



Meeting: **PLANNING COMMITTEE**  
Date: **WEDNESDAY, 10 JULY 2019**  
Time: **2.00 PM**  
Venue: **COUNCIL CHAMBER - CIVIC CENTRE, DONCASTER ROAD, SELBY, YO8 9FT**  
To: **Councillors J Cattanach (Chair), I Chilvers, R Packham, P Welch, M Topping, K Ellis, D Mackay, M Jordan and J Mackman**

## Agenda

- 1. Apologies for Absence**
- 2. Disclosures of Interest**

A copy of the Register of Interest for each Selby District Councillor is available for inspection at [www.selby.gov.uk](http://www.selby.gov.uk).

Councillors should declare to the meeting any disclosable pecuniary interest in any item of business on this agenda which is not already entered in their Register of Interests.

Councillors should leave the meeting and take no part in the consideration, discussion or vote on any matter in which they have a disclosable pecuniary interest.

Councillors should also declare any other interests. Having made the declaration, provided the other interest is not a disclosable pecuniary interest, the Councillor may stay in the meeting, speak and vote on that item of business.

If in doubt, Councillors are advised to seek advice from the Monitoring Officer.

- 3. Chair's Address to the Planning Committee**
- 4. Minutes (Pages 1 - 6)**

To confirm as a correct record the minutes of the Planning Committee meeting held on 5 June 2019.

5. **Planning Applications Received (Pages 9 - 10)**
- 5.1. **2018/1431/FULM - Home Farm, Kirkby Wharfe (Pages 11 - 42)**
  - 5.2. **2018/1170/FUL - Rosegarth, York Road, Barlby (Pages 43 - 54)**
  - 5.3. **2017/0542/OUTM - Bowmans Mill, Selby Road, Whitley (Pages 55 - 86)**
  - 5.4. **2018/1387/FUL - Birchwood Lodge, Market Weighton Road, Barlby (Pages 87 - 106)**
  - 5.5. **2019/0110/COU - Far Farm, Mill Lane, Ryther (Pages 107 - 130)**

*Janet Waggott*

**Janet Waggott, Chief Executive**

**Dates of next meetings (2.00pm)**

Wednesday, 7 August 2019

Enquiries relating to this agenda, please contact Victoria Foreman on 01757 292046 or vforeman@selby.gov.uk.

### **Recording at Council Meetings**

Recording is allowed at Council, Committee and Sub-Committee meetings which are open to the public, subject to:- (i) the recording being conducted with the full knowledge of the Chairman of the meeting; and (ii) compliance with the Council's protocol on audio/visual recording and photography at meetings, a copy of which is available on request. Anyone wishing to record must contact the Democratic Services Officer on the above details prior to the start of the meeting. Any recording must be conducted openly and not in secret.

# Agenda Item 4



## Minutes

### Planning Committee

Venue: Council Chamber - Civic Centre, Doncaster Road, Selby, YO8 9FT

Date: Wednesday, 5 June 2019

Time: 2.00 pm

Present: Councillor J Cattanach in the Chair

Councillors I Chilvers, R Packham, P Welch, M Topping, K Ellis, D Mackay, M Jordan and J Mackman

Officers Present: Martin Grainger, Head of Planning, Ruth Hardingham, Planning Development Manager, Bob Pritchard, Solicitor, Fiona Ellwood, Principal Planning Officer, Jac Cruickshank, Planning Officer, Laura Holden, Planning Officer and Victoria Foreman, Democratic Services Officer

Press: 1

Public: 14

#### **1 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

#### **2 DISCLOSURES OF INTEREST**

All Committee Members declared a non-pecuniary interest in relation to agenda item 5.1 – 2019/0124/FUL Paddock Lodge, Airfield Lane, Acaster Selby as they had all received email representations from the applicant in relation to the application.

#### **3 CHAIR'S ADDRESS TO THE PLANNING COMMITTEE**

The Chair informed the Committee that an officer update note had been circulated.

The Committee noted that the order of business would be as set out in the agenda papers.

#### 4 MINUTES

The Committee considered the minutes of the Planning Committee meeting held on 24 April 2019.

#### RESOLVED:

**To approve the minutes of the Planning Committee meeting held on 24 April 2019 for signing by the Chairman.**

#### 5 PLANNING APPLICATIONS RECEIVED

The Planning Committee considered the following applications:

##### 5.1 2019/0124/FUL - PADDOCK LODGE, AIRFIELD LANE, ACASTER SELBY

**Application:** 2019/0124/FUL

**Location:** Paddock Lodge, Airfield Lane, Acaster Selby

**Proposal:** Erection of two single storey residential dwellings and new car port (Retrospective)

The Principal Planning Officer presented the application which had been brought before Planning Committee at the request of Councillor R Musgrave.

The Principal Planning Officer corrected the percentages in paragraph 4.8 from 39% and 43% to 64% and 75% respectively.

The Principal Planning Officer also corrected the percentages in paragraph 4.17 from 39% and 43% to 63/64% and 75% respectively.

The Committee noted that the application was for the erection of two single storey residential dwellings and new car port (Retrospective).

In relation to the officer update note, the Committee acknowledged that corrections had been made to the footprint and volume figures in the tables at paragraph 4.16 of the report. Additional information had also been received from the applicant, namely a new landscaping plan which provided for native hedge planting and tree planting around the site and pointed to where tree planting had already occurred, and an updates Flood Risk Assessment report which corrected some wording and gave details of recommended floor finishes.



Members noted that it was considered that the planting would in time improve the overall impact of the development on the character and appearance of the area. However, the application was assessed on the basis of the current situation and the new plan did not change the assessment in relation to the Green Belt or the impact on the openness.

Members asked questions of the Officer in relation to the calculation of the footprint and volume figures and the significance of a third building on the site, a barn, which had already been converted.

Councillor R Musgrave, local Ward Member, spoke in objection to the application.

Simon Armstrong, applicant, spoke in support of the application.

Members considered the application and agreed that local and national planning policies were clear regarding development on the Green Belt and the very special circumstances that were required for any such development to be allowed. The Committee agreed that very special circumstances necessary to clearly outweigh the harm by reason of inappropriateness and the harm to the openness of the Green Belt had not been demonstrated to justify granting the application, and that there was a need for consistency of approach and considerable risk in setting a precedent for permitting such development on the Green Belt.

It was proposed and seconded that the application be refused. The decision was unanimously agreed.

**RESOLVED:**

**To REFUSE for the reasons set out at paragraph 6 of the report and the officer update note.**

**5.2 2018/1170/FUL - ROSEGARTH, YORK ROAD, BARLBY**

**Application:** 2018/1170/FUL

**Location:** Rosegarth, York Road, Barlby

**Proposal:** Proposed front and rear single storey extensions, raising of roof, changes to external fenestration and façade treatment

The Planning Officer presented the application which had been brought before Planning Committee because the

application had been called into Committee on the basis of (i) overdevelopment of the site, (ii) public complaints and (iii) loss of amenity to surrounding bungalows. Furthermore, at least 10 letters of representation had been received which raised material planning considerations and Officers would otherwise determine the application contrary to these representations.

The Committee noted that the application was for proposed front and rear single storey extensions, raising of roof, changes to external fenestration and façade treatment

In relation to the officer update note, the Committee acknowledged for clarification that the proposal's description was amended from 'Proposed erection of replacement enlarged dwelling' to 'Proposed front and rear single storey extensions (with rooms in the roof space), raising of roof, changes to external fenestration and facade treatment'. The amended application description was re-consulted upon with no further comments received.

Members queried if neighbours were re-consulted on the reduced roof height and if representations had been received regarding the two further car parking spaces at the site.

Barbara Weatherill, objector, in objection to the application.

Councillor S Duckett, local Ward Member, spoke in objection to the application.

Members considered the application and expressed concern regarding parking and access at the property, as well as issues that had been raised by the neighbours regarding appearance, materials and loss of amenity. The Committee were of the opinion that the application should be deferred and a site visit arranged.

It was proposed and seconded that the application be deferred in order for a site visit to be undertaken.

**RESOLVED:**

**To DEFER consideration of the application in order for the Committee to undertake a site visit.**

**5.3 2019/0147/OUT - LAND OFF FRIARS MEADOW, FRIARS MEADOW, SELBY**

**Application:** 2019/0147/OUT

**Location:** Land Off Friars Meadow, Friars Meadow, Selby

**Proposal:** Outline application for the erection of up to two self-build plots with all matters reserved

The Planning Officer presented the application which had been brought before Planning Committee as more than 10 letters of support had been received, contrary to the Officer recommendations to refuse the application.

The Committee noted that the application was an outline application for the erections of up to two self-build plots with all matters reserved.

Members asked for a definition of self-build and were satisfied with the explanation given by Officers.

In relation to the officer update note, the Committee acknowledged that there was an error on page 61, which stated that the Local Plan was to be adopted in 2019. Progress on the Site Allocations Local Plan had been delayed pending further technical work on the potential development options for Tadcaster. The Council was also considering the implications of the revised National Planning Policy Framework published in July. A revised Local Development Scheme which would set out the timescales for the next stages of the plan would be published in due course. It was not considered that these matters altered the assessment of the application.

Colin Heath, objector, spoke in objection to the application.

Donaldina Ryan, applicant, spoke in support of the application.

Members considered the application and agreed that the application was outside of permitted development limits and in the open countryside, and did not comprise any of the types of development that were acceptable in principle under Policy SP2A(c) of the Core Strategy.

It was proposed and seconded that the application be refused.

**RESOLVED:**

**To REFUSE the application for the reasons set out at paragraph 6 of the report and the officer update note.**

The meeting closed at 3.26 pm.

## Planning Committee

### Guidance on the conduct of business for planning applications and other planning proposals

1. The reports are taken in the order of business on the agenda, unless varied by the Chairman. The Chairman may amend the order of business to take applications with people registered to speak, first, so that they are not waiting. If the order of business is going to be amended, the Chairman will announce this at the beginning of the meeting.
2. There is usually an officer update note which updates the Committee on any developments relating to an application on the agenda between the publication of the agenda and the committee meeting. Copies of this update will be situated in the public gallery and published on the Council's website.
3. People wishing to speak at Planning Committee cannot hand out documentation to members of the Committee. Photographs may be handed out provided that a minimum of 20 copies have been delivered to the Council by 12 noon on the last working day prior to the meeting. You can contact the Planning Committee members directly. All contact details of the committee members are available on the relevant pages of the Council's website: <https://democracy.selby.gov.uk/mgCommitteeMailingList.aspx?ID=135>
4. Each application will begin with the respective Planning Officer presenting the report including details about the location of the application, outlining the officer recommendations and answering any queries raised by members of the committee on the content of the report.
5. The next part is the public speaking process at the committee. The following may address the committee for **not more than 5 minutes each**:
  - (a) The objector
  - (b) A representative of the relevant parish council
  - (c) A ward member
  - (d) The applicant, agent or their representative.

**NOTE:** Persons wishing to speak on an application to be considered by the Planning Committee should have registered to speak with the Democratic Services Officer (contact details below) **by no later than 3pm on the Monday before the Committee meeting (this will be amended to the Tuesday if the deadline falls on a bank holiday).**

6. Seating for speakers will be reserved on the front row. Anyone registered to speak (e.g. Ward Members and those speaking on behalf of objectors, parish councils, applicants/agents or any other person speaking at the discretion of

the Chairman) should sit on the reserved front row of the public seating area. This is for ease of communication between the committee and the speaker, should any issues need to be clarified later in the proceedings; it is not an opportunity to take part in the debate of the committee.

7. Each speaker should restrict their comments to the relevant planning aspects of the proposal and should avoid repeating what has already been stated in the report. The meeting is not a hearing where all participants present evidence to be examined by other participants.
8. Following the public speaking part of the meeting, the members of the committee will then debate the application, consider the recommendations and then make a decision on the application.
9. The role of members of the planning committee is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons in accordance with the statutory planning framework and the Council's planning code of conduct.
10. For the committee to make a decision, the members of the committee must propose and second a proposal (e.g. approve, refuse etc.) with valid planning reasons and this will then be voted upon by the Committee. Sometimes the Committee may vote on two proposals if they have both been proposed and seconded (e.g. one to approve and one to refuse). The Chairman will ensure voting takes place on one proposal at a time.
11. This is a council committee meeting which is open to the public; however, there should be no disruption from the audience while the committee is in progress. Anyone disrupting the meeting will be asked to leave by the Chairman.
12. Recording is allowed at Council, committee and sub-committee meetings which are open to the public, subject to:
  - a. The recording being conducted with the full knowledge of the Chairman of the meeting; and
  - b. Compliance with the Council's protocol on audio/visual recording and photography at meetings, a copy of which is available on request. Anyone wishing to record must contact the Democratic Services Officer using the details below prior to the start of the meeting. Any recording must be conducted openly and not in secret.
13. The arrangements at the meeting may be varied at the discretion of the Chairman.

### **Contact**

Vicky Foreman – Democratic Services Officer

Email: [vforeman@selby.gov.uk](mailto:vforeman@selby.gov.uk)

Telephone: 01757 292046

# Agenda Item 5

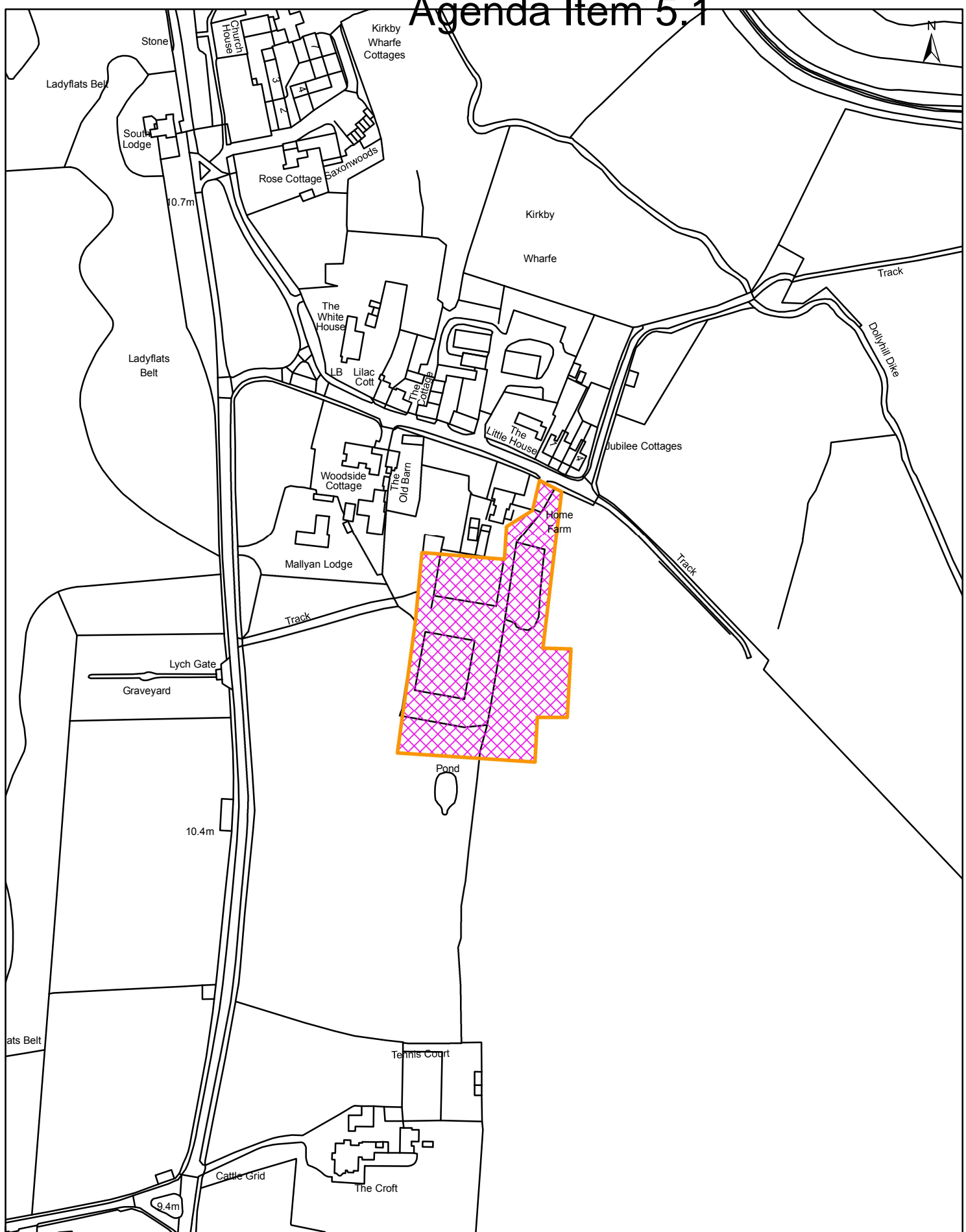
## Items for Planning Committee

10 July 2019

Item No.	Ref	Site Address	Description	Officer	Pages
5.1	2018/1431/FULM	Home Farm, Kirkby Wharfe	Proposed construction of 3 no. agricultural buildings including 2 no cattle sheds, 1 no tractor store and 1no. Straw store with hard standing external area and associated landscaping	YVNA	11-42
5.2	2018/1170/FUL	Rosegarth, York Road, Barlby	Proposed front and rear single storey extensions, raising of roof, changes to external fenestration and facade treatment	JACR	43-54
5.3	2017/0542/OUTM	Bowmans Mill, Selby Road, Whitley	Outline to include access (all other matters reserved) for erection of up to 120 dwellings and associated car parking, garages, landscaping, open space and details of including demolition and removal of all structures, buildings and hard standing to facilitate future development	MACO	55-86
5.4	2018/1387/FUL	Birchwood Lodge, Market Weighton Road, Barlby	Proposed erection of single storey extension to main workshop building, forming of new storage area, forming of new workshop and use of runway for any day of the week	RELE	87-106
5.5	2019/0110/COU	Farm Farm, Mill Lane, Ryther	Proposed change of use of land and buildings to that of a wedding venue including the creation of a total of 15 bedrooms for wedding guests, erection of 2 No lychgates, formation of a car park, demolition of some existing buildings, and formation of extension to accommodate 5 bedrooms, common room and kitchen to be constructed following the demolition of the pole barn	RELE	107-130

