during the visual inspection and no bat roosts were identified during bat surveys carried out as part of the previous EclA. No roosts were identified during emergence surveys, although regular foraging activity was recorded around the farmyard and associated buildings. The current proposals will remove a potential commuting route, however mitigation for this is included in the development plans in the form of an alternate, enhanced boundary. It is recommended that additional bat roost features are included in plans for the site, which will enhance roosting potential and biodiversity in line with the NPPF recommendations.
- 10.63 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 recommended.

Affordable housing

- 10.64 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. Where less than 40% Affordable Housing is to be delivered this is to be evidenced through an assessment of the financial viability of the proposal.
- 10.65 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. A viability appraisal has not been submitted as part of the application.

- 10.66 Emerging Local Plan allocation reference HAMB-A at criterion 4 states that at least 10% affordable housing should be provided. This requirement has been calculated based on the whole plan viability. Based on the background evidence supporting the eSLP (Selby Local Plan and CIL Viability Report by Aspinall Verdi (dated January 2021), it was found that 40% affordable housing was too high and not being achieved. In context various applications that have been through viability testing recently have demonstrated that this is the case. The report stated that at most a 20% affordable housing provision should be sought in high value areas, decreasing when considering low value area and brownfield sites. Hambleton is split into both high and low value areas. The application site falls into the low value area where 10% affordable housing would be required.
- 10.67 Emerging Selby District Local Plan Policy HG7 (Affordable Housing) part A sets out that the minimum affordable housing requirement for each allocated site is set out in the individual site policies in Part 3. The emerging site allocation criteria for HAMB-A states 'least 10%'. The application puts forward 10% AH. Hambleton is split the western part is identified as a High Value Area requiring 20% AH with the east part being a Low Value Area requiring 10%. The site sits in the low value area but close to the border. A financial viability assessment (FVA) has been submitted with the appeal. This FVA concludes that 40% AH is not viable and that 10% is. The Council has not been able to obtain a professional opinion on the assessment at the time of preparing the report, however, a professional opinion is being sought in the light of the policy criteria requiring a minimum affordable housing requirement of 10%. At the time of writing the proposal conflicts with the emerging and adopted local plan policies of affordable housing. An officer update will be provided to advise on the outcome of the financial viability appraisal.
- 10.68 In terms of mix, tenure, type and distribution of the affordable housing, 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. Policy SP9 and the SPD do not reflect the Ministerial Statement for First Homes but do provide a broad basis for securing affordable housing.
- 10.69 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). Along with the first homes the current split represents, 25% are to be First Homes, 65% affordable rent and 10% shared ownership. This requirement can be included in a legal agreement should Members resolve that they would have granted

planning permission. Part E states that on large sites with multiple phases of development, the amount of affordable housing must be proportional to the size of each phase.

- 10.70 In conclusion, the proposal is considered to be contrary to policy SP9 of the Core Strategy in terms of affordable housing provision. Emerging Selby Local Plan Policy HG7 and the criteria set in the emerging allocation HAMB-A sets out a minimum requirement of 10%. The Viability Assessment provided with the appeal concludes that 40% affordable housing is not viable but 10% affordable housing is. The exercise does not conclude whether the development would be viable at delivering more than 10% affordable housing. There is currently no conclusion to the affordable housing requirement to demonstrate that the proposal meets with the aforementioned policies. An update will be provided.

Recreational open space

- 10.71 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 National Playing Fields Association standards.” The NPFA is now known as Fields in Trust.
- 10.72 The Developer Contributions Supplementary Planning Document 2007 provides further guidance on the provision of open space.
- 10.73 The eSLP site allocation HAMB-A does not specify the required Recreational Open Space as a specific criteria.
- 10.73 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. Policy RT2 is considered consistent with the NPPF and is given significant weight.
- 10.74 Whilst the application is in outline form, all but for access, it is important to consider if the parameter plan and illustrative master plan demonstrates that the yield of development proposal is achievable. Policy RT2 requires that proposals provide 60 m² of open space per dwelling. When taking the indicative yield of dwellings put forward this would equate to 0.94 ha of land as open space. The illustrative plan shows 1.15 ha of land with formal and informal provision. The parameter plan and illustrative plan show that a variety of green space can be provided on site subject to further details.

10.75 Officers recommend that the planning obligation and conditions seek to secure the details of the areas of open space along with their future management and maintenance.

