Dear Neighbour,

We are writing to you as a group of concerned residents trying to prevent the unjustified granting of planning permission (specifically reserved matters) for the building of 50 houses to the rear of St Mary’’s Church/Main Street (planning reference 2017/0736REMM)

As you may be aware we have been fighting against this for the last 5 years and now we are left with 5 days to make our case and stop this from happening.

To this end we would like you to get involved and be active in lobbying the planning committee that will determine the future of our village.

The committee will only look at material considerations/material reasons when weighing up their decision to approve the application.

The material reasons that the committee could refuse this application are set out below we have provided a number of statements that you can use to object or to email to the committee for their consideration, it would be helpful if you could edit them to your own words but equally if you are pushed for time just copy and paste at least one statement from each section and press send!

Our intention is to show the committee members how this application is universally disliked and that as a community we will rally against it.

The planning committee meeting is at 2pm in the Selby District Council, Civic Centre, Selby (adjacent to Selby Hospital) more villagers attending this meeting will reinforce that the village is against this application. If you can please come along and show your objection to this application.

**SCALE:**

* There is no reference in the outline planning consent to the number of dwellings to be built on this site. This means the planning Committee could determine that a number fewer than 50 is more appropriate.
* The public benefit in terms of housing provision as now diminished as Selby District Council have a 5 plus year land supply.

* Policy H1 a) of the NDP states that Housing Developments should be: "small in scale, under 10 units". A development of 10 houses in a site of this significance is more acceptable.
* A decision to refuse consent on grounds of scale does not go against the principle of development, we therefore urge you to refuse this application.

**DESIGN:**

* The Planning Officer states: The development is not considered to contribute positively to the areas identity due simply to the presence of a large modern housing estate and the repeat forms of housing design which are at odds with the evolved, random and individual character and pattern of housing characteristic of the edges of this settlement.
* This use of 'anywhere housing' in a setting of this significance demonstrates significant harm to the heritage setting and shows no attempt to preserve the setting of the St Mary's Church.
* The development proposed intends to develop this highly sensitive site with standard house types that will encroach severely into the immediate setting of several high grade heritage assets.
* An extremely high quality scheme is the only way to sensitively develop such a significant area to minimize harm
* Church Fenton evolved through millennia gradually utilising unique and distinctive buildings Each building was largely unique and the spaces between dwellings were also defining characteristics of the area. It is not therefore appropriate to cite new housing estates as forming a positive part of the local context, especially in such a historically sensitive part of our village.
* If development is to occur on this site the very highest standards of design will be required. The scheme put forward falls short of reflecting the unique characteristics that form the historic core of the village.
* The scheme is urban as appose to rural as a result of trying make a standard house type fit a unique hole.

**IMPACT ON RESIDENTIAL AMENITY/HERITAGE ASSETS**

* [Use this first para and then any of the other ideas]
  + **Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have ‘special regard’ when assessing proposals for development that affect listed buildings and their settings**.
* Now the site is in flood zone 2, if the floor levels of the proposed buildings are raised in order to alleviate flood risk, the impact upon the historic environment will be greater. The housing will appear as ‘could be anywhere’ due to the elevations and standard house types,
* Now the site is in flood zone 2, raised floor levels will potentially increase the height of several buildings which will impact the historic environment and impact on residential amenity.
* Now the site is in flood zone 2, raised floor levels will mean that the site can be seen from a greater distance and will cause greater harm to the setting of the surrounding heritage assets.
* If development is to go ahead, then it must recognise that the present house types and their impact upon the historic environment are not appropriate in this highly sensitive location and must be revised.
* The proposed scheme categorically fails to reflect the historic character of the village. The scheme put forward proposes a generic design, and could be any housing development in any part of the UK.
* Harm to the heritage assets surrounding this site will likely be less than substantial but still will result in serious harm and is therefore on the higher spectrum of the harm scale.
* Little appropriate weight has been given to the contribution that the surrounding open spaces and fields have to St Mary's Church, or to other listed buildings nearby.
* St Mary's Church and the Grade II Listed ‘The Old Vicarage’ have been intrinsically linked for several hundred years via an important physical and historic link between the two sites that has always been experienced as a footpath through open fields. This application will fundamentally alter this perception and the Church of St Mary will be, for the first time ever, enclosed by built development.
* Historic England still raises concerns even in the latest version of these plans due to the failure of the development to preserve or enhance the setting of the surrounding listed buildings.
* Serious harm will still occur to the historic environment through this proposal and that individually substantial harm will occur to certain important attributes of this setting, such as the near complete destruction of the historic and fundamental linkage between St Mary's Church and its historic vicarage.
* Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have ‘special regard’ when assessing proposals for development that affect listed buildings and their settings.
* This proposal is in a largely unsustainable location, where services are lacking and where car travel will be the default option. It fails to meet any sustainability criteria and in an age of Climate Crisis such developments should arguably be resisted.
* The site lies outside of a settlement within the open countryside. It would appear as an unnatural housing plot, devoid of connection to the boundaries of the settlement of Church Fenton.
* The National Planning Policy Framework at para 30 states permission should be **refused** for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents
* In terms of scale & design and impact on heritage asset the reserved matters application is contrary to the following policies:
* National Planning Policy Framework: Para 79 e) Para 83 a) Para 122 Para 124 – 130
* In relation to the harm to the Heritage Assets this application is contrary to NPPF Para 190, 193, 194 and 196
* Selby District Core Strategy: Policies SP1, SP2 A c). SP 4 b & C SP18 and SP19
* Selby District Local Plan: Policy ENV1
* Church Fenton Neighbourhood Plan: Policy H1 a) Policy CH2 a, c & d