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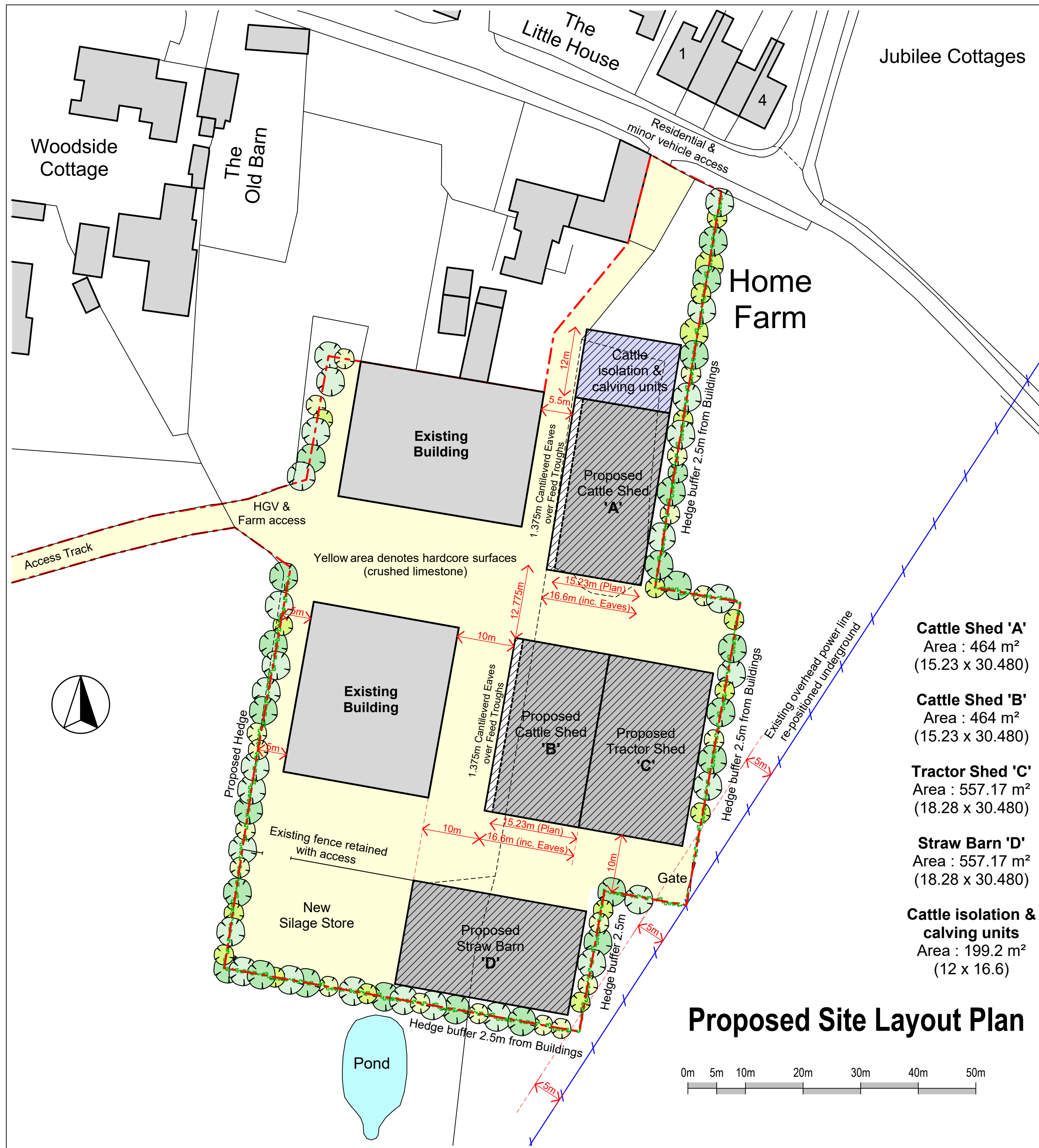
## APPLICATION SITE

Home Farm, Kirkby Wharfe  
2018/1431/FULM

1:2,500



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AMENDED  
DRAWING

**Cattle Shed 'A'**  
Area : 464 m<sup>2</sup>  
(15.23 x 30.480)

**Cattle Shed 'B'**  
Area : 464 m<sup>2</sup>  
(15.23 x 30.480)

**Tractor Shed 'C'**  
Area : 557.17 m<sup>2</sup>  
(18.28 x 30.480)

**Straw Barn 'D'**  
Area : 557.17 m<sup>2</sup>  
(18.28 x 30.480)

**Cattle isolation & calving units**  
Area : 199.2 m<sup>2</sup>  
(12 x 16.6)

## Proposed Site Layout Plan



- REV G** (11/01/2019) ND: Dimension added from power line, residential & HGV access noted on plan
- REV F** (09/01/2019) ND: Barn 'D' re-positioned 5m to the East, Silage extended. Buffer widened from 1.5m to 2.5m, trees indicated at hedgeline
- REV E** (20/12/2018) ND: Proposed Straw Barn 'D' & Silage Store moved behind Barn 'A'
- REV D** (20/12/2018) ND: Proposed Straw Barn 'D' moved East 5.25m
- REV C** (05/12/2018) ND: Drawing updated to meet Clients requirements
- REV B** (05/12/2018) ND: Drawing updated to meet Clients requirements
- REV A** (29/11/2018) ND: Drawing updated to meet Clients requirements

Job	Proposed New Agricultural Buildings
Location	Home Farm, Kirkby Wharfe

**mpa** | Michael Pretty Architects  
RIBA # Chartered Practice

30A High Street, Tadcaster, North Yorkshire, LS24 9AT  
Telephone 01937 531745 Fax 01937 835119 E-mail studio@studio-mpa.com

Date	Scale	Drawn
11/01/19	1:500	ND
Drawing		
Proposed Site Layout Plan (A2)		
Job No	Drawing No	Revision
599	02	G

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**Report Reference Number:** 2018/1431/FULM

**To:** Planning Committee  
**Date:** 10 July 2019  
**Author:** Yvonne Naylor (Principal Planning Officer)  
**Lead Officer:** Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2018/1431/FULM	PARISH:	Kirkby Wharfe Parish Council
APPLICANT:	Grimston Park Estate	VALID DATE: EXPIRY DATE:	30 <sup>th</sup> January 2019 1 <sup>st</sup> May 2019
PROPOSAL:	Proposed construction of 3 no. agricultural buildings including 2 no cattle sheds, 1 no tractor store and 1no. Straw store with hard standing external area and associated landscaping		
LOCATION:	Home Farm, Kikrby Wharfe		
RECOMMENDATION:	GRANT		

This application is to be determined by the Planning Committee as 10 or more letters of representation have been received in relation to the application.

## 1. Introduction and background

### The Site

- 1.1 The application site is located outside of the development limits and any settlement within the village of Kirkby Wharfe and therefore located within the open countryside. The site covers an area of circa 0.80 hectares.
- 1.2 The site is adjoining the existing main farm yard area of the tenanted holding, which is an agricultural unit for undertaking a mix of arable and grazing activities spanning 68 hectares (170 acres) from Kirkby Wharfe to Ulleskelf to the south of the River Wharfe.
- 1.3 To access the current farm buildings the farm utilises two existing accesses, one from the west via an access opposite the Graveyard and one from the north adjacent to the farmhouse. Current surfacing of the farmyard is varied in nature and there is existing hedgerow planting on the boundaries of the current farmstead.

- 1.4 As well as utilising the existing buildings within the application site, the tenants use a “Fold Yard” to the north within the settlement, as well as using a range of buildings at West Farm in Ulleskelf, approximately 2 kilometres from the application site by road.
- 1.5 There are listed buildings to the north west of the application site, and to the south of the application site is the Kirkby Wharfe SSSI which is part of the tenant holding. The site is part Flood Zone 2 and part Flood Zone 3.

## **The Proposal**

- 1.5 The proposals seek to move the farm holdings from a series of locations to a single farm grouping thus consolidating activities into a single location. The submitted Planning, Design and Access Statement (dated January 2019) outlines that the scheme seeks to modernise the operation and consolidate the operation onto one site thus bringing cattle housing and bedding storage from West Farm and Fold Yard to Home Farm.
- 1.6 The applicants have confirmed that the farm is a straw-based farm, animals are generally housed indoors between 1st November and 1st May, approximately 50% of the year. This is of course weather dependent, should we be fortunate enough to have a mild winter, the cattle will be let out earlier. The farmstead comprises 170 acres of grazing parkland for the cattle during their outdoor period. Further to this, as Farm Assured British Beef and Lamb (FABBL) producers, the farm tenants encourage the cattle to graze freely and endeavour to move them outdoors when appropriate and healthy.
- 1.7 The application seeks consent to erect a series of agricultural buildings; two for use by livestock, a tractor store (which is part of one of the livestock buildings) and a straw barn. The buildings are agricultural in design with details being confirmed as part of the submitted drawings of materials.
- 1.8 Alongside these new buildings there is also a defined area for silage storage shown on the plans adjoining the proposed straw barn and new hedgerow planting.
- 1.9 Access would be taken to the grouping via the two existing accesses with the HGV and Farm access being via the access opposite the Graveyard so to the west of the village, and the residential / minor vehicle access being from the access adjacent to the farmhouse.
- 1.10 A detailed drainage plan, calculations on surface water runoff and infiltration calculations have been submitted as part of the application, with the approach shown utilising a mix of rainwater harvesting, soakaways and connections into an existing pond which will be increased in size.

## **Planning History**

- 1.11 The following historical applications are considered to be relevant to the determination of this application:
  - CO/1984/27004 (Alt Ref 8/63/13/PA) – Erection of General Purpose Agricultural Building  
Permitted – 1<sup>st</sup> February 1984

- CO/2004/0291 (Alt Ref 8/63/13A/PA) – Proposed extension to existing agricultural building  
Refused – 11<sup>th</sup> May 2004
- 2008/06671/FUL (Alt Ref 8/63/13B/PA) – Erection of a portal framed agricultural livestock building  
Permitted – 3<sup>rd</sup> September 2008

## 2. Consultations and Publicity

- 2.1 The application has been advertised as affecting the setting of listed buildings through press and site notices and adjoining neighbours have been notified directly. The comments received on the application are summarised in the following section.
- 2.2 **Kirkby Wharfe Parish Council** – Confirmed discussed at meeting and have no comments to make.
- 2.3 **SDC Planning Policy** - The supporting text in the SDLP states that intensive livestock units comprise buildings and associated works both for the permanent indoor housing of pigs, poultry or cattle and the temporary housing of such livestock when a slurry system is adopted. Based on the nature of the activities undertaken on the site the operation doesn't constitute intensive livestock farming, if the cattle are spending on average half of the year grazing outside. In addition it is noted that earlier applications for development on the site have not considered the operation to be intensive in nature.
- 2.4 **Environmental Health** – Notes that farming well established on the site and that the introduction of modern farming techniques may well lead to a reduction of emissions including noise, odour and flies. Section 5.0 of the Planning Support Statement considers impact on residential amenity but fails to consider the impact on noise, odour or flies and thus would recommend that the applicants be asked to consider the proposals in the context of the NPPF, SP19 and ENV2. Further to additional information from the Applicants (20<sup>th</sup> March 2019) which outlined that:
- An alternative layout was considered whereby buildings 'C' and 'D' were moved to the East, however this was considered to have unacceptable effects on residents of Main Street due to proximity and would have encroached upon farming land, leading to a reduced income for the farmers. Upon public consultation, the layout was revised, buildings were moved 12m east as to have a reduced visual impact on views from Mallyan Lodge.
  - As the main farmstead for the holding, the majority of activity already takes place at Home Farm, these activities will continue irrespective of planning permission for new structures. Therefore, the impact of relocated activity on the amenity of residents near Home Farm is considered limited, new activity will not be overwhelmingly unacceptable above the level of activity that is already present.
  - Many comments pertain to current farm operations, the proposed design adheres to national welfare standards achieving safety and environmental improvements by providing new facilities that are easier to clean, maintain and operate. The farm tenants are certified Farm Assured British Beef and Lamb (FABBL) farmers who are extremely proud of the beef they produce. Cleaner cattle housing is important in producing high quality beef and reducing potential risk of disease and infection, the designs reflect this.



Having considered this information and the arguments made by the Applicants relating to the noted Standards of Red Tractor Assurance for Farms: Beef & Lamb Standards - FABBL (Oct 2017) and The Department for Environment, Food and Rural Affairs: Code of Recommendations for the Welfare of Livestock (Cattle) (PB7949) – DEFRA (2003), EH confirmed that they had no objections to the scheme.

- 2.5 **Conservation Officer** – Notes that there has been no separate Heritage Statement which provides an in depth assessment of significance or setting and there is no identification of potential non-designated heritage assets. There is an assessment within the supporting document but it is minimal and assesses the impact as having a positive impact, however it is unlikely that the construction of large agricultural structures will have a positive impact. The development is likely to change the setting of the listed buildings and may cause a low level of harm to their significance due to the scale of the development.
- 2.6 **Council’s Contaminated Land Consultant** – Advised that utilising an unexpected contamination condition for this application would be appropriate. Given the proposal to construct cattle sheds, a straw store and a tractor store there is limited risk to receptors on the site. The only potential risk would be the accumulation of gases and any potential gas generating materials would be identified during the development and be covered by the unexpected contamination condition.
- 2.7 **NYCC Highways** – No objections subject to conditions detailing construction requirements, setting back of gates and provision of details to prevent water discharging to the highway.
- 2.8 **Public Rights of Way Officer** no response received in the statutory consultation period.
- 2.9 **NYCC Heritage** – noted the portal construction and advised that the proposed buildings will have limited impact on below ground deposits, and it is likely disturbance occurred over the last 200 years. As such the impact on archaeological remains is likely to be localised and can be offset by appropriate mitigation recording during the site preparation and construction, on this basis a condition is suggested for archaeological monitoring in accordance with a written scheme and investigation recording.
- 2.10 **The Environment Agency (Liaison Officer)** – in commenting on the application the EA have noted that the proposed development will only meet the National Planning Policy Framework’s requirements in relation to flood risk if the following planning condition is included:-

“The development shall be carried out in accordance with the submitted flood risk report (FRR)(18349) submitted from Topping Engineers dated October 2018 and the following mitigation measures it details:

- The finished floor levels set no lower than the existing as stated on page 9 of the submitted FRR”.

They have also noted that:

- a) the applicant has stated that the proposal is to retain the existing concrete slab construction to the building floor. These mitigation measures shall be fully



implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development. To reduce the risk of flooding to the proposed development and future occupants.

In addition a suggested informative on flood resistance and resilience, registering for the Floodline Alert/Warnings Direct it is noted that the LPA should liaise with the emergency planning section and considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

- 2.11 **SUDS and Development Control Officer** – Confirmed that the information on the historic infiltration testing has effectively shown that the infiltration provides a viable means of dealing with surface water, and thus recommended a condition on treatment of surface water scheme being agreed prior to the commencement of development. Subsequent to these comments the Applicants provided additional drainage information, which confirmed that the Officer has reviewed that additional submitted information, nothing has specifically been submitted to address the water quality condition. However, from reviewing Drainage Strategy drawing C-50 prepared by Topping Engineers and dated April 2019, it would appear that the roof water will be drained to rainwater harvesting tanks before discharging to the infiltration basin. The roof water does not appear to pass through any treatment facility such as an oil interceptor etc, as per the requirement of the condition. The yard areas are shown to comprise of crushed limestone – this would suffice in terms of pollution control as pollutants from the machinery will spill and infiltrate into the stone, rather than be directed to a surface water storage facility. In light of the additional information provided I confirm that condition LLFA C5 is no longer required. As such the LLFA position remains that it has no objection to the proposed development. However can you please add Drainage Strategy Drawing C-50, dated April 2019 to the list of approved documents, or alternatively apply the following compliance condition to any approved planning permission:

The development shall be carried out in accordance with the details shown on the submitted Drainage Strategy Drawing - C50 prepared by Topping Engineers (dated April 2019), unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure satisfactory delivery of the Sustainable Drainage System.

- 2.12 **Ainsty Area Internal Drainage Board** – Have made comments on the application noting the need for a sustainable drainage scheme for the site and appropriate testing of soakaways.
- 2.13 **Yorkshire Water** – No comments received within the statutory consultation period.
- 2.14 **Emergency Planning** – have advised that they would not expect any need for an Evacuation Plan given the nature of the use, support use of informative referring the developer to the Flood Warnings Direct Alert service.
- 2.15 **Natural England** - Initial comments on the application requested additional information from the Applicants in terms of the sites relationship to the Kirkby Wharfe SSSI, Bolton Percy SSSI and the Sutton Ings SSSI. Further information was provided by the Applicants in April and May 2019 and Natural England

confirmed in comments dated 28<sup>th</sup> May 2019 that they have no objections to the scheme.

- 2.16 **NYCC Ecology** – Noted the Preliminary Ecological Assessment undertaken by Smeedon Foreman and confirmed that it is considered unlikely that the scheme will impact on the SSSI and noted in responding that the recommendations of the report at Sections 5.2.2, 5.3.10, 5.3.14 and 5.4.1 should be secured on any planning permission.
- 2.17 **Landscape Officer** – Noted that would expect to see a detailed scheme for native hedgerow planting at the site boundaries together with details of the boundary fencing. Boundary fencing should be agricultural in style. The hedgerow planting scheme should include locally occurring native species with details of plant size, quantity and % mix, establishment maintenance and aftercare. Planting should be implemented in the first available planting season.
- 2.18 **North Yorkshire Bat Group** – no response received in the statutory consultation period.
- 2.19 **Police Architectural Liaison Officer** - no response received in the statutory consultation period.
- 2.20 **North Yorkshire Fire and Rescue** – confirmed no objections to the application and that the applicants would need to submit for Building Regulations approval.
- 2.21 **Primary Care Commissioning** - no response received in the statutory consultation period.
- 2.22 **County Council Planning Officer** - no response received in the statutory consultation period.
- 2.23 **Neighbour Summary** – All immediate neighbours were informed by letter, a site notice was erected and an advert placed in the local press. The application received 10 or more letters of representation which raise material matters of objection.

The comments in **objection** can be summarised as follows:-

*Principle of Development and Extent of Operation*

- The applicants have failed to demonstrate that the scheme is essential for agricultural purposes and is not “consolidation” as stated by the applicants – it is a material increase in size over what exists at West Farm and Fold Yard and is a significant intensification and concentration of the operation which will cause harm
- The need to relocate arises from planning permission being granted for residential development at West Farm Ulleskelf and to be able to progress a residential scheme for the Fold Yard in Kirkby Wharfe not an agricultural necessity
- The application contains no evidence to support the contention that the development will improve the agricultural and environmental efficiency of the tenant therefore there is no basis for on which to judge whether or not the

development is necessary for agricultural purposes, indeed the environmental efficiency may be worse;

- The Applicants have referred to “diversification” of the farmstead however there is no evidence of diversification as the farm produces beef and will continue to do so;
- Improvements at West Farm and the Fold Yard would have less impact than the proposed approach;
- The livestock count will triple on the site with an associated increase in noise being generated by the livestock;
- Policy EMP14 specifically restricts the type of intensive livestock units and the application fails to address this policy.
- The scheme is out of scale with the current operations and the surrounding area

#### *Amenity*

- The scheme is intensification of agricultural use, tripling the livestock area, with additional tractor and barn storage which will result in an increase in noise from animals and vehicles, smell, light pollution and potential for increased vermin which will have a significant effect on residential amenity;
- Will result in light pollution thus increasing the pollution already experienced from the orange and white lighting to the cattle shed already on site
- The route of the access from opposite the graveyard is within 50m of residential properties namely Mallayn Lodge
- The proposed silage store is less than 300m from Mallayn Lodge and will impact on amenity of the occupiers and this should be relocated to limit impacts from odour of silage and drainage run off
- Design of the scheme could be improved through use of hardstanding areas that can be effectively cleaned

#### *Highways*

- Vehicle traffic will be increased and intensified as a result of noise, disturbance and mud on the highway and light and environmental pollution emissions
- No context for the controlling of access via the access opposite the cemetery and in any instance this access track is onto a narrow county lane, where the sight lines and width of the road appear insufficient for farm vehicles to safely manoeuvre and the internal layout looks tight for manoeuvring of vehicles;
- Given that livestock will be housed indoors from 1 November to 1 May there is a lack of information on manure / effluent management and the resultant vehicle movements that would ensue.