Residential amenity

10.76 Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1. eSLP policy SG9 (Design) also has relevance. These policies are consistent with NPPF paragraph 135 (f) which seeks to ensure a high standard of amenity for existing and future users.

10.77 Residential amenity in terms of the proposed development will be a matter for the Reserved Matters detailed considerations. The nearest residential properties to the site are located to the west on Cherwell Croft and Chapel Close, 23 Chapel Street to the northwest and Orchard House to the north. 19 Chapel Street has been demolished.

10.78 In terms of direct impacts on existing neighbouring properties, the red line boundary does not include the existing access route that runs along the rear of properties of Cherwell Croft, this will provide a good separation distance to the rear gardens of proposed dwellings shown on the illustrative master plan. The existing barn within the site shown as number 11 on the illustrative master plan, is to be retained to protect the Listed Building but will also provide a defensible boundary to the development. The illustrative master plan and parameter plan show new landscaping to screen Orchard House from the development access. An access is shown to be provided taken from the new internal road.

10.79 Interested parties have raised various concerns with regards to the impacts of the development which have been taken into consideration in the assessment of the proposal and addressed in the relevant sections.

10.80 Interested parties and the Environmental Health Officer raise concerns with regards to the impact of the construction phase on the amenity of occupiers of nearby properties in terms of noise, comings and goings, dust and vibration. The Environmental Health Officer has recommended conditions to manage construction impacts.

Contaminated land and ground conditions

10.81 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.

10.82 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 an

unacceptable risk from unacceptable levels of soil or water pollution or land instability. ELP allocation reference HAMB- A requires any contaminated land that is present on the site to be remediated in accordance with Policy NE8 (Pollution and Contaminated Land). This site has been used as agricultural land, and these activities may have given rise to land contamination and/or ground gas issues.

- 10.83 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. These development plan policies are consistent with the NPPF.
- 10.84 A Geo-environmental Assessment has been submitted with the application which provides a preliminary investigation. The report concludes that there is no known landfilling within 250 metres of the site and it is not in an area susceptible to mines gas. It is considered due to the former use that there is likely to be some ground contamination. There are overhead lines that are a constraint to the development.
- 10.85 The Councils Contaminated Land Consultant advised that the Phase 1 Report is good. Conditions are recommended for Site investigation and risk assessment. Remediation Strategy and Verification report. As such the proposal is acceptable in terms of contaminated land and complies with the aforementioned policies.

Noise and air pollution

- 10.86 The policies referred to in the contaminated land section above are relevant. A Noise Assessment hasn't been provided with the application. There are no known noise impacts that would affect the proposed development. The site is surrounded to the north and west by residential development, a primary school to the east and open countryside to the south.

10.87 The Council's Environmental Health Officer has been consulted and no objections have been raised, conditions are recommended to protect residents from noise and air pollution during the construction phase.

Education, healthcare and waste and re-cycling

10.88 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.

10.89 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".

10.90 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.

10.91 The Developer Contributions SPD provides further guidance regarding contributions towards waste and recycling facilities; education facilities; and primary health care facilities amongst others. ELP allocation states that '5. 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 at Hambleton Church of England primary, Selby High, or other schools serving the development.'

10.92 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.

Education

10.93 NYC Children and Young People's Service advise that based on the proposed number of dwellings developer contributions would be sought for education facilities as there is a shortfall in Primary education - £727,272.00, Secondary education - £520,141.44, Special Educational Needs and Disabilities (SEND) - £105,618.24 , Early Years provision (which applies to dwellings with 2 bedrooms or more) - £70,862.40. The contribution is requested to mitigate the impact of the development for all the education types. Primary provision

is required directly to Hambleton Primary School and secondary provision to Selby High School. The contribution requested is based on the indicative yield of dwellings put forward in the description of development.

Health

- 10.94 The NHS Humber and North Yorkshire Integrated Care Board have advised the Council that the existing GP practice at South Milford Surgery: Thorpe Willoughby Branch does not have capacity to accommodate the additional growth resulting from the proposed development, which is evidenced through assumptions contained in the ICB's consultation response. The ICB have identified that the planning application will give rise to a need for additional primary healthcare provision to mitigate the impact arising from the population associated with the proposed development. A contribution of £ 183,876 is requested to mitigate the impacts of the development. 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 contribution requested is based on the indicative yield of dwellings put forward in the description of development.