**FLOOD RISK**:

[Use one or both of the first two paras]

* **The Environment Agency advises; where a site lies in Flood Zone 2, it is necessary for any planning application to be supported by a site-specific Flood Risk Assessment (FRA), which can demonstrate that the 'development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.**
* **The Environment Agency has advised that they would expect that any FRA submitted with an application was up-to-date, especially in areas where the Flood Map for Planning has been significantly revised. This would be needed to allow the LPA to make an informed decision on accurate information**
* The outline application included a FRA dated June 2015 which is out of date. An up to date flood risk assessment is required before being are able to determine the reserved matters application.
* The out of date Flood Risk Assessment (“FRA”) states there will be no development within flood zone 2.
* Para 1.3 of the out of date FRA states all development would be in flood zone 1 for development as this site is “more vulnerable to flooding therefore the development would see an increase in flood risk to the site”.
* Para 1.5 of the FRA references use of attenuation tanks in the green open space (now flood zone 2) however the impact this will this have on the subsidence risk to neighbouring properties is unknown.
* The ability to install attenuation tanks within an area of land that is prone to flooding is not ddressed in the reserved matters application submission.
* Paragraph 4.6 of the out of date FRA identifies that residential developments in flood zone 2 should be subject to sequential testing. This has not been undertaken.
* The Planning Officer has confirmed that the Environment Agency has been consulted and the advice is that SDC needs to “satisfy itself with regard to the need for a sequential test and if satisfied to check if an exception test also needs to be done”. There is no evidence that a sequential test has been carried out, or any indication that the Council is satisfied with regard this consideration.
* No consideration of the the flood defence barrier changes as commissioned by the Tadcaster Flood Group has been addressed in terms of mitigating flood risk
* There is no explanation of how requiring a minimum floor level will not increase flooding risk through the loss of floodplain capacity and the consequent impacts of this loss of capacity elsewhere within the catchment. Unless alternative capacity is provided, the construction of dwellings within flood zone 2 has to result in a loss of capacity.
* The only risk mitigation identified within the FRA was that development would not take place within Flood Zone 2, and informed the inclusion of clause 22 within the S106.
* The Planning Authority provided condition 22 'All dwellings shall be located within Flood Zone 1 ...' for the specific purpose of reducing the risk of flooding. Due to the change in the Flood Zone, the Applicant cannot fulfil its obligation under the Section 106.
* Andrew Fraser-Urquhart QC has provided a clear and unequivocal view in relation the legality of seeking to approve this reserved matters application, that it is a turn of events and the correct interpretation of a condition imposed on the outline permission itself which means that the site cannot, in fact, be developed for residential purposes. This is a consequence not of anything which has happened at the reserved matters stage but simply the correct application of the conditions in the main outline permission
* The Applicant has had sufficient time (over 18 months) to provide an up to date Flood Risk Assessment in support of their Application has chosen not to.
* The lack of an up to date FRA in support of the Application is in itself grounds for refusal of the Application.
* Less than four weeks after outline planning consent was granted much of the Selby District suffered severe flooding.
* The Environment Agency has revised their flood maps, indicating that the vast majority of Church Fenton now falls within Flood Zone 2. As such, by allowing this development to proceed the Council will be placing both lives and properties at risk.
* There have been two recent flood incidents, in March the Wharfe flooded land in Tadcaster near to property and in October the Ouse and the Aire both overtopped their banks and flooded agricultural land. This confirms the risk of flooding is real.
* New homes should not be built in accordance with a condition written with reference flood maps which are now known to be out of date, and which therefore no longer meets the original objective which was to “Reduce flood risk to properties”.
* If the LPA attempts to circumnavigate the need for an up to date FRA by requiring a condition, this would result in a granting of permission without knowing whether the risk of flooding could be adequately mitigated.
* In terms of Flood Risk the reserved matters application is not in compliance with:
* NPPF paras 155 through 163
* SDCSLP – SP2 a), SP2 B. 4. SP15 d)
* CFNDP – Policy F1

**Affordable Housing**

* The proposal is for less than the policy requirement of affordable housing
* Developers cannot claim lack of viability as reason to reduce the number of affordable homes
* The Executive Summary to the Viability Assessment falls well short of the level of information required to be made public.
* In a normal planning balance, and where the promoter seeks to balance public benefit against less than substantial harm to heritage assets, the weight attached to housing benefits are of critical importance (particularly in relation to affordable housing provision).
* The Affordable housing reduction is contrary to
* NPPF para 57
* SDCSLP – SP9

The community’s Neighbourhood Development Plan (NDP) is nearing referendum and more weight should be attached to it.

**Email your comments to Planning committee members before midnight on Tuesday 4th February**

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