- Road safety assessments should be undertaken of the proposed access opposite the cemetery
- The access from the main road to the site is unlit, and single track with no footpath and is used by school children / horse riders so safety will be compromised by increase vehicle movements
- The use of the access opposite the graveyard will impact on this historic access
- The use of the access opposite the graveyard will limit parking in this area
- The road is currently experiencing an increase in traffic due to development in Ulleskelf and Church Fenton and the exist to Raw Lane from Kirkby Wharfe is currently a blind exit

#### *Landscaping*

- EMP13 (5) requires adequate screening and landscaping. The application shows screening via mature plants, but how will this requirement be complied with in the short or medium term
- Previous offers to undertake landscaping have not come to implementation and a condition on landscaping should be utilised to screen and landscape the development and this should include mature trees and quick growing species so as to benefit nearby residents and help filter noise, smells , emissions and light
- The landscaping approach should be clarified and the site should be surrounded by banking with planting of fast growing and mature trees for instant impact which would be more effective than just hedging and native trees

#### *Nature Conservation / Biodiversity and Habitats*

- The applicants have not demonstrated how the scheme relates to EMP13(6) or ENV8
- The information provided on treatment of manure stores and slurry lagoons and emissions from livestock is insufficient to establish harm on vegetation and habitats and habitat bio-diversity
- Ammonia emissions and air quality are a concern in terms of impact on SSSI's in the area
- No evidence of consideration of bio-diversity net gain within the submissions

#### *Heritage and Archaeology*

- The submission when considering heritage fails to acknowledge that the site is in the heart of a medieval settlement and there is insufficient information provided to allow an assessment and to ensure that there will be no harm and archaeological investigations should be required before permission is granted
- Agree with the response from Mr Rowe NYCC Heritage Officer and support his recommendations and conditions.

### *Flood Risk and Drainage*

- The site includes Flood Zone 2 and 3 land, and this form of development should not be permitted in these high risk flood areas
- The water table in this area is high and the ground is prone to flooding and this development will significantly increase the risk of flooding in wet period for the whole village
- Leakage of manure, slurry and other substances potentially noxious to the environment possible
- The initial information provided on flood risk and drainage is unsatisfactory and no detail is provided on the approaches to be utilised and later submissions by the Applicants are no up to date nor does it confirm the soakaway capacity as such there is no confirmation in place that the use of soakaway can accommodate the development.
- Flooding has occurred at Mallyan Lodge and The Croft within garden areas since 2008 since the construction of the cattle shed
- There are already issues with drainage in the vicinity of the site and the pond shown on the plans was only recently dug and is small in size
- Existing problems will only be exacerbated by the proposals and account should be taken of the views of the ILFA Officer in determining the application and up to date testing should be undertaken and old data should not be relied upon.
- It should be questioned who will be responsible for doing the drainage works – the tenant or the owner?

### *Other Matters*

- The scheme would require relocation of a overhead power line and its siting underground however the application fails to provide any information on why this is necessary, how this will be done and whether the applicants can control this or deliver it.
- The Council has not sent a letter advising of the application to the Occupiers of “The Croft”
- The membership of the Parish Council, consulted on this application, includes the Applicants and the Tennant of the Farm.
- Many of the properties affected by the development are tied dwellings and this may impact on the level of comment on the application.

The comments in **support** can be summarised as follows:-

- Parkhill Vets Ltd, as vets for Home Farm for 30 years, note support for the scheme noting that the building will greatly improve the health and welfare of the cattle and enhance under foot conditions will be possible within new

accommodation over that currently used. Also note that the new provision will assist in disease prevention, with a design that will make mucking out and cleaning easier as well as monitoring of sick or calving animals.

- Occupiers of an adjacent dwelling / nearby dwellings note support for the scheme on the following grounds:
  - As will reduced vehicles movements as journeys to older yard in Ulleskelf would not be required,
  - As will improve road safety, will allow farm to not have to use out dated buildings in the centre of the village and at Ulleskelf
  - Comments that the area is not prone to flooding and did not flood at the Boxing Day floods
  - As will accounts for animal welfare and modern farming practices
  - As will improve the village and make more pleasant

The comments made **neither supporting or objecting** can be summarised as follows:

- Support that HGVs will not be coming through the village and will be using the access opposite the cemetery
- The use of this access will remove the necessity for traffic to negotiate the very narrow Main Street

### **3. Site Constraints and Policy Context**

#### **Constraints**

- 3.1 The site is in the open countryside, outside the development limits of any settlement and part Flood Zone 2 and part Flood Zone 3. The site is also noted as potentially contaminated from agricultural use.
- 3.2 There are a series of listed buildings in the settlement, with Woodside Cottage (Grade II) and The White House (Grade II) and within proximity of a Listed Building being the closest to the north west of the application site.

#### **Policy Context**

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and 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.
- 4.3 The National Planning Policy Framework (February 2019) (NPPF) replaced the July 2018 NPPF, first published in March 2012. The NPPF does not change the status

of an up to date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.

4.4 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

“213. ....existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

### **Selby District Core Strategy Local Plan**

4.5 The principal Core Strategy Local Plan policies are:

- SP1 - Presumption in Favour of Sustainable Development
- SP2 - Spatial Development Strategy
- SP13 – Scale and Distribution of Economic Growth
- SP15 – Sustainable Development and Climate Change
- SP18 – Protecting and Enhancing the Environment
- SP19 - Design Quality

4.6 Policy SP1 of the Core Strategy outlines that *"when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework"* and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in the NPPF in relation to the presumption in favour of sustainable development and decision taking.

4.7 Development in the countryside is limited in SP2 to the replacement or extension of existing buildings, the re-use preferably for employment and well-designed new buildings of an appropriate scale which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities.

4.8 SP13 (c) relates to scale and distribution economic growth in rural areas and supports growth in local employment opportunities or expansion of business and enterprise including, diversification of agriculture and other land based rural activities, noting that development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area and seek a good standard of amenity.

4.9 SP15 relates to ensuring that account is taken in decision making of flood risk, sustainable drainage, contamination, and that design and layout of development contributes to reducing carbon emissions and where necessary and appropriate improve energy efficiency, incorporate sustainable construction, sustainable drainage methods, enhance habitats including landscaping, minimise traffic growth and make provision for renewable / decentralised energy.

- 4.10 SP18 relates to the consideration of the impacts of development in terms of protecting and enhancing the environment, considering historic context, ecology, green infrastructure, landscape, bio-diversity, pollution and energy / water consumption alongside steering of development to area of least environmental and agricultural quality.
- 4.11 Policy SP19 promotes high quality design and provides that development proposals should have regard to local character, identity and context including being accessible to all.

### **Selby District Local Plan**

4.12 The relevant Selby District Local Plan policies are as follows:

- ENV1 - Control of Development
- ENV2 – Pollution and contaminated land
- ENV3 – Light Pollution
- EMP13 – Control of Agricultural Development
- ENV28 – Archaeological Remains
- T1 – Development in Relation to the Highway Network
- T2 – Access to Roads

- 4.13 Policies ENV1, ENV2 and ENV3 of the Local Plan set a context for the consideration of the impacts of a development in terms of effect on character of the area, amenity, highways, capacity of local infrastructure, design, layout, materials, ecology, archaeology, contamination, light pollution, groundwater pollution, energy conservation and allowing for the consideration of any material consideration.
- 4.14 Policy EMP13 of the Local Plan outlines that agricultural development will be permitted provided the proposals are necessary for agricultural purposes; is well related to existing farm buildings or situated on a site which minimises its visual impact; would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity; is of a scale and design appropriate to its setting; is adequately screened and landscaped; and would not harm acknowledged nature conservation interests or a historic park or garden.
- 4.15 Policies T1 of the Local Plan relate to consideration of the highways impacts of development. Policy T1 notes that development should be well related to existing highways networks and will only be permitted where existing roads have adequate capacity otherwise off site highways works may be required. Policy EMP13 (3) notes that agricultural development will be permitted provided that it “would not create conditions prejudicial to highways safety or which would have a significant adverse effect on local amenity.”
- 4.16 Reference has been made in comments on the application to “Policy EMP14 – Intensive Livestock Units” of the Local Plan. This policy is not considered relevant to the determination of the application on the basis that the nature of the activities undertaken on the site the operation doesn’t constitute intensive livestock farming, if the cattle are spending on average half of the year grazing outside. In addition in earlier applications for development on the site have not considered the operation to be intensive in nature.



## 5 APPRAISAL

5.1 The main issues to be taken into account when assessing this application are:

1. Principle of Development and Extent of Operation
2. Design and Layout including Visual Impact
3. Impact on Residential Amenity
4. Impact on Highways
5. Impact on Heritage Assets including Archaeology
6. Flood Risk, Drainage and Climate Change
7. Landscaping
8. Nature Conservation / Biodiversity and Habitats
9. Contamination
10. Other Matters arising from Consultations

### Principle of Development and Extent of Operation

- 5.2 The Selby District Core Strategy Local Plan Policy SP2 is silent on agricultural development per se, but does include well-designed new buildings of an appropriate scale which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities.
- 5.3 Policy EMP13 of the Local Plan outlines that agricultural development will be permitted provided the proposal are necessary for agricultural purposes; is well related to existing farm buildings or situated on a site which minimises its visual impact; would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity; is of a scale and design appropriate to its setting; is adequately screened and landscaped; and would not harm acknowledged nature conservation interests or a historic park or garden.
- 5.4 The new buildings are sited adjacent to existing farm buildings, with two being to the immediate east and one to the immediate south. The units are agricultural in design with solid concrete panel sides and open sides, cantilevered eaves, feeding provision, a silage area and hardcore circulation areas. There is also landscaping shown surrounding the development and gated access to the fields to the east of the yard area. The new buildings would reflect the scale and massing of the existing provision on the site as would their materials.
- 5.5 In terms of the scheme being necessary for agricultural purposes then the submitted Planning, Design and Access Statement (dated January 2019) outlines that the scheme seeks to modernise the operation and consolidate the operation onto one site thus bringing cattle housing and bedding storage from West Farm and Fold Yard to Home Farm. In addition it is noted that all farmyard manure handling would be on the site rather than being split across three locations, as well as the cattle being in a single location thus assisting in animal care / husbandry.
- 5.5 To underpin this position the Planning, Design and Access Statement (dated January 2019) also notes that the buildings at West Farm have deteriorated due to their age, are not fit for purpose, do not meet current standards for livestock welfare / care in terms of ventilation and light, there is a lack of cattle handling facilities at the site and the provision does not provide a safe working environ. In addition the poor quality of surfaces means that surface water is at risk of pollution. In terms of the area used at the Fold Yard then this is noted as being in disrepair, functionally unsuitable and potentially hazardous for animals and workers alike. In addition

these buildings are noted as being nestled between cottages in the central part of the village impacting on amenity and requiring traffic movements in the central part of the village between the Fold Yard and Home Farm / West Farm.

- 5.6 In terms of the need for the farm to move from West Farm then the submitted Planning, Design and Access Statement (dated January 2019) outlines that the proposals will support agricultural and environmental efficiency of the tenant as well as providing modern and functional facilities to operate as a rural business thus enabling the tenant to continue operations and the landowner to future proof his activities in a main farmstead.
- 5.7 Although, it is acknowledged by Officers that the moving of operations from West Farm arises in part as a result of the outline consent being granted for residential re-development of that site, and moving operations from the Fold Yard to the north west of Home Farm would also potentially allow for conversion of these building, but this is not part of the application being considered.
- 5.8 The applicants have set out a clear case for the consolidation of the operation based on agricultural grounds, which is also supported by their Vets on health and welfare grounds. They have also set out a case for the extent of the accommodation being provided at the site.
- 5.9 As such it is considered that it has been demonstrated that the scheme is necessary for agricultural purposes and the scheme is considered acceptable in principle subject to consideration of the siting, design, highway impacts, landscaping and impacts on nature conservation which will be assessed later in the report.
- 5.10 In terms of whether the application represents “intensive agricultural operations”, and thus whether the principle of the development should be considered against Policy EMP14 of the Local Plan. As noted above the extent of the operation has been considered by officers and having taken into account the basis for Policy EMP14 it is not considered that the operation is intensive and as such the scheme is not required to be considered against this Policy in the view of Officers.
- 5.11 Objectors have also stated that they consider that improvements at West Farm and Fold Yard would have less impact than the proposed approach. The Council is not being asked to consider whether there is an alternative approach and has to assess the scheme as submitted.
- 5.12 On balance it is considered that the applicants have demonstrated a case for the development on agricultural grounds, which will support a rural business and the local economy. The principle of additional agricultural buildings at Home Farm is considered acceptable and to accord with Policy SP2 of the Core Strategy and Policy EMP13 of the Local Plan subject to the consideration of the siting, design, highway impacts, landscaping and impacts on nature conservation which will be assessed later in the report.

### **Design and Layout including Visual Impact and Landscaping**

- 5.13 Policy ENV1 requires consideration of the design and layout of schemes and their effect on the character of the area, in addition Policy EMP13 of the Local Plan considers the approach on the design of new agricultural buildings, in terms of them being well related to existing farm buildings or situated on a site which minimises its

visual impact being of a scale and design appropriate to its setting and adequately screened and landscaped.

- 5.14 The site lies in open countryside and the new barns / sheds immediately adjoin the existing agricultural buildings and the farmhouse. The site sits within the context of the village and is currently visible from a series of surrounding properties, but also as entering the village from Raw Lane (B1223) and as travelling along this road from Ulleskelf towards the A162 Tadcaster Road. Current surfacing of the farmyard is varied in nature and there is existing hedgerow planting on the boundaries of the current farmstead.
- 5.15 The proposed buildings are sited to the east of the existing farm buildings with the exception of Building D (Straw Barn) which is set to the south of the new buildings. The Planning, Design and Access Statement (dated January 2019) notes that as a result of discussions with the neighbours during a pre-submission consultation the location of Building D was amended to seek to reduce the visual impact on Mallayn Lodge to the north west. It is also noted that the other barns have been sited to sit in the context of the existing barns. The Site Layout Plan also shows additional hedge planting around the site, the specification for which is not defined. However, the submitted the Planning, Design and Access Statement (dated January 2019) notes that this was increased in extent following pre-submission consultation that were undertaken by the Agents.
- 5.16 Objectors have raised concerns in terms of the location of the silage store, the securing of the landscaping, whether there should be bunding around the site over just landscaping and whether the hardcore areas should be improved to assist in cleaning. The Vets in supporting the application have noted that the approach being taken will assist disease prevention, assist in mucking out and cleaning as well as monitoring stock.
- 5.17 The siting of the new buildings and the proposed massing / scale set to the east of the existing barns and the south east of the farmhouse means that they will sit against the existing built form of the grouping. In addition the siting of Building D not only sits in the context of the grouping but also is sited in such a manner to be appropriately sensitive to the views from Mallayn Lodge which has been visited by Officers. In terms of the views of the buildings when entering the village from the B1223 (Raw Lane) then the buildings will be visible as they will be from "The Croft" which lies to the south of the application site however they will read as part of a farm grouping which is characteristic of this area and any agricultural area and additional hedgerow planting is also proposed to assist. In terms of the siting of the silage store then clearly there will be a need for such a provision on site and this has been located in the southern section of the site which is also considered to be acceptable.
- 5.18 The siting of the silage store has been justified by the applicants in this location on the basis that the silage needs to be located within close proximity to the barns to assist in ensuring efficiencies of operations and internalise the storage to within the farmstead thus assisting in minimising the noise and disturbance created by the activity. They have confirmed that the grass cut is made into haylage not silage so has a higher dry matter content so no silage effluent is made as it is wrapped in plastic bales bale wrap measuring 0.91 metres (3ft) diameter These bales are then stacked on 3 bales high to a height of approximately 2.74 metres (9 feet ). They have also advised that the current area of the haylage bales storage at Home Farm

will be built over with the new farm building isolation livestock unit and that the new storage area is a replacement not an additional storage area.

- 5.19 It is considered that the buildings would appropriately read as part of a grouping, are well related to the existing grouping and also are of a character appropriate to the area, and of a layout and design which minimises the visual impact on the area in accordance with Policy EMP13 and ENV1 of the Local Plan whilst meeting the agricultural need and function.
- 5.20 In terms of the landscaping of the site then the current boundaries of the site are defined either by hedging, post and rail fencing or post and barrier fencing. The submitted "Site Layout Plan (ref 599-02 Revision G)" shows areas of landscaping around the resultant farm grouping with an access gate to the adjacent farmland to the east. There is no specification for this planting, nor have any boundary treatments being confirmed as part of the application.
- 5.21 Having consulted the Councils Landscape Officer then they have advised that the use of an earth bund in this case would not be appropriate or necessary and in any instance the proposed buildings are characteristic of the area and the use of the hedging as shown on the site layout plan is appropriate. In terms of the this hedging then it is noted that limited detail has been provided on the mix of this hedgerow other than within the Ecology Report which notes use of native berry bearing tree and shrub species and the under sowing of a wildflower mix to the new hedgerow. In this context it is considered that a condition should be utilised to not only secure a full specification for the planting but also its implementation and retention.
- 5.22 In conclusion it is considered that the siting of the buildings in close proximity to the existing farmhouse and farm buildings alongside sensitive siting and landscaping means that the expansion of the farm grouping with buildings that are characteristic of the area is in accordance with Policy ENV1 and EMP13 of the Local Plan and the approach of the NPPF.

### **Impact on Residential Amenity**

- 5.23 Policy ENV1 (1) requires that the District Council take account of "The effect upon... the amenity of adjoining occupiers". It is considered that policy ENV1 (1) of the Selby District Local Plan should be given significant weight as one of the core principles of the NPPF is to ensure that a good standard of residential amenity is achieved in accordance with the emphasis within the NPPF. In addition, Policy ENV2A states that "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" and Policy EMP13 (3) also notes that schemes should not have a significant adverse impact on local amenity".
- 5.24 Home Farm sits on the edge of the settlement of Kirby Wharfe and the tenant currently utilises both the provision at Home Farm but also the Fold Yard approximately 60 metres to the west of the Farmhouse alongside using accommodation at West Farm in Ulleskelf.
- 5.25 The application was subject to pre-submission consultation by the farm via their Agents and changes were made to the scheme to seek to address concerns in terms of the impact on amenity, which included increasing landscaping and re-siting

of the proposed buildings, as noted above. The submitted Planning, Design and Access Statement (dated January 2019) notes that changes were made to the scheme in the context of this consultation. The same Statement notes that the proposals will mean that there will no longer be a need for daily vehicle movements between Home Farm and The Fold Yard and West Farm, which is argued as a benefit of the scheme from an environmental perspective and from a vehicle movement perspective also.