Health Impact Assessment

- 10.95 Current adopted policy does not require the submission of Health Impact Assessments with major planning applications. The Emerging Selby District Local Plan Policy SG9- Design and paragraph 135 of the NPPF require that decisions ensure that proposals create places that are safe, inclusive and accessible and which promote health and well-being and that active travel and healthy lifestyles through the promotion of walking and cycling links, access to areas for recreation and the principles of Building for Healthy Lives (or successor document). The eSLP policy SG9 requires that 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. A Health Impact Assessment does not accompany the application. As the proposal is in outline form it is appreciated that the proposal does not include details such as design and layout that would be informed by the outcomes of the HIA. Local Cycling and Walking Infrastructure Plans (LCWIP) for the Selby area is a new, strategic approach to identifying cycling and walking improvements required at the local level and aligns with the Government's Cycling and Walking Investment Strategy (CWIS) . They enable a long-term approach to developing local cycling and walking networks, typically over a 10-year period, and form a vital part of the Government's strategy to increase the number of trips made on foot or by cycle. WSP on behalf of North Yorkshire Council have produced a LCWIP for the Selby District. The map identifies a proposed primary cycle route from Hambleton through Thorpe

Willoughby to Selby. Whilst this is a Highways and Transportation initiative the scheme is a positive benefit to the development and will enable the requirements of emerging policy SG9 and criteria 2 and 3 of the emerging allocation for HAMB-A to be achieved. A contribution towards this scheme has been costed at £1350 per dwelling. It is considered that that this contribution is necessary to achieve sustainable travel objectives, directly related to the development and of a reasonable cost to the development. The development did not fall within the requirement to consult Active Travel at the time it was submitted, however, this contribution will enable the development to contribute towards active travel objectives.

- 10.95 In order to ensure that health objectives are considered in the future detailed design, a condition is recommended requiring a design specific HIA to be submitted via condition or future reserved matters applications.

Waste

- 10.96 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.

- 10.97 The aforementioned contributions set out above are considered to be reasonable and necessary to mitigate the impact of the development. The applicant has provided a draft section 106 to secure the contributions and therefore subject to agreement, the impacts of the development on health, education and waste impacts can be mitigated. The LCWIP and bus service contribution is still subject to further discussion. The proposal therefore complies with the Local Plan Policy ENV1, Core Strategy Policies CS6 and SP12 and the Developer Contributions SPD and the site criteria of the emerging allocation.

Other

- 10.98 An overhead power line crosses the site and appears to be located at the northern part of the site. 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.
- 10.99 Core Strategy Policy SP16 requires the proposal to provide a minimum of 10% of total predicted energy requirements from renewable, low carbon or decentralised energy sources. This has been overtaken by Building Regulations and as such is no longer conditioned. The emerging allocation does not set out any criteria in relation to renewable energy.
- 10.100 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).” The BT website demonstrates Full Fibre to Premises Broadband is available in the area. Policy IC5 requires that new residential development will be supported where high-quality digital and communications infrastructure is integrated into the design. Provision should be available upon first occupation and schemes are designed to support access to Full Fibre to Premises (FTTP) Broadband as a minimum, or the fastest technical available emerging technology where viable. It is therefore necessary to condition that the reserved matters are designed to support access to Full Fibre to Premises Broadband as a minimum.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 The site is outside of the development limits of Hambleton as defined by the Selby District Local Plan and Selby Core Strategy Local Plan and as such is defined at countryside, however, the Council have been working to support the proposal through the Emerging Selby Local Plan Appendix 1 (eSLP Revised Publication Local Plan). Hambleton is a Tier 1 Village in the settlement hierarchy and subject to meeting the site-specific requirements and the other relevant policies in the eSLP. The applicant has been working on both applications to resolve technical matters arising.
- 11.2 Since the submission of the application, the eSLP has progressed with a revised publication version being consulted upon this year. Policy Officers have advised on the weight that should be applied to emerging Selby Local Plan proposed housing allocations which is based on the Government’s Ministerial Statement announcing an intention to reform the planning system and wider changes to the NPPF to deliver the Government’s commitment to building 1.5 million homes in the next 5 years. Such Ministerial Statements can be material to the determination of planning applications. Policy Officers have advised regarding the individual emerging allocated site policies and relevant wider local plan policies; these have been evaluated as to the significance of any unresolved objections in line with para 48(b). The policies of the Selby Local Plan Revised Publication Draft 2024 which they have advised as having weight attributed, the detailed site-specific policies, and the latest associated evidence base which support them, are material considerations in making planning decisions on planning applications for residential development on emerging housing allocations. The Policy Officers have advised that there are no significant outstanding objections to the allocation of this site and as such moderate weight can be attached to it as a emerging allocation.
- 11.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with the Development Plan so far as material to

