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Branch Chair
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Authority: North Yorkshire Council – (formerly Selby District Council)

Type of consultation: Planning Application

Full details of application/consultation 2023/0380/FULM - Residential development of 151 dwellings, open space, landscaping, and associated infrastructure and Community Centre with associated car parking and recreational space

At land at: Land North Of Hull Road, Hemingbrough, Selby, North Yorkshire

Type of response: Objection

Date of Submission: 1st June 2023

All responses or queries relating to this submission should be directed to the Secretary for the Trustees at the contact details shown above on this frontispiece.

All CPRE North and East Yorkshire comments are prepared by the charity using professional planners whose research and recommendations form the basis of this response in line with national CPRE policies.

External planning consultant used in this response:



KVA Planning Consultancy
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Comment

CPRE North and East Yorkshire ('CPRENEY') welcomes the opportunity to comment on this application for 151 residential dwellings, open space, community centre, car park and associated infrastructure at Hemingbrough, Selby. The site is located on of Grade 2 Best and Most Versatile agricultural land to the North of Hull Road and was submitted to North Yorkshire Council ('The Council') on behalf Barratt Homes and the Hall for Hemingbrough Group ('the applicants').

The overall site extends to 6.04Ha with 3Ha being used for residential land including 37 affordable homes (equating to 20% provision). The applicants propose to deliver a community centre with significant open space within the remaining hectareage.

The site is not allocated in the current Local Plan, nor is to allocated in the Regulation 19 pre-submission version of the emerging Local Plan. The site is considered to be within the open countryside for planning purposes. It is not within the designated York Green Belt.

Existing commercial and residential uses are located on the site's southern boundary, and substantial areas of tree and hedgerow planting are located on the site's western, northern, and eastern boundary. Two large agricultural buildings are located adjacent to and with the site's western boundary. The A63/Hull Road runs along the site's north-western boundary edge. An ecological buffer is to be provided on the site's western, northern, and eastern boundary to ensure that the site's key areas of biodiversity value are retained, enhanced, and maintained. The western and north-western buffer area is larger in order to provide a recommended semi-natural habitat buffer between the new homes and Hagg Lane Green Nature Reserve.

The applicant has submitted various technical documents alongside the application.

CPRENEY strongly objects to the proposals on the following grounds:

- The loss of BMV land;
- Contrary to the Settlement Hierarchy;
- Impact on Local Nature Reserve – Hagg Lane Green SINC;
- Insufficient provision of affordable housing; and
- The proposals are contrary to local and national planning policy.

Planning Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application should be determined in accordance with the development plan unless material planning considerations indicate otherwise. The planning system should contribute to achieving sustainable development. The National Planning Policy Framework ('NPPF') (2021) aims to deliver sustainable development through the implementation of its policies. Paragraph 11 states that for decision making this means:

- c) 'approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- I. *The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- II. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

The Development Plan relevant to this application consists of:

- The Selby District Core Strategy (2013) ('CS'); and
- The Selby District Local Plan (2005) ('LP').

It is understood that the Council are in the process of preparing a new Local Plan to cover the Selby area of the new North Yorkshire Council which will replace the existing adopted planning policy documents. However, at this time, the publication version of the Local Plan whilst having been consulted upon, has not yet been submitted to the Secretary of State for examination so little weight can be attributed to it in accordance with the NPPF. Therefore, the proposal should be determined against the Development Plan in force.

The land across the site has been categorised as Grade 2, 'good' on the Best and Most Versatile ('BMV') Agricultural Land Classification. The NPPF clearly directs Local Planning Authorities making decisions about the natural and local environment to:

- protect and enhance landscapes, biodiversity, geology and soils
- recognise soils as a natural capital asset that provide important ecosystem services
- consider the economic and other benefits of BMV agricultural land, and try to use areas of poorer quality land instead of higher quality land
- prevent soil, air, water, or noise pollution, or land instability from new and existing development

This concept is replicated in the Council's CS Policy SP18 which seeks to protect and enhance the environment by '*steering development to areas of least environmental and agricultural quality*'. Further, 'A Green Future: Our 25 Year Plan to Improve the Environment' sets out the government's 25-year plan to improve the health of the environment by using natural resources more sustainably and efficiently. It plans to: protect the best agricultural land; put a value on soils as part of our natural capital; and manage soils in a sustainable way by 2030 amongst other things. As such, BMV of Grade 3a and above is highly regarded and should be protected from development.

Paragraph 174 of the NPPF sets out that existing development should not be put at unacceptable risks from, or be adversely affected by, unacceptable levels of soil, air, water or noise pollution which is reinforced through the Councils CS Policy SP18.

The site is located within the open countryside having not been allocated for development through the existing adopted development plan documents. Furthermore, the site was submitted by the applicant at the call for sites stage of the emerging local plan and has been rejected as an allocation for residential development through the plan-making process being found to be detrimental to wildlife on the nearby Hagg Lane SINC which is home to a number of protected species including Great Crested Newts and several species of bats. Indeed, whilst Hemingbrough is considered to be a sustainable settlement, the Council consider that there are other more suitable sites for development which will deliver the number of homes

required in the vicinity and have allocated those within the emerging plan. As such, the Council are confident that this site is not required or suitable, despite being available. To award planning permission at this stage of the plan making process would be considered premature as it would completely undermine the settlement hierarchy for the emerging plan which is at a significant stage in the process.

Furthermore, the proposal would have a detrimental impact on the adjacent SINC – particularly the ‘removal of buildings and footings and bramble scrub and any other vegetation clearance in the west of the site’ as the applicant notes this clearance ‘has the potential to kill, injure and disturb great crested newts as well as to damage and destroy areas of suitable terrestrial habitat through construction activities.’ It is considered that the proposed buffer zone would not be sufficient to protect such species from these activities to the detriment of the existing biodiversity. As such the proposal is contrary to CS Policy SP18 which sets out clearly at Point 3 that the natural environment will be protected 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*’. This is in line with paragraph 174 of the NPPF which sets out that ‘*planning decisions should contribute to and enhance the natural and local environment by (inter alia) a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils...*’

The CS seeks a provision of 40% affordable dwellings, however, the applicant has proposed only 20%, this is significant under delivery for an area with such identified need. Given that there are existing facilities within the village, CPRENEY consider that the ‘benefit’ of the proposed community centre should be given little weight in the planning balance as the ‘need’ for this does not outweigh the need for affordable housing in line with the Council’s CS Policy S9. The proposed commuted sum payment and hall should be reconsidered and redirected to on site housing should the Council be minded to approve the proposal.

Notwithstanding the above, CPRENEY are aware that all the existing village facilities are located to the opposite side of the A63 which currently acts to contain the settlement. Should development be permitted at this site, vulnerable residents would be forced to cross a busy main road to ‘walk’ to school, village facilities or to the new community centre. CPRENEY would be concerned that the road would act as a division to the residents of the settlement enabling an ‘old’ and ‘new’ perception of residents to emerge which could be damaging to the wider village.

Should the proposal be allowed, it is considered that the Council would be facilitating the growth of the settlement in such a way as to encourage indefensible boundaries by introducing significant development to the north of Hull Road. As such the setting and character of the settlement would be fundamentally altered.

Conclusion

CPRENEY welcomes the opportunity to comment on the proposal for 151 dwellings and community centre with associated landscaping, infrastructure and open space and carpark. The site is located on 6Ha of agricultural land north of Hull Road, Hemingbrough, Selby.

For the reasons set out above CPRENEY strongly object to the proposal at this location.

CPRENEY reserve the right to comment further should additional information be submitted in support of the proposal and respectfully request that this proposal is refused.