- 5.26 Additional information received from the Agent under cover letter of the 20<sup>th</sup> March 2019 noted that

“As the main farmstead for the holding, the majority of activity already takes place at Home Farm, these activities will continue irrespective of planning permission for new structures. Therefore, the impact of relocated activity on the amenity of residents near Home Farm is considered limited, new activity will not be overwhelmingly unacceptable above the level of activity that is already present”.

noting that

“Many comments pertain to current farm operations, the proposed design adheres to national welfare standards achieving safety and environmental improvements by providing new facilities that are easier to clean, maintain and operate. The farm tenants are certified Farm Assured British Beef and Lamb (FABBL) farmers who are extremely proud of the beef they produce. Cleaner cattle housing is important in producing high quality beef and reducing potential risk of disease and infection, the designs reflect this.”

As such the Agents argue that “current farm operations are time-consuming, inefficient and fail to utilise all equipment available at Home farm. The proposals will make this holding less intensive whilst improving efficiency, safety and environmental management of the farm as to maintain the Goodrick’s stature as producers of high quality beef”.

- 5.27 In commenting on the application and the information provided in March 2019 by the Agent the Council’s Environmental Health Officers have raised no objections to the scheme. They have in making these comments considered the initial submissions and the additional information noted in the 20<sup>th</sup> March 2019 submissions.
- 5.28 Objectors have raised concerns in terms of the noise impacts on occupiers of nearby dwellings, increased light pollution, increased use of the access past Mallayn Lodge and the location of the silage store.
- 5.29 The Home Farm operation is already present within the village and there is also significant activity within The Fold Yard and at West Farm Ulleskelf. The Applicants have argued that they have designed the scheme to seek to take account of the comments of neighbours as a result of pre-submission consultations, and the scheme shows the new accommodation sited away from existing dwellings, to the east of the existing barns and set back from the access frontage within the village itself. In addition one of the purported benefits of the scheme that is outlined by the Applicants is that the scheme will allow for the consolidation of the farms activities in one location, thus removing the activities on The Fold Yard in the central part of the village and from West Farm Ulleskelf.

- 5.30 It should also be noted that the proposed development is subject of the application on the basis that prior notification for the erection of agricultural buildings could not be pursued given the scale of the accommodation to be provided, however the Estate could over the passage of time through numerous submissions secure consent for the range of buildings being proposed under this submission. So as a result of the application being via a single Full Application, then the approach to the site can be fully assessed and conditions can be sought that ensure some of the benefits are derived from the development, such as defined access points, cessation of use of The Fold Yard which would not be possible via a prior notification process.
- 5.31 It is accepted that the scheme will result in a change to the environment in the village as a result of the erection of the additional buildings, and the re-arrangement of activities by the farm through consolidation on the site. As noted above the key benefit of the scheme set out by the applicants is that the use of the Fold Yard will cease and there will be reduced traffic movements not only between The Fold Yard but also between Home Farm and West Farm in Ulleskelf.
- 5.32 The impact of the development on residential amenity has to be considered in the current operations, the nature of the proposed use and the extent of control that can be afforded to ensure that the operation does not adversely affect surrounding occupiers in amenity terms.
- 5.33 The proposed scheme is clearly for agricultural use and it is considered that it has been designed not only to take account of the farming needs but also in such a manner to take account of surrounding residential properties in terms of the siting of the barns, and the introduction of new landscaping on the site boundaries. In addition the Agents have also confirmed that they would accept use of a condition requiring that activities cease at The Fold Yard and at West Farm Ulleskelf within 3 months of the of the completion of the scheme, so there is certainty that the uses would cease at these locations. In addition there would be benefits arising from the reduction in vehicle movements in amenity terms for the residents of the village. In commenting on the application then the Council's Environmental Health Officers have raised no objections to the proposed scheme.
- 5.34 In terms of the lighting of the site then there are no details provided of lighting for the new barns as part of the application and although it is anticipated that such lighting would be required to allow for animal care, it is considered that details of any floodlighting can be agreed post decision and controlled via condition in the interest of amenity, ecological protection and for the avoidance of doubt.
- 5.35 In terms of the increased use of the access past Mallyn Lodge then the Applicants Agent has advised that the access is in use and this was evident on site. Clarification has also been provided on the anticipated extent of the HGV movements which has been confirmed as expected to be an average of approximately 3-4 per month, and they have also advised that the quantum of deliveries will remain the same as the size of the herd is remaining the same. In terms of the impacts of the increased use of this access then this has to be balanced against the benefits in amenity terms as a result of reduced traffic between the Fold Yard / West Farm and Home Farm through the consolidation of the farms activities at one location and it should be noted that not all traffic is using this access only HGV's. On balance it is considered that the level of movements is

of a scale that is when balanced to the benefits of HGV's not accessing the farm through the village acceptable.

- 5.36 As such it is considered, subject to a condition on lighting, that the proposals will not give rise to unacceptable levels of noise or nuisance or impact on amenity which would in a rural area amount to a significant adverse impact on local amenity. As such the scheme is considered to accord with Policies ENV1, ENV2A and EMP13 of the local plan and the approach of the NPPF.

### **Impact on Highways**

- 5.37 Policies ENV1 (2), of the Local Plan require development to ensure that there is no detrimental impact on the existing highway network or parking arrangements. Policy T1 of the Local Plan relate to consideration of the highways impacts of development. Policy T1 notes that development should be well related to existing highways networks and will only be permitted where existing roads have adequate capacity otherwise off site highways works may be required. Policy EMP13 (3) notes that agricultural development will be permitted provided it "would not create conditions prejudicial to highways safety or which would have a significant adverse effect on local amenity." It is considered that these policies of the Selby District Local Plan should be given significant weight as they are broadly in accordance with the emphasis within the NPPF.
- 5.38 The Layout Plan shows that access would be taken to the grouping via the two existing accesses with the HGV and Farm access being via the access opposite the Graveyard so to the west of the village, and the residential / minor vehicle access being from the access adjacent to the farmhouse. The submitted Planning, Design and Access Statement (dated January 2019) outlines that the consolidation of the farm activity onto the one site will reduce movements as trips between sites will no longer be required, and there would no movements into the Fold Yard.
- 5.39 Objectors have noted concerns in relation to highways in terms of increased highways movements resulting in noise disturbance, likelihood of mud on the highway, conflict of vehicle / pedestrian / horse movements on the narrow network, need for vehicle movements arising from the movement of effluent and the access roads being unlit. In addition comments have been made in support of the application in relation to highways noting that it is considered that the scheme will reduce movements as the farmer would not need to move between sites to manage stock and that there would be enhancement to the village as a result.
- 5.40 In terms of the noted concern that the development will increase mud on the road, then it is not within the remit of planning to address such issues, and this would be a matter for the Highways Authority should there be an issue on the adopted highway as a result of the farms activities.
- 5.41 In commenting on the application the NYCC Highways Officers have raised no concerns in terms of highway safety or conflict and have noted a suggested condition relating to the construction of the access in accordance with their standard details, a restriction on gates being added within 13 metres of the carriageway and provision of drainage to prevent surface water from discharging onto the existing or proposed highway which and shall be maintained thereafter to prevent such discharge. They have no objections subject to such a condition which has been confirmed as acceptable to the applicants as a pre-commencement condition and

that these works can be delivered within highways land or land in the applicants control.

- 5.42 It is considered that in the context of no objections from NYCC highways and the benefits of a defined access approach, alongside reduced movements between the different sites used by the holding, then on balance the scheme is accepted in highways terms subject to the noted condition as suggested by NYCC Highways. As such it is considered that there is no detrimental impact on the existing highway network and it would not create conditions prejudicial to highways safety to warrant refusal on highways grounds and as such the scheme accords with ENV1 (2) and EMP13 of the Local Plan.

### **Impact on Heritage Assets including Archaeology**

- 5.43 Policies ENV1 and ENV28 of the Local Plan, Policies SP18 and SP19 of the Core Strategy and the NPPF require proposals to take account of their impacts on heritage assets and in particular in relation to this site, archaeology. Whilst considering proposals for development which affects a Listed Building or its setting, regard is to be made to Section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.
- 5.44 The site lies to the east of Woodside Cottage (Grade II) and to the south east of "The White House" (Grade II) as such for expediency the application was advertised as being within the proximity of these listed buildings. Consultations were also undertaken with the NYCC Heritage Officer who consider archaeology and the Councils Conservation Officer.
- 5.45 The submitted Planning, Design and Access Statement (dated January 2019) does consider the impact of the scheme on the noted heritage assets outlining that the noted assets and concluding that the new development have a negligible effect on the heritage assets of the village through their siting, design and the introduction of additional landscaping as well as on the basis that the development is an expansion of an existing agricultural operation.
- 5.46 In commenting on the application the Conservation Officer noted there is an assessment within the supporting document but it is minimal and assesses the impact as having a positive impact, however it is unlikely that the construction of large agricultural structures will have a positive impact. The development is likely to change the setting of the listed buildings and may cause a low level of harm to their significance due to the scale of the development. It is considered that there is a clear segregation between the new buildings and the listed buildings as a result of not only distance but the existing agricultural buildings, and the land occupied by the new buildings is already in agricultural use and the buildings are of a design, character and type that would be expected in the location. As such although it is accepted that there will be some harm this is not considered to be significant harm and as such to warrant refusal on the grounds of harm to the Listed Buildings.
- 5.47 In terms of the archaeological assets then the NYCC Heritage Officer in commenting on the application has noted the portal construction and advised that the proposed buildings will have limited impact on below ground deposits, and it is likely disturbance occurred over the last 200 years. As such the Officer has advised that the impact on archaeological remains is likely to be localised can be offset by



appropriate mitigation recording during the site preparation and construction, on this basis a condition is suggested for archaeological monitoring in accordance with a written scheme and investigation recording. This is considered reasonable and appropriate.

- 5.48 As such, subject to the noted condition, the scheme is on balance considered to accord with Policies ENV1 and ENV28 of the Local Plan, Policies SP18 and SP19 of the Core Strategy and the NPPF.

### **Flood Risk, Drainage and Climate Change**

- 5.49 Relevant policies in respect to drainage, climate change and flood risk include Policy ENV1(3) of the Local Plan and Policies SP15 and SP16 of the Core Strategy..
- 5.50 The site lies partly within Flood Zone 2 and Flood Zone 3 and as such a Flood Risk Assessment has been submitted by the developer and advice has been sort from the Environment Agency on the application.
- 5.51 The application form confirms that the site will utilise a sustainable drainage approach, with use of soakaways and flows being directed to an existing pond which is to be enlarged. In specific response to comments from consultees / neighbours the Agent have provided additional information on soakaway testing, impermeable areas and the drainage approach, and the proposed approach has been shown on Plan 18349-C-50 "Drainage Strategy" dated April 2019.
- 5.52 Objectors have noted concerns in terms of the drainage impacts of the development, the need for a clear system and the possibility of floods.
- 5.53 In terms of the sequential test then the applicants have noted that the site is in Flood Zone 2 / 3 and that the use is a "less vulnerable" use (i.e. agricultural use and buildings") in terms of the consideration of flood risk and application of the sequential testing. The Planning Practice Guidance outlines that when applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken so for example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere. The application is considered to be an consolidation of the farm business onto a single site and as such it is considered that a pragmatic approach is to consider the scheme to be not only a less vulnerable use but also sequentially acceptable. In addition as noted above the application is accompanied by an FRA, soakaway testing and a drainage scheme.
- 5.54 In commenting on the application the Environment Agency (EA) has raised no objections subject to the scheme being progressed in line with the FRA and noted measures.
- 5.55 The SUDS Officer has confirmed that the information on the historic infiltration testing has effectively shown that the infiltration provides a viable means of dealing with surface water, and thus recommended a condition on treatment of surface water scheme being agreed prior to the commencement of development. Comments from the SUDS Officer are awaited in terms of the Plan 18349-C-50 "Drainage Strategy" dated April 2019 have been received and they have requested

that the scheme be implemented in accordance with the April 2019 submission plan and noted conditions..

- 5.56 The EA made reference in their response to the need for the Applicants to take account of Flood Alert services and to have an evacuation plan. In line with the advice of the Emergency Planning contact at NYCC this can be covered via an informative.
- 5.57 In terms of climate change then the Policy SP15 (B) states that to ensure development contributes toward reducing carbon emissions and are resilient to the effect of climate change schemes should where necessary or appropriate meet 8 criteria set out within the policy. Having had regard to the nature and scale of the proposal, it is considered that its ability to contribute towards reducing carbon emissions, or scope to be resilient to the effects of climate change is so limited that it would not be necessary and, or appropriate to require the proposals to meet the requirements of criteria of SP15 (B) of the Core Strategy. Therefore having had regard to Policy SP15 (B) it is considered that the proposal is acceptable.
- 5.58 It is considered that subject to the implementation in accordance with the submitted FRA and Plan 18349-C-50 "Drainage Strategy" dated April 2019 is considered to acceptable and accord with the noted Policies of the Local Plan and Core Strategy and the NPPF.

#### **Nature Conservation / Biodiversity and Habitats**

- 5.59 Policy ENV1(5) states that proposals should not harm acknowledged nature conservation interests, or result in the loss of open space of recreation or amenity value, or which is intrinsically important to the character of the area. These policies should be given significant weight as they are consistent with the NPPF.
- 5.60 The application is accompanied by Preliminary Ecological Appraisal (PEA) dated November 2018 and following comments from Natural England additional information was provided in the form of a SCAIL Assessment by the applicants.
- 5.61 The Preliminary Ecological Appraisal prepared by Smeedon Foreman assessed protected species and, considered statutory and non-statutory protected sites and assessed the habitat on site. It concluded that the site is of minimal ecological conservation interest though the hedgerow is of some value. The report also identifies a series of mitigation measures including noting suggested species for the new hedgerow, precautionary working methods in relation to breeding birds, badgers and hedgehogs and as such concludes that if these are followed there would be minimal impact to local conversation status and protected species.
- 5.62 The SCAIL Assessment was submitted in the context of initial comments from Natural England who raised objections to the scheme in terms of the emissions associated with the cattle operation in terms of odour, ammonia and particulate matter and the impact of this on nature conservation assets and habitats. The Agent having undertaken these assessment thus advised that the existing position of cattle housing at Fold Yard and West Farm already exceeds the critical load levels of the assessment and the proposals lead to a marginally increase of deposition levels.

- 5.63 Objectors have also noted concerns in terms of overall impacts on nature interest including from manure stores and slurry lagoons, alongside impacts on SSSIs from ammonia and whether there is any bio-diversity gain arising from the development.
- 5.64 Consultations with the Natural England and the NYCC Ecologists have confirmed that they have no objections to the scheme with the County Ecologist advising that the scheme should be progressed in accordance with the recommendations of the report at Sections 5.2.2, 5.3.10, 5.3.14, 5.4.1, 6.1.2, 6.1.3 and 6.1.4 of the Preliminary Ecological Appraisal (PEA) prepared by Smeedon Foreman. In addition as noted above a full landscaping specification for the hedgerow will be required taking account of the recommendations of the noted Report.
- 5.65 In terms of bio-diversity net gain then NYCC Ecology has advised Officers that the submitted PEA and the noted sections confirm recommendation and mitigation which would amount to gain and in addition the approaches do reflect the advice of Natural England. As such it has been advised that the condition approach will secure to improvements and net gain can be considered to have been provided.
- 5.66 On balance it is considered that the Applicants have demonstrated to the satisfaction of the consultees that the impacts on protected species and habitats subject to the noted conditions.

### **Contamination**

- 5.67 Relevant policies in respect of land contamination include Policy ENV2 of the Selby District Local Plan and Policy SP19 "Design Quality" of the Core Strategy.
- 5.68 Advice has been sort on the proposal from the Council Contamination Consultant as the site is identified as potentially contaminated on the Council's records as result of the agricultural activity on the site. They have advised that it would be appropriate to utilising an unexpected contamination condition for this application. Given the proposal to construct cattle sheds, a straw store and a tractor store there is limited risk to receptors on the site. The only potential risk would be the accumulation of gases and any potential gas generating materials would be identified during the development and be covered by the unexpected contamination condition.
- 5.69 Subject to the aforementioned condition, it is considered that the proposal would be acceptable in respect of land contamination and is, therefore, in accordance with Policy ENV2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

### **Other Matters arising from Consultations**

- 5.70 A series of other issues have been raised in comments on the application. These are assessed in the following section.
- 5.71 The relocation of the overhead power line is a matter for the implementation of the development. The practicalities and costs of these works is not a matter for consideration at the planning application stage.
- 5.72 In the context of comments made on the scope of consultations, the application was advertised via site notices at both sides of the village, and additional letters were sent out to the noted properties.

- 5.73 Comments have been made on the membership of the Parish Council within objections, noting that the Parish Council includes the applicants and the tenants. The Parish Council in responding on the application have offered no specific comments on the submissions. In addition any questions over the governance arrangements of the Parish Council are not for a planning application to take account of and this matter would be considered by the Monitoring Officer if a complaint was to be lodged. Having checked with the Monitoring Officer no such submissions have been made.
- 5.74 Comments have been made noting that many of the properties affected by the development are tied dwellings which may impact on the level of comment on the application. The impact on amenity of occupiers of dwellings, be these private homes / rented or tied dwellings, is considered by Officers in assessing applications, comments do not need to be specifically made by an occupier to ensure any impact on the amenity of the dwelling is considered. As such a lack of comment from a property does not mean that the impact on that property is not assessed. In terms of the volume of comments received on the application as a result of consultations has resulted in comments from a range of properties and is at a level meaning that the application is being considered by committee, as such it is not considered that the tied occupancy status of the dwellings has in any way impacted on the assessment or consideration of the application.

### **Legal Issues**

- 6.14 Planning Acts: This application has been determined in accordance with the relevant planning acts.
- 6.15 Human Rights Act 1998: It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.
- 6.16 Equality Act 2010: This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

### **Financial Issues**

- 7.17 Financial issues are not material to the determination of this application.

## **8. Conclusion**

- 8.1 The scheme is for the consolidation of farming activities currently undertaken across Home Farm Kirkby Wharfe, the Fold Yard Kirkby Wharfe and at West Farm Ulleskelf by a tenant of the Grimston Park Estate. The application seeks consent for the erection of new buildings at Home Farm for agricultural use. On balance it is considered that the scheme is acceptable subject to conditions and informatives having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations.