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

- 11.4 Officers are of the view that, whilst the starting point lies with the adopted development plan, the Emerging Local Plan and National Planning Policy Framework are material considerations for which moderate weight should be applied. Paragraph 48 of the NPPF which 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); ***The plan is considered to be at an advanced stage.***

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 ***The Councils Planning Policy Team advise that there are no significant unresolved objections to the proposed allocation and the policies contained within the eSLP that are most pertinent for decision making in this instance.***

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. ***The policies of the eSLP are considered to be consistent with the Framework and in particular relation to paragraph 60, boosting the supply of homes.***

- 11.5 Officers are also of the view that it is appropriate to apply significant weight to paragraph 60 of the NPPF in supporting the Government’s objective of significantly boosting the supply of homes and the Ministerial Statement proposing amendments to the NPPF. 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 evidence base behind the eSLP supports the level and nature of development within the Hambleton area as a Tier 1 Village.

- 11.6 As the proposal is for outline application with all matters reserved except for means of access to, but not within, the site for the development of up to 156 dwellings and associated landscaping and infrastructure works, officers are of the view that reserved matters applications, legal agreement and conditions can ensure that the development proceeds in line with the site-specific criteria and detailed policies of the eSLP.

- 11.7 The proposal entails significant residential development in the countryside adjacent to, the development limit of Hambleton 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 Hambleton 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.

- 11.8 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 and as such weight should be attached to the emerging plan allocation as a material consideration.
- 11.9 The SDLP 2005 did not identify a specific requirement per settlement but allocated sites in phases 1 and 2 across DSVs (policy H2). The two allocations in Hambleton have been built out, as such the SDLP requirement for Hambleton for that Plan period (which was up to 2006) was met.
- 11.10 The Core Strategy 2013 similarly did not have a specific requirement for each village but instead a quantum to be met across the DSV level in the settlement hierarchy (policy SP5). The Core Strategy did not include any site allocations (other than the mixed-use urban extension, strategic development site at Olympia Park, Selby, policy SP7). It was envisaged that a Site Allocations Local Plan would identify the specific development sites for the CS. Ultimately this was not progressed, and instead the Council progressed the emerging Selby Local Plan (with a new strategy and site allocations together as a complete document).
- 11.11 As the eSLP allocation for the site is based on the evidence and overall plan viability, the Council, in reaching a favourable recommendation for the application seeks to apply the most pertinent policies of the eSLP which are considered to be in line with the NPPF.
- 11.12 Hambleton has a level of existing services and facilities that serve the existing residents. Interested parties tell the Council that whilst there are facilities available they would not be sufficient to accommodate the level of growth proposed. The village has a bus services to Snaith, Goole and Selby, however, interested parties and the Local Highways Authority tell us that the service is limited and requires enhancement to meet the level of growth proposed. 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, however given services are limited, enhancements to the existing bus service and provision of new cycle routes would be necessary to ensure that the site is not served only by car base travel and provide for the level of housing growth proposed.
- 11.13 The permanent loss of the BMV 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). The would be weighed against the housing delivery and other benefits associated with the proposal.