## **9. Recommendation**

The application is recommended for GRANT subject to the following conditions:

01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

02. The development hereby permitted shall be carried out in accordance with the following approved plans and documents, notwithstanding the details in the application form:

- Proposed Site Location Plan Ref 599-13-A dated 11<sup>th</sup> January 2019
- Proposed Site Layout Plan Ref 599/02 Revision G dated 11<sup>th</sup> January 2019
- Proposed Cattle Isolation & Calving Units – Plans and Elevations Ref 599/03 Revision A dated 9<sup>th</sup> January 2019
- Proposed Cattle Shed A Plans Ref 599/04 dated 7<sup>th</sup> December 2018
- Proposed Cattle Shed A Elevations Ref 599/05 dated 7<sup>th</sup> December 2018
- Proposed Cattle Shed B Ref 599/07 dated 7<sup>th</sup> December 2018
- Proposed Tractor Shed C Plans Ref 599/08 Revision A dated 11<sup>th</sup> January 2019
- Proposed Tractor Shed C Elevations Ref 599/09 Revision B dated 11<sup>th</sup> January 2019
- Proposed Straw Barn D Plans Ref 599/10 Revision A dated 11<sup>th</sup> January 2019
- Proposed Straw Barn D Plans Ref 599/11 Revision B dated 11<sup>th</sup> January 2019

Reason: For the avoidance of doubt.

03. No development shall commence above slab level until a sample panel of the proposed materials mix to be used in the construction of all of the external surfaces and boundary walls shall have been prepared on site for inspection and approved in writing by the Local Planning Authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond, pointing technique and palette of materials (including any roofing, cladding or render) to be used in the development. The development shall be constructed in accordance with the approved sample.

Reason : In the interest of design quality.

04. The development shall be carried out in accordance with the submitted Flood Risk Report (FRR)(18349) submitted from Topping Engineers dated October 2018 and finished floor levels set no lower than the existing as stated on page 9 of the submitted FRR and Drainage Strategy Plan Ref 18349/C-50 dated April 2019. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants

05. The development shall not commence until a scheme, detailing the treatment of all surface water flows from parking areas and hardstanding through the

use of road side gullies, oil interceptors, reedbeds or alternative treatment systems, has been submitted to and approved in writing by the Local Planning Authority. Use of the parking areas/hardstanding shall not commence until the works comprising the approved treatment scheme have been completed. Roof water shall not pass through the treatment scheme. Treatment shall take place prior to discharge from the treatment scheme. The treatment scheme shall be retained, maintained to ensure efficient working and used throughout the lifetime of the development.

Reason: To prevent pollution of the water environment from the development site

06. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements
- a. The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E2.
  - b. Any gates or barriers shall be erected a minimum distance of 13 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
  - c. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and shall be maintained thereafter to prevent such discharges

Reason: In accordance with Policy T1 of the Selby District Local Plan and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience

07. No demolition or development shall commence until a Written Scheme of Investigation for an Archaeological Watching Brief has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:
- i. The programme and methodology of site investigation and recording
  - ii. The programme for post investigation assessment
  - iii. Provision to be made for analysis of the site investigation and recording
  - iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - v. Provision to be made for archive deposition of the analysis and records of the site investigation
  - vi. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the Written Scheme of Investigation and the development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation.

Reason: In accordance with Section 16 of the NPPF (paragraph 199) as the site is of archaeological significance.

08. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

09. The development hereby permitted shall be carried out in accordance with the mitigation and enhancement measures set out in Sections 5.2.2, 5.3.10, 5.3.14, 5.4.1, 6.1.2, 6.1.3 and 6.1.4 of the submitted Preliminary Ecological Assessment undertaken by Smeedon Foreman dated November 2018.

Reason - In the interest of amenity, ecological protection and for the avoidance of doubt

10. Notwithstanding the detail shown on Site Layout Plan Ref 599-02 Revision G no development shall commence above slab level until a full detailed landscaping and planting scheme and fencing details has been submitted and agreed with the Local Planning Authority.

The scheme shall include:-

- Details of the species, location, planting density and stock size in respect of all tree and shrub planting
- Details of the measures for the management and maintenance of the approved landscaping

All planting, seeding or turfing comprised in the approved plan shall be carried out in the first planting and seeding seasons following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees which die, are removed or become seriously damaged or diseased within the first five years shall be replaced in the next planting season with others of similar size and species.

Reason - in order to ensure for the preservation and planting of trees and landscaping in accordance with s.197 of the Act and in order to comply with saved Policy ENV1 of the Selby District Local Plan.

11. The existing agricultural activity at “The Fold Yard Kirkby Wharfe” (as shown on Plan J002325.PO1 dated 10<sup>th</sup> June 2019) and “West Farm Ulleskelf” ((as shown on Plan J002325.PO2 dated 10<sup>th</sup> June 2019) shall cease within **3 months** of the completion of the scheme hereby approved.

Reason: In the interest of residential amenity and for the avoidance of doubt and in accordance with Policy ENV1(1) of the Selby District Local Plan and the advice contained within the NPPF

## **Informatives**

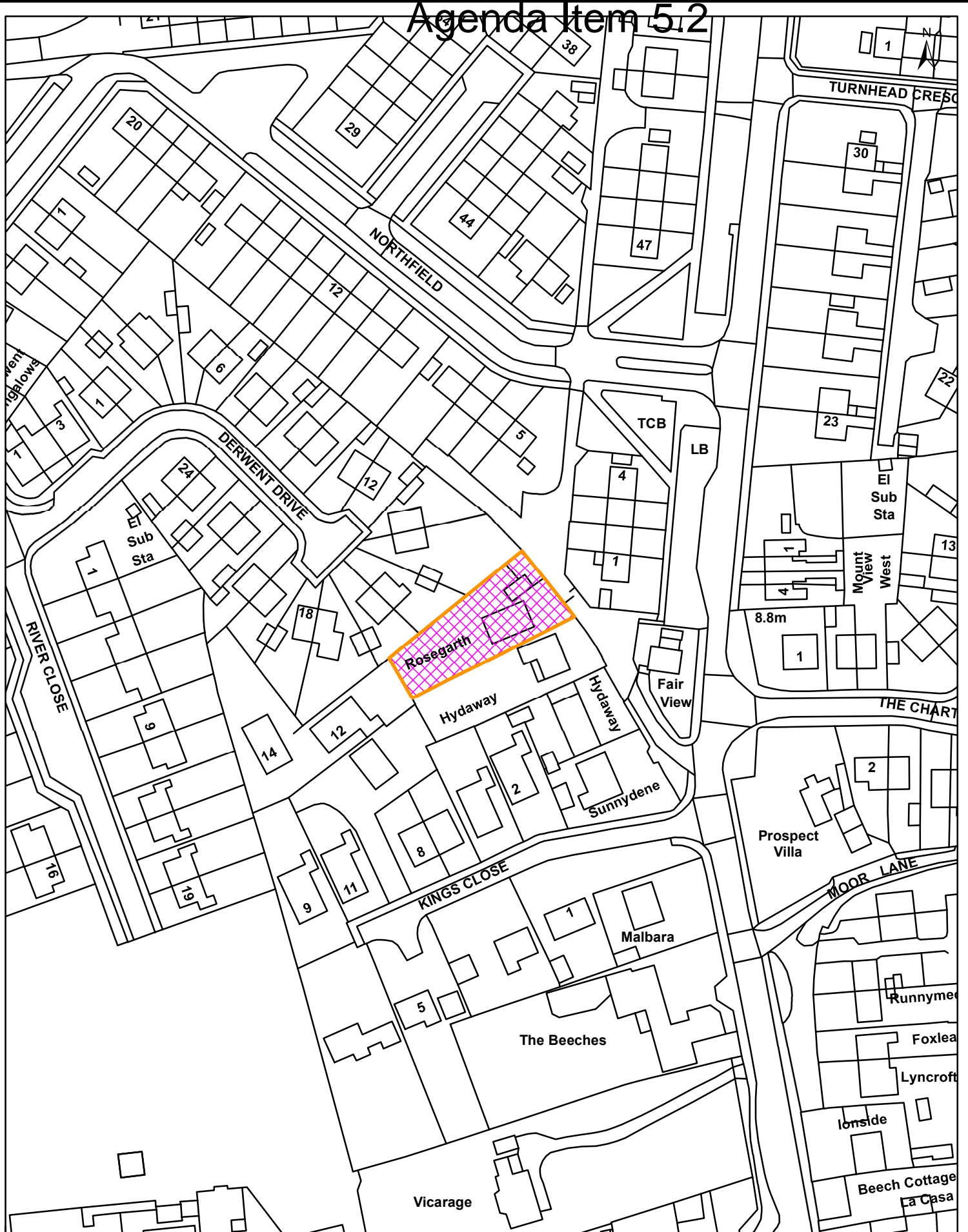
01. The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.
02. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage. To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the flood risk and coastal change pages of the planning practice guidance. The following documents may also be useful:
  - Department for Communities and Local Government: Preparing for floods <http://www.planningportal.gov.uk/uploads/odpm/400000009282.pdf>
  - Department for Communities and Local Government: Improving the flood performance of new buildings: <https://www.gov.uk/government/publications/flood-resilientconstruction-of-new-buildings>
03. The applicant/occupants should phone Floodline on 0345 988 1188 to register for Floodline Warnings Direct, or visit <https://flood-warninginformation.service.gov.uk/warnings>. It is a free service that provides flood warnings direct by telephone and mobile. It also gives practical advice on preparing for a flood, and what to do if one happens. By providing an advanced warning, it will allow protection measures to be implemented such as moving high value goods to an elevated level as well as evacuating people off site. It should also be noted that the occupiers / owners of the site will be responsible for any animal evacuation.
04. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in Conditions

9.2 Planning Application file reference 2018/1431/FULM and associated documents.

**Case Officer:** Yvonne Naylor, Principal Planning Officer  
[ynaylor@selby.gov.uk](mailto:ynaylor@selby.gov.uk)

**Appendices:** None





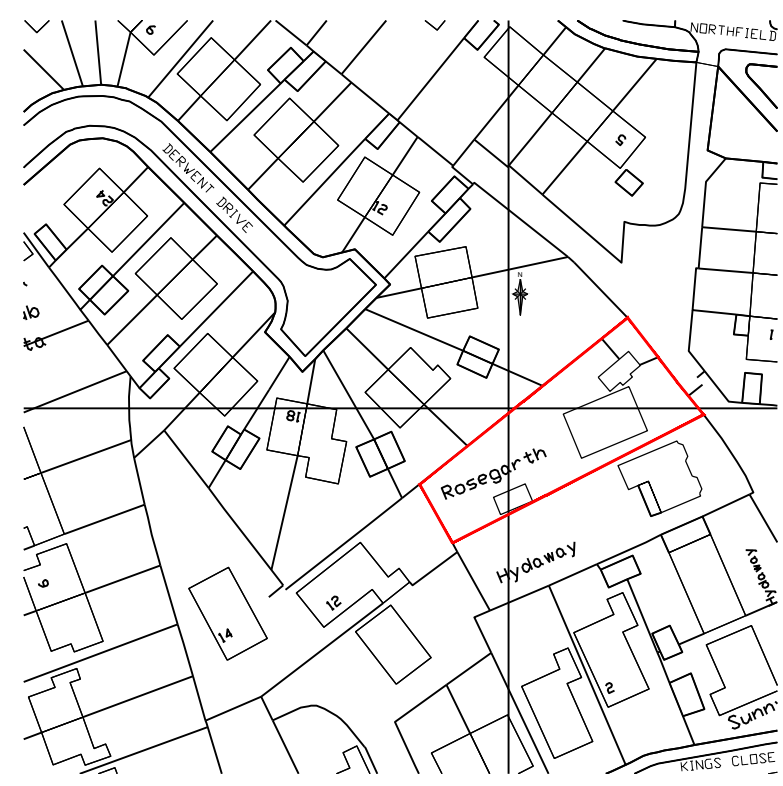
**APPLICATION SITE**

Rosegarth, York Road, Barlby  
2018/1170/FUL

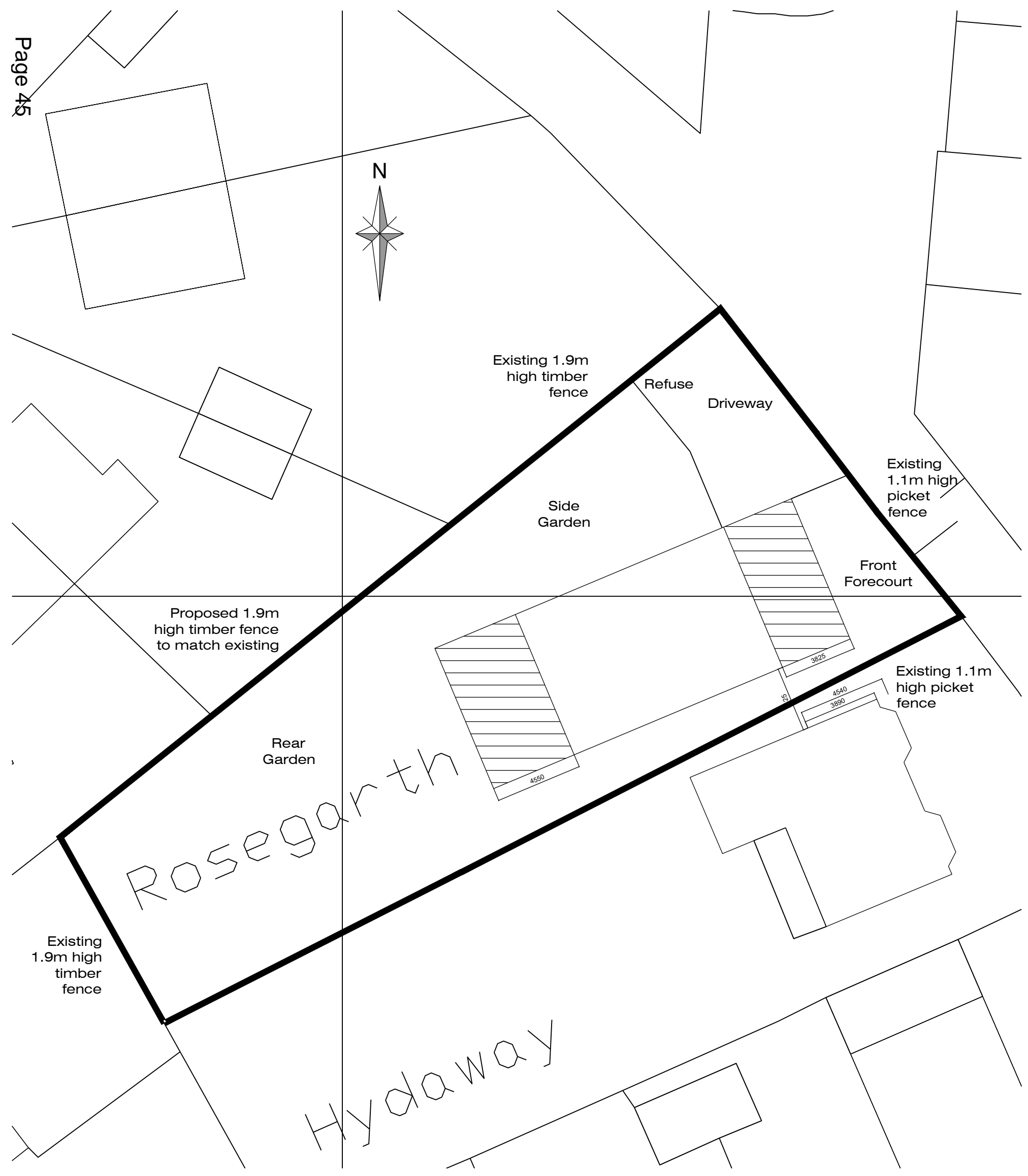
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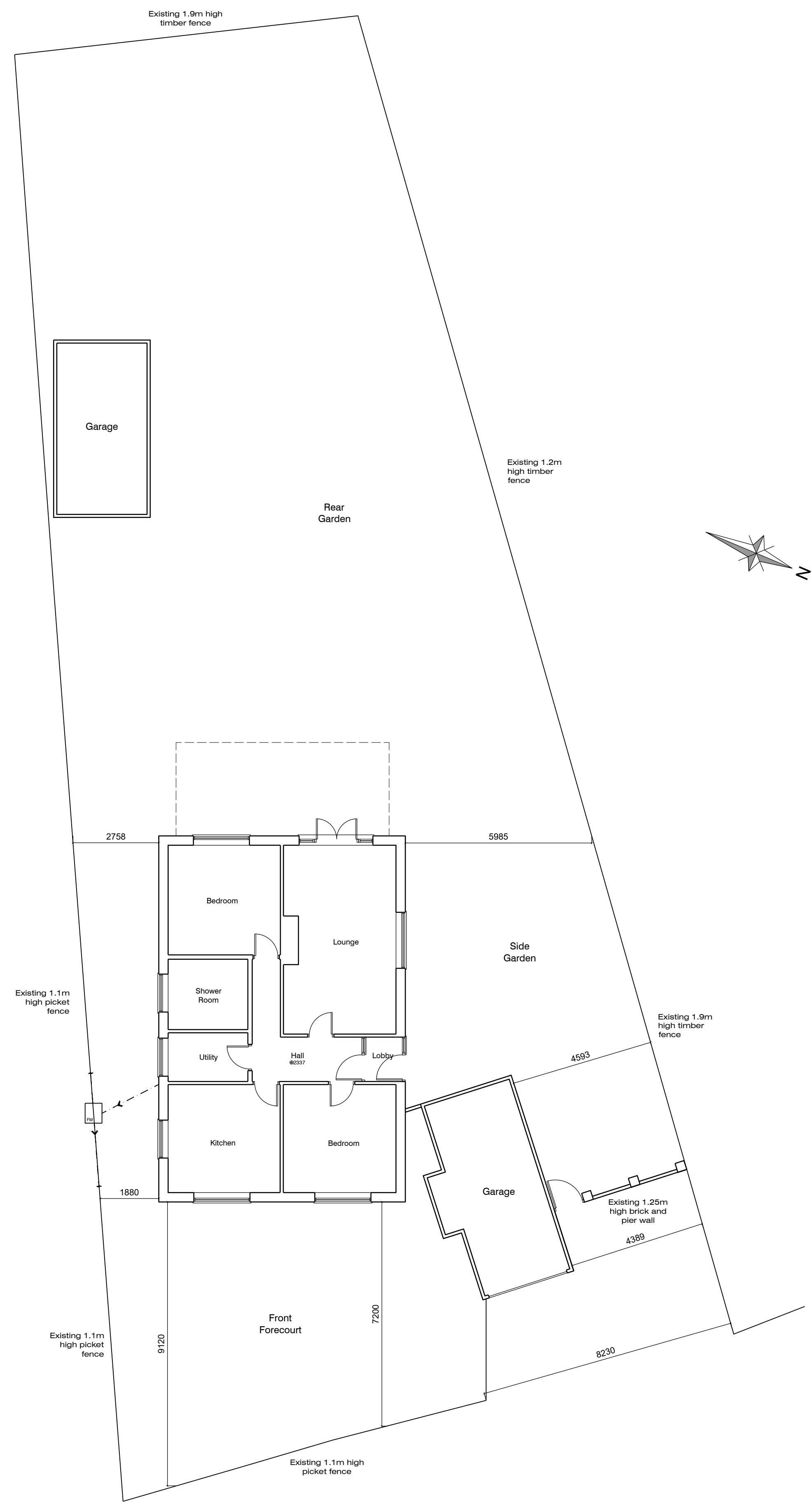
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LOCATION PLAN 1/1250

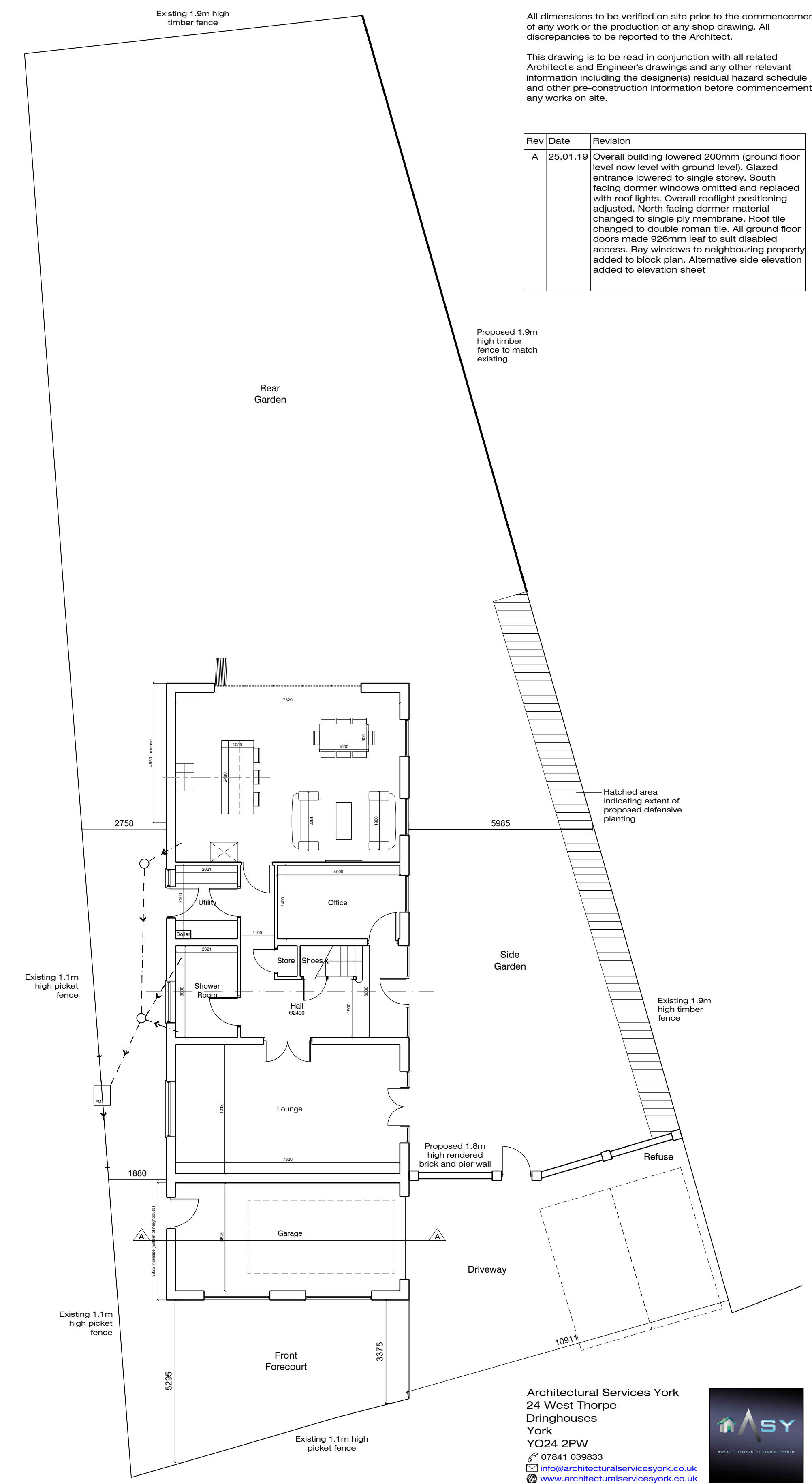


PROPOSED BLOCK PLAN 1/200

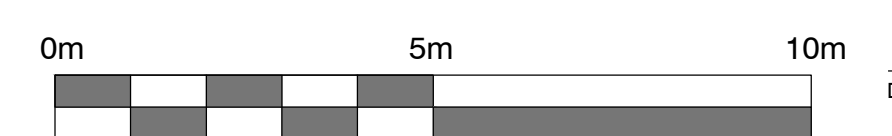


EXISTING SITE PLAN

AMENDED  
DRAWING



PROPOSED SITE PLAN



Notes  
Do not scale, use figured dimensions only.  
All dimensions to be verified on site prior to the commencement of any work or the production of any shop drawing. All discrepancies to be reported to the Architect.  
This drawing is to be read in conjunction with all related Architects and Engineers drawings and any other relevant information including the designer(s) residual hazard schedule and other pre-construction information before commencement of any works on site.

Rev	Date	Revision
A	25.01.19	Overall building lowered 200mm (ground floor level now level with ground level). Glazed entrance lowered to single storey. South facing dormer windows omitted and replaced with roof lights. Overall rooflight positioning adjusted. North facing dormer material changed to single ply membrane. Floor tile changed to double roman tile. All ground floor doors made 926mm leaf to suit disabled access. Bay windows to neighbouring property added to block plan. Alternative side elevation added to elevation sheet.

Proposed 1.8m high timber fence to match existing

Architectural Services York  
24 West Thorpe  
Dringhouses  
York  
YO24 2PW  
07841 039833  
info@architecturalservicesyork.co.uk  
www.architecturalservicesyork.co.uk



Project  
Proposed Development at Rose Garth, York Road, Barby YO8 5JP

Drawing Title  
Existing & Proposed Site Plan & Block Plan

Scale 1: 100 @ A1 Date SEPT/ 2018

Drawing No. TR01/ 03 Rev. A

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**Report Reference Number:** 2018/1170/FUL

**To:** Planning Committee  
**Date:** 10 July 2019  
**Author:** Jac Cruickshank (Planning Officer)  
**Lead Officer:** Ruth Hardingham (Lead Officer – Planning)

APPLICATION NUMBER:	2018/1170/FUL	PARISH:	Barlby And Osgodby Town Council
APPLICANT:	Mr Tom Richardson	VALID DATE:	18th October 2018
		EXPIRY DATE:	13th December 2018
PROPOSAL:	Proposed front and rear single storey extensions, raising of roof, changes to external fenestration and facade treatment.		
LOCATION:	Rosegarth York Road Barlby Selby North Yorkshire YO8 5JP		
RECOMMENDATION:	GRANT		

This application has been brought before Planning Committee because the application has it has been called into Committee on the basis of (i) overdevelopment of the site. (ii) Public complaints and (iii) Loss of amenity to surrounding bungalows. Furthermore, at least 10 letters of representation have been received which raise material planning considerations and Officers would otherwise determine the application contrary to these representations.

## **1. Introduction and background**

### **1.1 The Site**

The application site is located within the defined development limits of Barlby, which is a Designated Service Village as identified in the Core Strategy.

### **1.2 The proposal**

The proposal is for the erection of a 2 storey extension to the front and rear of the existing dwelling, raising the roof height and alterations to the fenestration.

### **1.3 Planning History**

- 1.4 The following historical applications are considered to be relevant to the determination of this application.
- 1.5 A Householder application (reference: 2018/1048/HPA) for the erection of front and rear extension was withdrawn on 01 October 2018.
- 1.6 An outline application (reference CO/1976/04163) for the erection of a bungalow was approved on 30 June 1976.
- 1.7 A reserved matters application (CO/1977/04164) for details of detached bungalow was approved on 02 February 1977.

## **2 Consultations and Publicity**

All immediate neighbours were informed by letter, a site notice has been erected and statutory consultees notified.

- 2.1 **Parish Council** – Objects to the proposal due to it being considered to be an over development of the site, being out of character with the area and has inadequate on-site parking
- 2.2 **NYCC Highways** – No objections
- 2.3 **The Ouse & Derwent Internal Drainage Board** – No objections
- 2.4 **Public Rights Of Way Officer** – No objections and Informative attached.
- 2.5 **Yorkshire Water Services Ltd** – No objections
- 2.6 **Neighbour Summary** – All immediate neighbours were informed by neighbour notification letter and a site notice was erected. Ten letters of objection have been received as a result of this advertisement with concerns raised in respect of: (1) the proposal is out of character; (2) impact on overlooking and loss of privacy; (3) potential for loss of light; (4) increase in size and scale leading to over development of the site; (5) impact the proposal would have on parking; (6) impact the proposal would have on tree planting and boundary treatments,

## **3. Site constraints and Policy Context**

### **Constraints**

- 3.1 There are no relevant constraints for the site.

### **National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (NPPG)**

- 3.2 The National Planning Policy Framework (February 2019) replaces the July 2018 NPPF, first published in March 2012. The Framework does not change the status of an up to date development plan and where an application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.

- 3.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that *"if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise"*. This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and 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.

Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

*"213. ....existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."*

### **Selby District Core Strategy Local Plan**

- 3.4 The relevant Core Strategy Policies are:

SP1 - Presumption in Favour of Sustainable Development  
SP15 - Sustainable Development and Climate Change  
SP19 - Design Quality

### **Selby District Local Plan**

- 3.5 The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development

## **4. Appraisal**

- 4.1 The main issues to be taken into account when assessing this application are:

- The Principle of the Development
- Design and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Impact on Highway Safety
- Other Issues

### **Principle of Development**

- 4.2 The application site is located within the defined development limits of Barlby, which is a Designated Service Village as identified in the Core Strategy. The proposal is for the erection of a 2 storey extension to the front and rear of the existing dwelling, raising the roof height and alterations to the fenestration. There is nothing in the Development Plan or the NPPF to identify this type of development as being unsustainable, or preclude in principle development of this type in this location.



## **Design and Impact on the Character and Appearance of the Area**

- 4.3 The application site comprises of a detached single-storey dwelling which has a garden area to the front and rear of the property. The dwelling is located on a track off York Road and Northfield. The local area is predominantly residential in nature and consists of a mix of single-storey and two-storey dwellings of various styles and design, many of which have benefitted from extensions.
- 4.4 The host dwelling measures approximately 11.7 metres in width and 7.9 metres in width. The dwelling has a pitched roof with eaves to a maximum height of 2.5 metres and ridge to a maximum height of 5.5 metres from ground level and includes a detached garage located to the north of the dwelling.
- 4.5 The proposal as submitted included 2no. extensions which would be attached to the front and rear elevations of the existing dwelling. This included raising the roof height with the eaves height measuring 3.3 metres and ridge height measuring 6.4 metres from ground level. The proposed extensions would increase the overall length of the dwelling to approximately 20 metres with the width remaining unchanged. The proposal includes the formation of a gabled entrance, which would measure approximately 5.5 metres to the ridge, and various alterations to the fenestration, including the installation of 4no. dormer windows and 2no. roof lights to the north elevation and 3no. dormer windows and 4no. roof lights to the south elevation. The dwelling would be finished in render.
- 4.6 After concerns raised by neighbours with regards to the size of the development and the potential for overlooking, amended plans were sought. The amended plans reduced the overall height of the dwelling to 6.2 metres with eaves measuring approximately 3 metres from ground level. The height of the gabled entrance would measure approximately 4.5 metres and the dormer windows to the south elevation have been replaced by 10no. roof lights, which would all be a minimum of 2 metres above first floor level.
- 4.7 The proposed extensions and alterations to the original dwelling would be clearly visible within the immediate vicinity though they would be obscured from the main highway of York Road and from Northfield. The proposals would increase the height of the existing dwelling by approximately 0.7 metres. However, it is noted that the adjacent dwellings to the application site are two-storey dwellings, bungalows or dormer bungalows. As such, it is considered that the scale of the dwelling in this context is acceptable. The proposed extensions would increase the length of the dwelling by approximately 8.3 metres. However the increased length will only be seen at an oblique angle, and from a limited viewpoint. As such, it is not considered that it will have a significant adverse impact on the existing character of the streetscene. With regards to the render finish, it is noted that the majority of dwellings in the local area are red brick. However, there are examples of dwellings benefitting from a render finish within the local area and as such it is considered that a rendered finish would be acceptable.
- 4.8 Having regard to the above, it is considered that the proposal is acceptable and would not have a significant or detrimental impact on the character and appearance of the area. The proposal is therefore considered acceptable in accordance with Policy ENV1 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.



## **Impact on Residential Amenity**

- 4.9 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the size, scale and massing of the development proposed.
- 4.10 With regards to overlooking, the initial plans showed the installation of dormers to both the north and south elevations. The inclusion of dormer windows to the south elevation would have had a detrimental impact on the residential amenity of the adjacent property. Amended plans were sought and the dormers to the south elevation were replaced with roof lights, which would all be a minimum of 2 metres above first floor level, and as such would not provide potential for overlooking. The dormers on the north elevation would increase the potential for overlooking compared to the existing dwelling. However, the separation distance of the dwelling from property to the north is approximately 22 metres. This is within normally accepted tolerances. The distance from the dwelling to the north-west is 16 metres; however the dormers are at an oblique angle and would therefore have limited potential for overlooking. It is not considered that the potential of overlooking would therefore be significant due to the orientation of the adjacent properties and the separation distances between the application dwelling and the neighbouring properties.
- 4.11 With regards to overshadowing, the height of the existing dwelling would be increased by approximately 0.7 metres. The application site benefits from a moderately sized plot, which is irregular in shape, measuring approximately 45 metres in length and a maximum of 20 metres in width. Due to the orientation of the dwelling in relation to the adjacent property, Norfolk House, it is not considered that the proposals would lead to overshadowing. It is also considered that due to the separation distance between the dwelling and the neighbouring dwellings to the north, and north west of the site, and the scale of the dwelling as extended the development would not have a significant adverse impact on their existing amenities by virtue of increased overshadowing or the feeling of oppression.
- 4.12 Having regard to the above, it is considered that the proposals are acceptable in terms of residential amenity in accordance with Policy ENV1 (1) of the Selby District Local Plan and the advice contained within the NPPF.

## **Impact on Highway Safety**

- 4.13 NYCC Highways have reviewed the application and have raised no objections to the application nor have they requested any conditions be added to the consent. Furthermore, the proposed development would include the provision of three parking spaces which accords with the Highway Authority's guidelines for parking spaces. As such, it is considered that the proposal would not lead to adverse highway conditions in this locality. As such, the proposal is considered to accord with Policies ENV1 (2) of the Local Plan and Paragraphs 34, 35 and 39 of the NPPF.

## **Other matters**

- 4.14 Objections were received with regards to the proposed boundary treatments, which includes the replacement of the existing 1.1 metre high picket fence along part of the north boundary with a 1.9 metre high timber fence, which would match the

existing 1.9 metre high timber fence. The timber fence would fall within Schedule 2 Part 2 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 and as such the proposed boundary fence is considered to be acceptable and a condition would not be required for the approval of the fence.

## **5.0 Conclusion**

5.1 Having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposed development would not have a significant detrimental effect on the character and appearance of the area or on the residential amenity of the occupants of neighbouring properties. The application is therefore considered to be in compliance with Policies ENV1 of the Selby District Local Plan, Policies SP1, SP15 and SP19 of the Core Strategy and the advice contained within the NPPF.

## **6.0 Recommendation**

This application is recommended to be GRANTED subject to the following conditions:

01. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

Drawing No. TRO01/1 Rev A	Existing and Proposed Floor Plans	Dated 28/01/19
Drawing No. TRO01/2 Rev A	Existing and Proposed Elevations	Dated 28/01/19
Drawing No. TRO01/3 Rev A	Existing and Proposed Layout	Dated 28/01/19

Reason:

For the avoidance of doubt.

02. No development above foundation level shall commence until details of the colour and texture of the render of the proposed development have been submitted to and approved in writing by the Local Planning Authority, and only the approved materials shall be utilised.

Reason:

In the interests of visual amenity and in order to comply with Policy ENV1 of the Selby District Local Plan

## **7. Legal Issues**

### **7.1 Planning Acts**

This application has been determined in accordance with the relevant planning acts.

### **7.2 Human Rights Act 1998**

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

### **7.3 Equality Act 2010**

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the

conflicting matters of the public and private interest so that there is no violation of those rights.

**8. Financial Issues**

Financial issues are not material to the determination of this application.

**9. Background Documents**

Planning Application file reference 2018/1170/FUL and associated documents.

**Contact Officer:** Jac Cruickshank, Planning Officer  
[jcruickshank@selby.gov.uk](mailto:jcruickshank@selby.gov.uk)

**Appendices:** None

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**Key**

- Application Boundary
- ↘ Main vehicular entrance
- ↘ Pedestrian/cycle access

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CLIENT: Jas Bowman and Sons Ltd  
 SCALE: not to scale  
 DATE: 03 MAY 2017  
 REVISION: C - Issue for comment  
 FILE NAME: PO-MP-SPA-P4047-51L-1000-0003  
 PSD: PR-STRATEGIC\_PLAN\_DETAIL\_EGGBOROUGH\_FINAL.PSD

# BOWMAN'S FLOUR MILL, EGGBOROUGH | ILLUSTRATIVE LAYOUT

RECEIVED
05 May 2017
DEVELOPMENT MANAGEMENT





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**Report Reference Number:** 2017/0542/OUTM (8/37/97R/PA)

**To:** Planning Committee  
**Date:** 10 July 2019  
**Author:** Mandy Cooper (Planning Officer)  
**Lead Officer:** Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2017/0542/OUTM	PARISH:	Eggborough Parish Council
APPLICANT:	Jas Bowman And Sons Ltd	VALID DATE:	9th May 2017
		EXPIRY DATE:	8th August 2017
PROPOSAL:	Outline to include access (all other matters reserved) for erection of up to 120 dwellings and associated car parking, garages, landscaping, open space and details of including demolition and removal of all structures, buildings and hard standing to facilitate future development		
LOCATION:	Bowmans Mill Selby Road Whitley Goole East Yorkshire DN14 0LQ		
RECOMMENDATION:	GRANT - SUBJECT TO THE COMPLETION OF A S106 AGREEMENT		

This application has been brought before Planning Committee as more than 10 letters of objection have been received contrary to the Officer recommendations to approve the application.

## 1. INTRODUCTION AND BACKGROUND

### The Site and Context

- 1.1 The application site is situated within the village of Eggborough approximately 7 miles southwest of Selby and 1.3 miles southwest of the Eggborough Power Station. The site comprises the full extent of the Bowman's Mill site on the east side of Selby Road on the old road through the village. The site area is 4.86 hectares (12 acres) and comprises the three and five storey former flour mill and associated buildings and silos. The development would also include demolition of

The Grange – a double fronted former residential property most recently used as offices to the south of the Mill and facing gated accesses off Selby Road. Additionally there are various ground works and tanks, sluice structures and hard standings to the rear of the frontage development as well as a large area of tree cover to the southern corner and to a lesser degree the northwest (frontage) and some undeveloped grass land to the southeast.