- 11.14 There would be no impact upon waste or coal mining matters, this weighs positively toward the proposal. The proposal would sterilise the future extraction of the safeguarded mineral beneath the site however, on balance it is considered that this would have a neutral impact given it would have undesirable impacts on residential amenity and the environment to undertake mineral extraction on this site.
- 11.15 Final design, layout, density and mix of housing proposed can be controlled by condition and future reserved matters applications.
- 11.16 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 proposed landscaping that can be secured by conditioning the parameters plan submitted with this application, the recommended conditions and the subsequent reserved matters including landscaping details which include tree and hedgerow protection. The landscape strategy shows that there would be an overall benefit in terms of landscape and biodiversity enhancements which weighs in favour of the proposal.
- 11.17 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, this weighs in favour of the proposal.
- 11.18 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 are put forward to be secured by conditions and s106 agreement. Subject to the improvements put forward this weighs in favour of the proposal in that the measure will mitigate the impacts of the development but will deliver benefits to Hambleton which weighs positively.
- 11.19 The proposal is acceptable in terms of nature conservation and BNG and delivers an overall benefit which weighs in favour of the proposal.
- 11.20 The proposal puts forward 10% affordable housing which is below the current 40% requirement. The emerging allocation criteria requires a minimum of 10% affordable housing to be provided. A financial viability assessment (FVA) was not provided with the application but has been provided with the appeal against non-determination. The FVA concludes that 40% is unviable but 10% would be viable. The Council are seeking professional opinion on this. This is currently unresolved and at the time of preparing this report is a negative consideration and as such contrary to both adopted and emerging policy requirements. An update will be provided by officers at Planning Committee.

- 11.21 The proposal meets with the current requirements for public open space as defined by policy RT2 and the Developer Contributions SPD. POS is to be delivered on site and the management and maintenance details could be secured by conditions and s106 agreement should the Appellant and Inspector agree. The delivery of on-site green space will provide for the development but also the community which weighs in favour of the proposal.
- 11.22 Heritage impacts, contaminated land and other matters are considered to be acceptable and details can be secured by conditions. The retention of the farm buildings weighs positively in terms of protecting the setting of the listed building.
- 11.23 Education, healthcare and bin provision are required and are to be secured by a legal agreement. This weighs in favour of the proposal in providing contributions to mitigate the impact of the development.
- 11.24 Subject to a contribution towards the proposed cycle network and the submission of a Health Impact Assessment with the detailed design the proposal will deliver a development that contributes towards active travel and healthy lifestyles. This requested is still being considered by the applicant, subject to agreement this will deliver a benefit to the proposal and the Hambleton community which would weigh in favour of the proposal.
- 11.25 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 are given significant weight. Environmental benefits include public open space with play facilities and biodiversity net gain which are given moderate weight. The proposal can mitigate its impacts on health and education through financial contributions. 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.
- 11.26 It is concluded, on balance, that had the LPA been determining the application in its current state and the outcome of the appraisal of the FVA justified that level of affordable housing provision put forward the proposal would have been recommended by officers for approval subject to the conditions and developer contributions suggested.

Section 149 of The Equality Act 2010

- 11.27 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.

11.28 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.

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:#

PLANNING OBLIGATIONS

Affordable Housing

- Affordable housing provision- % to be agreed 25% are to be First Homes 65% affordable rent and 10% shared ownership.

Public open space and play equipment

- Delivery, ownership, management and maintenance

Education

- £727,272.00 towards the cost of providing primary education facilities at Hambleton C of E Primary School
- £520,141.44 towards the cost of providing secondary education facilities at Selby High School or other schools serving the development
- £105,618.24 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
- £70,862.40 towards the cost of providing early years provision serving Hambleton
- 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.

Healthcare

- £ 183,876.00 contribution to provide primary healthcare at South Milford Surgery: Thorpe Willoughby Branch
- A formula will be used calculate the final contribution based on the reserved matters.

Highways

- £5,000.00 to enable NYC to monitor the implementation of the Travel Plan.
- £1350.00 contribution per dwelling of the delivery of the LCWIP primary cycle route
- £1266 contribution per dwelling towards the enhancement of the Hambleton to Selby bus service

Waste and Recycling Facilities

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

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

RSM Details

1. Details of the 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).

RSM Submission

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.
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 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).

Approved Plans

4. The development hereby permitted shall be carried out in accordance with the following approved drawings:
Parameter Plan Rev A
Landscape Strategy Plan Rev I
Access General Arrangement Rev A

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

5. Notwithstanding the indicative proposals submitted with planning application 2022/0665/OUTM 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).

CTMP

6. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase:
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
 - viii. HGV routing
 - ix. external lighting equipment.

Reason: In accordance with policies T1 and T2 of the Selby District Local Plan, SP15 of the Core Strategy Local Plan and Chapter 9 of the NPPF in the interests of highway safety and the convenience of prospective residents.