- 1.2 Also on the frontage, to the immediate west of the mill buildings, is The Grange, a late 19th century villa, set back in a mature garden with trees to the front and lawn to the rear. Adjoining the site to the immediate south is the access to Croysdale Terrace, a group of terraced properties facing north toward the south west limits of the application site and Willow Dene a group of six detached properties situated south west of the application site and fronting Selby Road. To the north is the Millstone Lane and Mill Croft residential development. A railway line and industrial area beyond to the southern corner and the A19 are situated beyond the southeast site boundary; with open fields dominating the wider landscape beyond. To the northwest side of Selby Road and opposite the site is the Village Hall and the Carlton Close residential development. For the most part, the topography of the land is consistently level but with unstable variations to the self-seeded woodland area to the south of the site.
- 1.3 The application site was originally submitted as part of the EGG/3 residential allocation in the Selby District Local Plan (SDLP). This was discounted by the Inspector during the adoption process of the Local Plan (under Modification No. 323), due to there being a current employment use on the site, indicating the land was not at that time available. This site therefore remains unallocated within the Local Plan.

### **The Proposal**

- 1.4 The applications seeks outline planning permission to include access (all other matters reserved) for erection of up to 120 dwellings and associated car parking, garages, landscaping, open space and details of demolition and removal of all structures, buildings and hard standing to facilitate future development.
- 1.5 An indicative layout plan has been submitted with the application which demonstrates how the site could accommodate up to 120 dwellings.

### **Relevant Planning History**

- 1.6 There is no planning history on this site that is considered relevant to the current proposal.

## **2. Consultations and Publicity**

Initial consultations were made in April 2017, with a further consultation to relevant consultees in April 2019. All immediate neighbours were informed by letter, a site notice was posted, an advert placed in the local paper and statutory consultees notified.

- 2.1 **Landscape Consultant** – Objection in regards to:

- Not sufficient in landscape terms, no regard to local character and setting of High Eggborough village, or sufficient contribution to green infrastructure
- Removal of a number of mature trees within the site and along the road frontage, and lack of soft landscape and green infrastructure within the development.
- Proposed housing layout is very dense with limited real opportunity to incorporate soft landscape and street trees throughout site.
- Loss and reduction in established tree cover.
- Layout currently dominated by roads and parking.
- Housing with gardens and green space, orientated and set back from Selby Road is a distinctive local characteristic. Proposed layout is contrary to this.

The Landscape Consultant (LC) also makes a number of recommendations in regards to the indicative site plan and requests that the Public Open Space (POS) should be secured through a S106 agreement together with arrangements for long term maintenance and management.

## **2.2 Parish Council – Objections relating to:**

- Sustainability of village; insufficient level of services to support extensive growth
- Concerns regarding development only having one means of access (now amended)
- Mixture of 2, 2.5 and 3 storey dwellings
- Risk of criminality yet proposing to put in pedestrian/cycle access points linking Croysdale Terrace and Millview. This could be a possible escape route for potential criminals and an ideal racetrack for budding BMX racers.
- Village cannot sustain this level of development especially with the reduction in services/facilities/infrastructure previously highlighted. This is only a village, not a town.

## **2.3 NYCC Highways Canal Rd – NYCC Design Guidance suggests a development of this size requires a Transition Road access layout. An additional emergency access is desirable, sensible and easily delivered, but willing to concede on this emergency access.**

## **2.4 Yorkshire Water Services Ltd – No objections but advisory comments as follows:**

- FRA states that Foul water will discharge to public foul water sewer as sub-soil conditions do not support the use of soakaways. Sleights Drain exists near to the site -- connection subject to Environment Agency / Local Land Drainage Authority / Internal Drainage Board requirements
- Noted from the submitted Flood Risk Assessment that surface water is proposed to be drained to Sleights Drain. Please note further restrictions on surface water disposal from the site may be imposed by other parties.
- Strongly advised to seek advice/comments from the Environment Agency/Land Drainage Authority/Internal Drainage Board, with regard to surface water disposal from the site.

## **2.5 Danvm Drainage Commissioners Shire Group Of IDBs – Comments and recommendations relating to means of surface water disposal.**

**2.5 Education Directorate North Yorkshire County Council** – A response was received prior to the introduction of the Community Infrastructure Levy (CIL) which replaces the requirement for developer contributions through a Section 106. On this basis, the Education Directorate has not been re-consulted.

**2.6 Environmental Health** – Recommendations made and conditions required in regards to air quality; dust and noise.

Air Quality:

Conditions recommended in relation to demolition and construction phase-Construction Environmental Management Plan Scheme to incorporate charging points for electric vehicles in garages and on driveways.

Noise/Odour:

Noted on site that noise from the mill operations to the south of the railway line were indistinguishable from the traffic noise from the M62 and local road network and hence no further request is made for a BS4142:2014 assessment. Eastern area of the site is subject to noise from the A19 to varying degrees. Noted that a sewage pumping station to be located on the amenity space area to the south of the site and the noise from this source has been raised as a possible issue by a current resident in the area. Conditions to be attached to control noise from traffic and noise and odour from pumping station.

**2.7 North Yorkshire Fire & Rescue Service** - No objection/observation to the proposed development. Further comment in relation to the suitability of proposed fire safety measures once the building control body submit a statutory Building Regulations consultation to the fire authority.

**2.8 Natural England** - Natural England has not assessed this application for impacts on protected species. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Natural England advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

**2.9 North Yorkshire Bat Group** – Have reviewed the latest bat survey report and are now satisfied that the proposed development is unlikely to have a significant adverse impact on bats. No objection to this application.

**2.10 Historic England** - This is not something that HE would be consulted on as it doesn't affect the setting of any highly graded listed buildings or scheduled monuments. However the original nineteenth-century mill buildings, The Grange and coach house could be considered to be locally important heritage assets.

**2.11 Yorkshire Wildlife Trust** - Trust satisfied with the level of surveys carried out and agrees with the North Yorkshire Bat Group that there is sufficient information to ensure no impact on bat populations. Conditions required which relate to a plan for the control of Himalayan Balsam; no impact on reptiles and the design and management of the habitats to be left on site. Suggestions under Mitigation section of Bat Survey Report by Wardell Armstrong from July 2017 should also be conditioned, in particular the design of a sensitive lighting scheme, installation of bat boxes and woodland management along with the culvert design.

- 2.12 Designing Out Crime Officer** – A number of comments made in respect of the proposal. Suggestions made have followed the principles of 'Crime Prevention Through Environmental Design' (CPTED) and also have taken into account the results of analysis of Crime & Disorder. It is acknowledged that this is an Outline application and that the submitted drawings are indicative and the comments made have taken this into consideration and are reflected in any future design and layout submitted by the applicant.
- 2.13 Stephanie Porter Vale of York CCG** – No response received.
- 2.14 Public Rights Of Way Officer** – No response received.
- 2.14 The Environment Agency (Liaison Officer)** – Advise that proposal falls outside the scope of issues the EA wish to be consulted on.
- 2.15 SuDS And Development Control Officer** – Comments submitted in regards to exceedance flows and grit/oil interceptor in revised Flood Risk Assessment (FRA). Matters have been addressed in principle conditions are recommended for any planning approval.
- 2.16 Waste and Recycling Officer** – No objections but advisory comments made in regards to presentation point and required dimensions; turning areas. Additional points raised in relation to indication of swept path diagram to show that waste collection vehicles will be able to turn safely with indication of dimensions required.
- 2.17 NYCC Archaeology Officer** - Sufficient information has been provided in order for this application to be determined. It is recommended that mitigation and enhancement measures contained within the technical reports are secured via condition in order to ensure that the development is in accordance with local and national policy and legislation.
- 2.18 Development Policy** – Confirms that the Council has a 5 year housing land supply but acknowledges that the existence of such cannot be a reason in itself for refusing a planning application and that an approval on this site would provide additional dwellings to the housing supply. Core Strategy Policies SP2 and SP4 seek to focus new development in the Market Towns and Designated Service Villages (DSVs), restricting development in the open countryside. Eggborough is defined in the Core Strategy as a Designated Service Village (DSV), which has some scope for additional residential and small scale employment to support rural sustainability. The area of this proposal for up to 120 dwellings is on land that is within, the defined Development Limits of Eggborough as marked on the Policies Map of the Local Plan.
- 2.19 Conservation Officer** – It is advised that historic structures are retained and converted. An assessment of the convertible buildings should be carried out and the scheme revised. The layout of the proposed development should also be reassessed to take into account retention of existing structures. An innovative design is required for this site, unfortunately the current illustrative layout does not achieve this, it is very suburban and does not reflect the local distinctiveness of this site.
- 2.20 Council's Urban Designer** - In summary there are opportunities to create an attractive new development but this site is important, not only for the village of

Eggborough, but also as a point of arrival into the Selby district. Therefore quality and distinctive design (at least on the frontages) is very important here. In order for this scheme to be a success the mill should be retained, but at the very least The Grange and its associated structures, should be preserved and supported by new forms that are both distinctive and high quality and that contribute to the sense of place of the area.

**2.21 Council's Contaminated Land Consultants** – Report does not provide a risk assessment with risk classifications showing potential risk from each contaminant pathway. Recommend standard contaminated land conditions to be applied.

## **2.22 Neighbour Summary**

The proposal was publicised by site notice and press notice and direct neighbour notification. A number of letters of objection, support and comment have been received as follows:

### **Objections**

#### *Services*

- Additional stress and pollution to the village – Eggborough has reached capacity due to a further 167 dwellings which have permission/are being built
- Impact on sewage system and surface water
- Limited space in existing school with little potential for additional children and Doctor's surgery is open for very limited times due to shortage of Doctors
- Additional populous would push Eggborough to the size of a town
- Overdevelopment of village has stretched resources and increased demand on already pressured system

#### *Highways/Parking/Amenity*

- Impact on highways due to additional vehicles; speeding vehicles and reduced bus service, along with poor rail services
- Level of vehicle activity would be too much for one access road
- Access on Croysdale Lane is in a poor state of repair because of potholes which is causing cracking to our property – additional dwellings and traffic will exacerbate this
- Proposal presents an opportunity to improve Croysdale Terrace access road
- Would impact on amenity of Croysdale Terrace (which is currently very quiet and with no traffic) because of the amount of additional through traffic and general disturbance
- If the lane is connected to Croysdale Terrace it will become a 'rat race' (run) for vehicles and pedestrians

#### *Amenity/Noise*

- Possible alternative of closing Croysdale Lane to traffic may cause issues in regards to anti-social behaviour

#### *Design/Layout/Amenity*

- Not in keeping with the feel of the village as the beautiful building to site frontage would be lost
- Overlooking to my property
- 120 houses is excessive in light of recent developments
- Part of Bowman's Mill and all of the Grange should be retained as is a huge part of the village due to several generations of families being employed there

#### *Disturbance*

- Siting of pumping station close to No. 11 Croysdale Terrace is unacceptable as there is already a lot of noise from adjacent industrial estate and there is potential for additional noise from this in addition to potential odour. 15m easement would be given to residents of the site but not to me.
- Position of play area raises concerns
- Access to a Public Open Space via an opening in the existing brick wall directly opposite No. 10
- Local policing teams unable to control increasing levels of anti-social behaviour – further funding and services are needed first

#### *Drainage*

- Pond on site which helps with absorption of rainwater would be lost and would impact on surface water

### **Comments**

#### *Trees/Ecology*

- Potential bat roost within the site
- Trees and hedges to boundaries and within site should remain as they support a range of wild life including mammals, birds, insects, butterflies and amphibians
- Black Poplars a native and declining tree are found in the grounds
- Pond also supports a lot of wildlife including Water Hens, Coots, Frogs, Toads and Grass Snakes

#### *General*

- Expects good affordable housing
- Given local resources and snagging /completion issues with 'The Granary' development require confirmation that the build will not proceed until this is completed and that the level of local services can cope with additional demands
- Should the development be approved would expect works to be carried out with consideration for existing residents at reasonable times and consistent with industrial units

### **Support**

- Excited at the prospect of Bowman's Mill being kept.

## 1 Constraints

- 3.1 The site is not within a Conservation Area, nor are there any Listed Buildings on site. There are no known areas of archaeological interest within the site. There are no Tree Preservation Orders (TPOs). The site is located within Flood Zone 1 in regards to flood risk.

### **National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (NPPG)**

- 3.2 The National Planning Policy Framework (February 2019) replaces the NPPF published in March 2012. The Framework does not change the status of an up to date development plan and where an application conflicts with such a plan, permission should not usually be granted (para 12). This application has been considered against the 2019 NPPF.

### **Selby District Core Strategy Local Plan**

- 3.3 The relevant Core Strategy Policies are:

SP1 Presumption in Favour of Sustainable Development  
SP2 Spatial Development Strategy  
SP4 Management of Residential Development in Settlements  
SP5 Scale and Distribution of Housing  
SP7 Managing Housing Land Supply  
SP8 Housing Mix  
SP9 Affordable Housing  
SP15 Sustainable development and climate change  
SP16 Improve Resource Efficiency  
SP18 Protecting and Enhancing the Environment  
SP19 Design Quality

### **Selby District Local Plan**

- 3.4 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework:

*“213. ....existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”*

- 3.5 The relevant Selby District Local Plan Policies are:

ENV1 Control of Development  
ENV2 Environmental Pollution and Contaminated Land  
ENV28 Archaeology  
RT2 Open Space Requirements  
T1 Development in Relation to Highway  
T2 Access to Roads

### **Other Policies/Guidance**



3.6 The following are considered relevant:

- Affordable Housing Supplementary Planning Document 2013
- Developer Contributions Supplementary Planning Document March 2014

#### 4. **APPRAISAL**

The main issues to be taken into account when assessing this application are:

- Principle of Development
- Landscape, Design and Visual Impact
- Non-Designated Heritage Assets
- Residential Amenity
- Highway Impact
- Ground Conditions
- Ecology
- Flood Risk, Drainage, Climate Change and Energy Efficiency Affordable Housing
- Recreational Open Space
- Education, Waste & Recycling
- Other Matters

##### **Principle of Development**

- 4.1 The proposal is for outline permission to include access (all other matters reserved) for the erection of up to 120 dwellings and associated car parking, garages, landscaping, open space and details of demolition and removal of all structures, buildings and hard standing to facilitate future development. An indicative layout plan has been submitted which demonstrates how the site could accommodate up to 120 dwellings.
- 4.2 Policy SP1 of the Selby District Core Strategy (SDCS) outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 11 of the new National Planning Policy Framework (NPPF). Paragraph 12 of the NPPF re-emphasises that the Development Plan is the starting point for decision-making, adding that where a planning application conflicts with an up-to-date Development Plan it should not usually be granted, unless there are material considerations which outweigh policy (para. 47). Paragraph 38 of the NPPF encourages the approval of applications for sustainable development where possible and Paragraph 59, aims to support the Government's objective of significantly boosting the supply of housing by bringing forward a variety of land for development.
- 4.3 Core Strategy Policies SP2 and SP4 direct the majority of new development to the Market Towns and Designated Service Villages (DSVs), restricting development in the open countryside. This approach accords with the advice in paragraph 78 of the NPPF which advises that housing should be located where it would enhance and maintain the vitality of rural communities and identify opportunities to grow, particularly where such development supports existing local services.

- 4.4 The proposed site is unallocated in the Core Strategy but it is within the Development Limits of Eggborough. In the Core Strategy settlement hierarchy, Eggborough and Whitley have been identified as Designated Service Villages, where there is scope for additional residential development and small scale employment growth to support rural sustainability.
- 4.5 Policy SP4 allows for conversions, replacement dwellings, redevelopment of previously developed land, and an appropriate scale of development on Greenfield land (including garden land and conversions/redevelopment of farmsteads).
- 4.6 The Core Strategy seeks to ensure that the level of housing growth is equal with that of employment and job growth with the aim of creating sustainable communities. Policy SP4 reflects the National Planning Policy Framework (NPPF) by identifying acceptable types of residential development within the different settlement types in regards to windfall (non-allocated) sites. The preamble to Policy SP4 specifically states that restrictions on housing growth in DSVs (as well as the Principal Towns) will be relaxed and therefore enabling appropriate scale development on Greenfield sites with the aim of sustaining their roles in every sense.
- 4.7 This proposal would involve the redevelopment of Previously Developed Land (PDL) comprising the Bowman's Flour Mill and associated hardstanding areas together with the development of an area of Greenfield land. Consideration should therefore be given as to whether the scale of development on Greenfield land is of an appropriate scale. The full extent of the red line of the application site extends to a total of 4.86 hectares.
- 4.8 Officers can confirm that approximately 60% of the site comprises the derelict flour mill with associated hard standings, with more derelict buildings beyond the mill, to the south. Other areas comprise of previous uses which are partially covered by trees and include a former bone mill and railway and both areas equate to approximately 3.15 hectares of land. The land has never been remediated in regards to localised contamination from its former uses as a railway, bone mill and flour mill and associated development. The majority of the woodland area to the south comprises open pockets of unstable land and results in the trees being of relatively poor quality. In addition, there are two tall brick structures (approx. 4m high) still standing within the wooded area, with a number of loose bricks compacted within the soil at the base of many of the tree trunks and roots, which in many cases are exposed.
- 4.9 Officers consider that at Reserved Matters stage a scheme could come forward which would make efficient use of Previously Developed Land and would also include areas of green open space which would be in compliance with Policy SP4 of the Core Strategy.
- 4.10 It is important to note that whilst the site was formerly used for employment, it was not allocated as such in the Local Plan. A statement accompanies the submission which advises that there is no reasonable prospect of the site being used for employment purposes. This includes options considered by the applicant to utilise the existing site to build new business premises and the steps taken to sell the business - which was put on the open market as a going concern with no offers put forward.

- 4.11 Furthermore, the proposal would effectively restore this brownfield site with plans in place to deal with both contamination and the unstable land and would result in the added benefits of improving biodiversity, landscape character and appearance of the site as a whole. On this basis, the proposal would provide wider public benefits which go beyond the provision of housing. The NPPF in paragraph 170 supports the remediation and mitigation of despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Officers consider that the redevelopment of this site would have such environmental benefits.