Tree Protection

7. The first reserved matters application shall include:
 - (a) A plan, to a scale and level of accuracy appropriate to the proposal, showing the position of every tree on the site or on land adjacent to the site (including any street or highway tree(s)) that could influence or be affected by the

development, indicating which trees are to be removed:

(b) In relation to every tree identified on the plan, a schedule listing :
(i) The information specified in paragraph 4.4.2.5 of BS 5837:2012 (Trees in Relation to Construction – Recommendations or any relevant replacement standard)

(ii) Any proposed pruning, felling or other tree related operation

(c) In relation to every existing tree identified on the plans as to be retained, details of:

(i) Any proposed alterations to existing ground levels, and of the position of any proposed excavation that might affect the root protection area (RPA) (in accordance with clause 4.6 of BS5837 or any relevant replacement standard)

(ii) All appropriate tree protection measures required before and during the course of development (in accordance with clause 7 of BS5837 or any relevant replacement standard)

(d) Areas of existing landscape, and/or areas of proposed new tree planting or woodlands, to be protected from construction operations and the method of protection (clause 6.2.2 figure 2 and 3).

(e) A detailed Arboricultural Impact Assessment (AIA) (in accordance with clause 5.4) or any relevant replacement standard shall be submitted for approval and consider the following (the list is not exhaustive):

o Tree root protection (distances, engineering specifications for fencing in line with point d)

o Changes in levels to include proposed location of stored excavated soils

o Changes in surfaces

o Installation and layout of services

o Demolition of existing buildings, surfaces

o Detailed and specific tree protection detail where unavoidable incursions to RPA's are identified

o Sunlight and shading and effect on residents especially the main living rooms

o Construction site access

o Construction site layout (offices, parking)

o Construction site materials storage

o Effect on residential amenity

o Effect on local amenity if trees are lost to the development

(f) A detailed Arboricultural Method Statement (AMS) (in accordance with clause 6.1) shall be submitted for approval. The AMS will outline how the retained trees can be afforded additional protection using alternative methods of construction or market available alternative techniques and include arboricultural oversight and supervision.

(g) A detailed landscape scheme to include highway tree planting and the incorporation of underground systems to encourage successful tree growth

while protecting services and footpaths/highways.

Reason: In the interest of protecting the trees identified for retention and in pursuance of Policy ENV1 of the Selby District Local Plan and Policies SP18 and SP19 of the Selby District Core Strategy Local Plan.

Phasing

8. The first reserved matters application shall include a detailed phasing plan indicating the phases in which the development is to proceed. Development shall proceed in accordance with the approved details.
Reason: To accord with the terms of the application and the terms of the legal agreement.

Design Guide

9. Prior to the submission of the first Reserved Matters a Design Guide shall be submitted to and approved in writing by the Local Planning Authority. The Design Guide will be applied to all subsequent Reserved Matters submissions for development. The Guide shall follow the principles established in the Design and Access Statement Issue 4. The Design Guide shall refer to and reflect the National Design Guidance and cover the following key detailed design matters:

- a) Urban design principles - how the development will create a permeable and secure network of blocks and plots with well-defined, active and enclosed streets and spaces;
- b) Movement hierarchy and street types- the network of streets, footpaths and car free routes and how these integrate into existing networks, using street sections and plans to illustrate the hierarchy, including details of the verged and tree lined avenue to be created within the public highway along the principal routes.
- c) Residential character areas - the different areas of housing within the site and details of the key characteristics of each zone in terms of layout, scale, siting, appearance, and landscape;
- d) Architectural appearance, building details and materials- informed by a local character appraisal;
- e) Open space character areas - the function, appearance and design principles for each key area of open space;
- f) Vehicle and cycle parking - including details of allocated and visitor parking strategies in line with the Council's parking standards;
- g) Hard and soft landscape - including street surfacing, junction treatments, street furniture, signage, management and maintenance, + boundary treatments - details of front, side, rear and plot division boundaries for each street type / character area;
- h) How 6% of the dwellings will be built to Building Regulations M4(3) 'wheelchair user' standard. All dwellings shall meet the Nationally Described Space Standards (2015) or any successor standards or policy.

Development shall proceed in accordance with the approved details.

Reason: In accordance with policies ENV1 of the Selby District Local Plan,

SP18 and SP 19 of the Selby District Core Strategy Local Plan and Chapter 12 of the NPPF

10. A Health Impact Assessment Screening Checklist shall be submitted with the first reserved matters application. Should the screening checklist determine if a full Health Impact Assessment should be taken this shall be provided in line with any design requirements accommodated into the scheme.
Reason: In accordance with Chapter 8 of the NPPF to enable and support healthy lifestyles and policy SG9 of the emerging Selby Local Plan.

Road Works

11. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to base-course macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied.
Reason: In accordance with policies T1 and T2 of the Selby District Local Plan, SP15 of the Selby District Core Strategy Local Plan and Chapter 9 of the NPPF in the interests of highway safety and the convenience of prospective residents.

Access

12. There shall be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway at Chapel Street or Mill Lane. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway occurring during construction.
Reason: In accordance with policies T1 and T2 of the Selby District Local Plan, SP15 of the Selby District Core Strategy Local Plan and Chapter 9 of the NPPF in the interests of highway safety and the convenience of prospective residents.

Parking

13. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved drawing. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
Reason: In accordance with policies T1 and T2 of the Selby District Local Plan, SP15 of the Selby District Core Strategy Local Plan and Chapter 9 of the NPPF in the interests of highway safety and the convenience of prospective residents.

PD removal – Garages

14. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the garage(s) shall be retained as such and not be converted into domestic accommodation
Reason: In accordance with policies T1 and T2 of the Selby District Local Plan, SP15 of the Selby District Core Strategy Local Plan and Chapter 9 of the NPPF in the interests of highway safety and the convenience of prospective residents.

Drainage

15. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.
Reason: In the interest of satisfactory and sustainable drainage in accordance with policy SP15 of the Core Strategy and chapter 14 of the NPPF.

There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:

- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
- ii) the means of discharging to the public sewer network at a rate not to exceed 3.5 litres per second.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal in accordance with policy SP15 of the Selby District Core Strategy Local Plan and Chapter 14 of the NPPF.

16. On-site SuDS or flow restriction be proposed restricted flow measures or attenuation shall be put in place prior to occupancy of the first dwelling on the site and no later than 3 months.
Reason: Not to increase flood risk downstream of sites during temporary works development and in the interest of satisfactory and sustainable drainage in accordance with policy SP15 of the Selby District Core Strategy Local Plan and chapter 14 of the NPPF.

17. Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document. Note that further restrictions on surface water management may be imposed by Yorkshire Water and the Local Planning Authority. The applicant should provide confirmation that infiltration as an option for discharge is not viable before discharging to the adjacent Yorkshire Water surface water sewer.
Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.

18. No development shall take place until a suitable maintenance of the proposed SuDS drainage scheme arrangement has been demonstrated to the local planning authority. Details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.
Reason: To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system.
19. No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. 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.
Reason: to prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site.
20. The development shall not commence until details of finished floor levels of the development hereby approved have been submitted and approved in writing by the Local Planning Authority. Finished Floor Levels should be set 300mm above expected flood levels (including SuDS features and within any proposed drainage scheme) or 150mm above ground level, whichever is the more precautionary. The development shall be carried out in accordance with the approved scheme satisfying this condition.
Reason: In the interest of amenity of the occupiers of the adjoining properties and flood risk mitigation
21. The development shall not commence until information is provided to confirm infiltration is not viable is provided or percolation testing to determine soil infiltration rate is carried out in accordance with BRE 365 Soakaway Design (2003) and CIRIA Report 156 Infiltration drainage – manual of good practice (1996). Method of test must be relevant to proposed SuDS. Testing must be carried out at or as near as possible to the proposed soakaway location (no greater than 25m from proposed soakaway for uniform subsoil conditions. For non-uniform subsoil conditions testing must be carried out at the location of the soakaway). Testing must be carried out at the appropriate depth for proposed SuDS (e.g. invert level, base level of soakaway etc.) relative to existing ground levels. Three percolation tests are to be performed at each trial pit location to determine the infiltration rate, where possible. Where slower infiltration rates are experienced, testing must be carried out over a minimum period of 24 hours (longer if 25% effective depth is not reached).

25% effective depth must be reached. Extrapolated test data will not be accepted.

Reason: To ensure the site is properly drained, to determine surface water destination and to prevent flooding to properties

Foundations

22. 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 and ENV2 of the Selby District Local Plan.

Contaminated Land

23. 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.

24. 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.

25. 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.

26. 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.

Details of Land Level Changes

27. Where any change in land levels is proposed across the site details shall be provided with the first Reserved Matters Application. The development shall proceed in line with the agreed details.
Reason: In the interest of ensuring there is no surface water ponding and in the interest of visual amenity in accordance with policy ENV1 of the Selby District Local Plan and SP15 of the Selby District Core Strategy Local Plan and chapter 14 of the NPPF.

Noise during construction

28. Construction work shall not begin until a written scheme for protecting the proposed noise sensitive development from noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the noise level in the gardens of the proposed properties shall not exceed 50dB LAeq (16 hours) between 0700 hours and 2300 hours and all works which form part of this scheme shall be completed before any part of the development is occupied. The works provided as part of the approved scheme shall be permanently retained and maintained as such except as may be agreed in writing by the Local Planning Authority. Construction work shall not begin until a written scheme for protecting the internal environment of the dwellings from noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the building envelope of each plot is constructed so as to provide sound attenuation against external noise. The internal noise levels achieved shall not exceed 35 dB LAeq (16 hour) inside the dwelling between 0700 hours and 2300 hours and 30 dB LAeq (8 hour) and 45 dB LAm_{ax} in the bedrooms between 2300 and 0700 hours. This standard of insulation shall be achieved with adequate ventilation provided. All works which form part of the scheme shall be completed before any part of the development is occupied. The works provided as part of the approved scheme shall be permanently retained and maintained as such except as may be agreed in writing by the Local Planning Authority. The

aforementioned written scheme shall demonstrate that the noise levels specified will be achieved.

Reason: To protect residential amenity of prospective residents and to comply with the National Planning Policy Framework (NPPF), and Selby District Council's Policy's SP19 and ENV2.

Noise/Dust/Vibration scheme

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

Reason: In order to protect the amenity of residents and in accordance with policy ENV1 of the Local Plan.

Working hours

30. No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 08:00 hours and 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank or National Holidays.

Reason: In order to protect the amenity of residents and in accordance with policy ENV1 of the Local Plan.

Materials

31. Prior to the commencement of development in each phase (as set out in the Phasing Plan), details of the proposed external materials for the buildings in that phase shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials.

Reason: In accordance with Selby District Local Plan Policy ENV1 and Selby District Core Strategy Local Plan Policies SP18 and SP19 of the Core Strategy.

Landscaping

32. A detailed hard and soft landscape scheme shall be submitted with the first reserved matters application in line with the landscape principles and parameters shown on Plan Landscape Strategy Plan Rev I.

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.

Ecology

33. A Landscape and Ecological Monitoring and Management Plan (LEMMP) shall be submitted with the first reserved matters application, the LEMMP shall include details of how the habitats retained and created will be monitored and managed for a period not less than 30 years.
Reason: In pursuance of Selby District Local Plan Policy ENV1 and Selby District Core Strategy Local Plan Policy SP18 and SP19.

POS

34. The reserved matters application(s) relating to the agreed phasing plan shall include details of the public open spaces, including a Locally Equipped Area for Play (LEAP) which are to be located within the public open spaces shown on the approved illustrative master 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). The details shall include a schedule for the completion of the public open spaces and facilities. 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

Heritage

35. The farmyard buildings shown on the Illustrative Masterplan Rev Q shall be retained. Details of any future use along with future maintenance of the farmyard buildings shall be submitted with the first reserved matters application. The development shall proceed in line with the agreed details
Reason: In the interest of protecting the character of the Grade II Listed Building Garth House and its setting in accordance with Section 66 of the Planning and (Listed Building and Conservation Area) Act 1990 and paragraph 196 of the NPPF.

INFORMATIVE

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

INFORMATIVE - COAL AUTHORITY - LOW RISK AREA

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Standing Advice valid from 1st January 2023 until 31st December 2024

Target Determination Date: 05.09.2022

Case Officer: Diane Holgate

Appendices

Appendix 1 – Aerial Image

Appendix 2 – Selby District Local Plan 2005 Map

Appendix 3 – Emerging Selby Local Plan Map

Appendix 4 – Emerging Selby Local Plan Site Allocation Requirements

Appendix 5 – Parameter Plan

Appendix 6 – Illustrative Master Plan

Appendix 7 – Policy Advice