### **Landscape, Design and Visual Impact**

- 4.12 Relevant policies in respect to design and the impacts on the character of the area include Policies ENV1 (1) and (4) of the Selby District Local Plan, and Policy SP19 “Design Quality” of the Core Strategy. In addition Policy SP8 of the Core Strategy requires an appropriate housing mix to be achieved. Paragraph 125 of the NPPF states a requirement of plans setting out a clear design vision in order that applicants have a fixed vision on what is acceptable. Paragraph 127 (e) of the NPPF highlights the importance of sites having an appropriate mix of development (including green and other public space).
- 4.13 The application is outline with layout, appearance, scale and landscaping reserved for future consideration. Notwithstanding this the indicative layout plan has been submitted which illustrates how the applicant considers the site could accommodate up to 120 dwellings with provision for internal access roads and parking provision. The character and appearance of the local area is varied comprising a wide range of house types, development forms and materials. In the immediate area however there are several properties adjacent to the proposed development to the northeast, which are set back from the main frontage onto Selby Road. The Planning Statement advises that whilst the submitted layout plan is indicative with details to be included at Reserved Matters stage, it indicates that there would be up to 120 residential dwellings which would be up to a maximum of three-storey.
- 4.14 Having regard to landscaping of the scheme a preliminary Arboricultural Report and Arboricultural Impact Assessment has been submitted with the application. The Assessment advises that all of the trees within the site were inspected from ground level but no climbed inspections or decay detection surveys were undertaken.
- 4.15 The Council’s Principal Landscape Architect has made extensive and detailed comments in regards to the proposal, some of which refer to the overall layout of the scheme as well as the landscaping.
- 4.16 With regards to landscaping this would be considered under a Reserved Matters application but it is noted that parts of the site particularly to the south and northwest areas benefit from substantial tree coverage. Unfortunately, many of these trees are of poor quality due to the uneven and unstable nature of the land. Any proposed landscaping scheme should however ensure that as many of the trees are retained (where possible) and a high quality landscaping scheme to compensate for the loss of any trees within the site is included. Officers consider that the site boundaries have an extensive level of additional indigenous tree and hedgerow planting which would assist in mitigating the visual impact of the development as well as improving the landscape quality of the locality.
- 4.17 Officers consider that suitable provision for landscaping could be provided for the development as part of the Reserved Matters application and a layout could be

achieved which would result in an appropriate level of green infrastructure and landscaping across the site. On this basis it is considered the proposal is in accordance with Policy ENV1 (4) of the Local Plan, Policy SP19 of the Core Strategy and the NPPF.

### **Non-Designated Heritage Assets**

- 4.18 Paragraph 197 (NPPF) refers to the impact of development on non-designated heritage assets and taking into account such assets when determining an application. It advises that a balanced judgement is required with regards to the scale of harm or loss and the significance of the heritage asset.
- 4.19 The applicants have submitted a Heritage Statement which describes the existing buildings within the site. The mill buildings are the most dominant and comprise of two 19<sup>th</sup> century brick built, buildings which are separated by the existing site access road. The Assessment makes reference to the proposal advising that there are no designated heritage assets within the site itself.
- 4.20 The Conservation Officer refers to the NPPF advising that the impact of development on existing non-designated heritage assets should be considered. In addition, the Conversation Officer raises concerns in regards to the demolition of the buildings which have historic and local interest.
- 4.21 The Council's Urban Design Officer's response reiterates the Conservation Officers' comments and advises that the scheme should attempt to '*reinforce the distinctiveness*' of the Selby district. The response highlights that this site is something of a '*Gateway*' into the district, hence why design quality would be so important and stipulates that if the former mill buildings were converted (flats/apartments) and The Grange retained, this could create a strong impression of what the district has to offer.
- 4.22 The applicants have commissioned consultants Cushman & Wakefield to undertake a viability appraisal which has confirmed that the site is not within an established area of demand for apartments. Cushman and Wakefield further advise that £ per sq m revenues would need to be discounted from the revenues advisable for traditional housing. In addition, they have advised that the base costs of refurbishing the existing mill and coach house would be higher than the cost of new build development and as such would further adversely impact on existing viability already presented to the District Valuer. Given this evidence submitted by the applicant, Officer's on balance consider that it would not be viable for these mill buildings to be retained as part of the proposed scheme.
- 4.23 An Archaeological Desk-based Assessment of the site has been undertaken to assess any potential archaeological and heritage implications and impacts of the application proposals.
- 4.24 The geophysical survey and trial trenching to the north of the site suggest that there are medieval settlement remains in close proximity to the site. The cartographic evidence suggests that the settlement did not extend this far in the medieval period. Cropmarks and wider settlement activity linked to the Iron Age and Roman periods suggest this was a relatively compact landscape at the time and it is not possible to categorically rule out the presence of remains of this period surviving within the site. Any remains of this period are likely to be of local or regional significance. The report considers however the previous uses of the site which have resulted in

extensive disturbance, particularly regarding the Corn and Bone Mill, associated infrastructure and ponds.

- 4.25 The North Yorkshire County Council Archaeologist having viewed the submitted Assessment advises that the existing mill building is a heritage asset of local interest and that an historic building recording condition is included should permission be granted. Subject to implementation of the condition, it is considered that the proposal is acceptable in this regard.
- 4.26 The NPPF requires that a balanced judgement be made regarding the possible impact of development on the significance of a non-designated asset and having regard to the scale of any harm and the significance of the asset. Clearly the development would result in the loss of the non-designated assets, which is regrettable. However Officers do consider that there are clear benefits in the development of overall scheme such as restoring this brownfield site. Given the nature of the assets concerned it is considered that, on balance, any harm to the non-designated assets would be outweighed by the benefits of the proposal to the full extent of the site and an appropriately worded planning condition would be included in an approval in order to secure the mill building's recording.

### **Residential Amenity**

- 4.27 Policy in respect to impacts on residential amenity and securing a good standard of residential amenity are provided by SDLP Policies ENV1 (1) and ENV2 and Paragraph 127(f) of the NPPF which encourages the creation of places which are safe, inclusive and accessible, promoting well-being '*with a high standard of amenity.*' As the application is in outline form, layout and the consequent impact on neighbouring properties will be a matter for future consideration. However, given the land available and the applicants anticipated mix of detached and semi-detached houses, there is no reason to think that an acceptable layout that respects existing properties cannot be achieved on the site. Furthermore, the indicative layout plan generally demonstrates that acceptable separation distances could be achieved between the existing and proposed dwellings in order to ensure that a good level of amenity is maintained.
- 4.28 The Council's Environmental Health Officer (EHO) has been consulted on the proposals and provided comments in regards to air quality and noise. The EHO has advised that the submitted Air Quality Assessment (AQA) predicts that impacts arising from the development would not result in unacceptable risks from air pollution. The EHO has therefore recommended conditions are attached to any permission granted in relation to the demolition and construction phase through a Construction Environmental Management Plan.
- 4.29 In respect of noise across the site, the submitted AQA advises that this is dominated by road noise from traffic on Selby Road and there is also the industrial area beyond the rail track. The EHO also noted on site that noise from the mill operations to the south of the railway line were indistinguishable from the traffic noise from the M62 and local road network and hence no further request is made for a BS4142:2014 assessment.
- 4.30 It has also been highlighted in the EHO response that the eastern area of the site is subject to noise from the A19 to varying degrees. The EHO has recommended that in order to adequately protect the residents from noise a scheme is put forward to

protect the new residential properties from traffic and pumping station noise specifically and that a Construction Environmental Management Plan (CEMP) condition is required.

- 4.31 The comments, concerns and objections from existing adjacent residents in regards to noise and general disturbance, are material considerations but as the application includes an indicative layout plan, other than the access details, none of the other specifics of the scheme are under consideration at this stage. The matters raised are matters that will be considered at RM stage.
- 4.32 Subject to acceptable detailed plans at Reserved Matters stage and conditions attached to any permission granted, Officers consider that the proposal would not result in any significant impact on neighbouring properties in accordance with Policy ENV1 (1) of the Selby District Local Plan and SP19 (k) of the Core Strategy and the provisions of the NPPF.

### **Highway Impact**

- 4.33 Policy in respect to highway safety and capacity is provided by SDLP Policies ENV1 (2), T1 and T2 and Core Strategy Policy SP15. The aims of these policies accord with paragraph 108 (b) of the NPPF states that development should ensure that safe and suitable access can be achieved for all users to a site. In addition paragraph 109 which advises that development should only be refused (on highway grounds) where it would result in an unacceptable impact on highway safety.
- 4.34 Objections from neighbours refer to through traffic onto Croysdale Terrace and the impact on residents along this lane. An access is shown linking the proposal site to Croysdale Terrace but this is to facilitate pedestrian and cycle traffic only and the outline proposal is to consider means of access only and that the site plan is indicative. Further objections from neighbours advise that the levels of vehicle activity would be too much for one access. Objections relating to the state of Croysdale Terrace should be reported to the Highways Section but if the road is not adopted then residents would be responsible for its maintenance and repair and therefore a civil matter.
- 4.35 A Transport Assessment was submitted (now updated following comments from NYCC Highways) with the proposal which measures the impact of the development traffic on the local highway network, including detailed modelling of key junctions. The junctions modelled are as set out in the scoping discussions held with North Yorkshire County Council (NYCC) Highway Officers. This also includes access options including public transport, cycle routes and pedestrian facilities.
- 4.36 The design includes a new junction onto Selby Road which would be sited between and opposite Carlton Close and the Village Hall car park. In addition a 2m wide pedestrian access would continue within site. Due to unresolved matters in regards to the access, a further re-consultation was sent to the County Highways Officer (NYCC). This Officer stated that there should be no private drives taken from the main access. Amendments have however, been made to the access, which are now deemed to be acceptable and which would not have an adverse impact on the highway network or compromise highway safety. As such the proposal is

acceptable in highway terms and accords with Policies T1, T2 and ENV1, in addition to the NPPF.

### **Ground Conditions**

- 4.37 Paragraph 178 (a) of the NPPF states that development sites should be suitable for the proposed use taking account of ground conditions and risks arising from unstable land and contamination.
- 4.38 A Phase I Preliminary Risk Assessment (PRA) has been undertaken and submitted with the proposal in regards to contamination of the site. The Assessment Report provides background data in terms of the land uses of the site and its surroundings together with details of general geotechnical constraints. This makes reference to the existing buildings and site features and identifies areas of potential concern including oils and solvents from a workshop to the northwest of the site; a pond to the south which has been infilled; unknown materials which have been deposited to the south resulting in uneven ground; a diesel storage area to the north; electrical transformer to the northwest with oil leachates containing some chemicals and other wastes to the north comprising heavy metals and hydrocarbons in the resulting ash. Furthermore, the corrugated cement cladding to the exterior of the mill and other existing buildings is asbestos cement which would have to be removed by a licensed contractor before demolition is undertaken.
- 4.38 The Council's Contaminated Land Consultant has reviewed the Phase I PRA and advised that the submitted information does not provide risk assessment with risk classifications to show potential risks from each contaminant pathway which would be required to design an effective strategy for intrusive site investigation due to the potential of localised contamination on the site. Standard conditions are recommended ensuring a more in-depth Preliminary Risk Report is submitted for review and designed in accordance with the appropriate technical guidance. Subject to appropriate conditions, the proposals are considered to be acceptable and in accordance with paragraph 178 (a) of the NPPF with respect to contamination.

### **Ecology**

- 4.39 Protected Species include those protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. The presence of protected species is a material planning consideration. Relevant policies in respect of nature conservation include Policy ENV1 (5) of the Selby District Local Plan and Policy SP18 of the Core Strategy which accord with paragraph 170 of the NPPF.
- 4.40 Point d) of Paragraph 170 (NPPF) recognises the need for the planning system to contribute to and enhance the natural and local environment by recognising the wider benefits of ecosystems and minimising impacts on and providing net gains in relation to biodiversity.

- 4.41 The application site is not a formal or informal designated protected site for nature conservation; known to support, or be in close proximity to any site supporting protected species or any other species of conservation interest.
- 4.42 The application is accompanied by a Bat Survey Report undertaken by Wardell Armstrong and dated 17<sup>th</sup> July 2017.
- 4.43 Yorkshire Bat Group has advised there are no objections to the development which concurs with Yorkshire Wildlife Trust who recommend a number of conditions. These relate to the control of Himalayan Balsam; plans to ensure no impact on reptiles and design and management of habitats to be left on site. In addition, Mitigation, Compensation and Enhancement as referred to in the Bat Survey Report which would be conditioned, particularly design of light sensitive lighting scheme; installation of bat boxes and woodland management and culvert design.
- 4.44 A Breeding Bird Survey Report (July 2017) accompanies the proposal which identifies various breeding birds observed on the site. The report makes recommendations for ecological enhancement through the provision of at least twenty bird nest boxes as well as a single Barn Owl pole mounted nest box sited within the retained woodland area, which would be secured by condition. It is considered that such conditions would provide net gains in relation to biodiversity which will be further enhanced by a strategic landscape proposal around the site.
- 4.45 As such the proposal accords with Policy ENV1(5) (SDLP); Policy SP18 (SDCS) and the advice contained within the NPPF.

#### **Flood Risk, Drainage, Climate Change and Energy Efficiency**

- 4.46 Policies SP15, SP16 and SP19 of the Core Strategy require proposals to take account of flood risk, drainage, climate change and energy efficiency within the design. Criterion d) of Policy SP15 (SDCS) applies in respect of ensuring development is located which avoids flood risk areas. Footnote 50 in relation to paragraph 164 states that an assessment is required for sites of 1ha or more, particularly where (in this instance) development would introduce a more vulnerable use.
- 4.47 A neighbour objection received in regard to the impact of the proposed development on the existing sewage system is noted.
- 4.48 The full extent of the application site is situated within Flood Zone 1, and therefore being at low risk in regards to flooding. The submitted Flood Risk Assessment (FRA) advises that surface water would be incorporated within the site and storage would be via a below ground concrete storage tank, situated to the southern end of the site and below the larger area of Public Open Space. Due to the site topography and shallow connection points, a pumped system would be required for both foul and surface water. Part of the existing woodland rendered unstable by rooting into remains of the former bone mill located in this area would be removed to accommodate the tank. The FRA adds that in the unlikely event that overland flood



flows result, flow would be routed via the site roads to the low points within the site; area of Public Open Space and watercourse.

- 4.49 As infiltration is not an option, surface water would discharge into Sleights Drain (with foul water discharging to the public sewer in Croysdale Terrace) and the Internal Drainage Board's (IDB) consent would be required for this. The IDB have also made a number of recommendations with regards to surface water and in respect of the water flow for permeable and impermeable areas.
- 4.50 Following the submission of an updated FRA, the Sustainable Urban Drainage Officer (SUDs) advises that matters relating to urban creep and designing for exceedance (flow routing) have been addressed in principle. The SUDs officer advises however that the proposed grit/oil interceptor is unlikely to meet adoption requirements and that the details would need to be approved by the Local Authority. A condition requiring surface water drainage details is referred to in the response. Therefore Officers consider the proposal acceptable in regards to flood risk and drainage providing appropriate conditions are attached to any permission granted.
- 4.51 With respect to energy efficiency, the supporting Energy Statement demonstrates that the proposed enhanced fabric specification reduces average Energy Demand on the site by a total of 11.36% over the 2013 Building Regulations. In order to comply with the specific requirements of Policies SP15 and SP16 of the Core Strategy which require that 10% of total predicted energy should be from renewal, low carbon or decentralised energy sources or improved energy efficiency through design of building, a condition should be imposed in order to ensure compliance with Policies SP15 and SP16 of the Core Strategy and the relevant advice in the NPPF.

### **Affordable Housing**

- 4.52 Policy SP9 of the Core Strategy and the accompanying Affordable Housing Supplementary Planning Document (adopted on 25 February 2014) sets out the affordable housing policy context for the District. Policy SP9 outlines that for schemes of more than 10 units (or sites of 0.3 ha or more) the Council should negotiate for on-site provision of affordable housing up to a maximum of 40% of the total amount of new dwellings on all market housing sites.
- 4.53 A Viability Assessment has been submitted with the proposal which has been viewed by the District Valuation Surveyor (DVS) and shows an inadequate margin of profit due in part to the abnormal costs on this site, which currently equates to the provision of a null contribution. The applicant has however confirmed that they are agreeable to reassessing the level of affordable housing provision at Reserved Matters stage with a view to submitting a policy-compliant scheme. The proposals are therefore considered acceptable with respect to affordable housing provision having regard to CS Policy SP9 and subject to the satisfactory completion of a Section 106 Agreement.

## **Public Open Space**

- 4.54 Policy RT2 of the Selby District Local Plan requires proposals for new residential development comprising 5 or more dwellings to provide recreational open space. Policy SP19 criterion e) (SDCS) is the relevant policy on open space which provides that development should incorporate new and existing landscaping. Policy RT2 (SDLP) criterion c) sets the threshold for the provision of open space and residential developments of 50 dwellings or more, provision within the site is normally required, unless there are deficiencies elsewhere within the settlement which allows for both on and off-site provision. The Supplementary Planning Document for Developer Contributions and Policy RT2 states a requirement at the minimum standard of provision as suggested by the National Playing Fields Association (NPFA) of 2.4 hectares (ha) per 1,000 population would be required. The average occupancy rate being 2.5 persons per dwelling which equates to 60sqm of open space per dwelling to be provided on site albeit at this outline stage it is not possible to assess the amount of open space required.
- 4.55 With regards to existing provision Eggborough there is a current total of three areas of outdoor recreation space and the submitted plans indicate that the main area of ROS would be located to the southern corner of the site, adjacent to the A19 and adjoining the Pontefract railway; with a smaller area to the western corner, part of which fronts Selby Road. The total provision demonstrated equates to 9,216sqm (0.9216 ha). The plans are however indicative, therefore this could change significantly at Reserved Matters stage. It is considered however that the indicative layout demonstrates that a policy compliant level of POS could be provided on site.
- 4.56 Should the application be approved, POS would be secured and provided in perpetuity by way of a Section 106 Agreement which complies with policies RT2 and SP19.

## **Education, Waste & Recycling**

- 4.57 Concerns have been raised by a resident with regards to the existing capacity of the local school which the objector states has little potential for additional children.
- 4.58 Previously, funding for additional education facilities were secured through a Section 106 Agreement. The Community Infrastructure Levy (CIL) is a relatively recent tariff system which has replaced this method where local authorities charge on new development in their area by setting a charging schedule based on floor area.
- 4.59 With respect to Waste and Recycling a contribution of £65 per dwelling would be required and this would therefore be secured through a Section 106 Agreement. The Council's Waste and Recycling Officer in their response also makes recommendations in regards to the within site road layout. Such details would be further scrutinised at Reserved Matters stage.

## **Other Matters**

- 4.60 A number of objections and general comments have been submitted by neighbours surrounding and adjacent to the site.
- 4.61 One resident advises that there would be further pressure on the doctor's surgery which is only open in the morning. The surgery is indeed open between 8.30am and 12.45pm Monday to Friday. It is likely however that these hours are based on local demand and such comments are not a material consideration in regards to the principle of this development.
- 4.62 Objections from neighbouring residents which are critical of the indicative, submitted layout plan and retention of Bowman's Mill are duly noted. In addition, objections relating to overlooking are purely conjecture. A letter has also been received from a resident who is thrilled at the prospect of the Mill being retained. Unfortunately however, this is unlikely to form part of any future scheme as refurbishment would be too costly.

## **5. CONCLUSION**

- 5.1 The application site comprises a Brownfield site (with an associated Greenfield element) which is no longer in use, currently derelict and degrading. The site is located within the Development Limits of Eggborough which is a Designated Service Village (DSV) and would not result in external expansion of the settlement. Furthermore, a material consideration to this decision is that the development and remediation of this derelict site would provide wider public benefits, which go beyond the provision of housing.
- 5.2 Paragraph 119 of the NPPF highlights the importance of local planning authorities taking a proactive role in ensuring land suitable for development is brought forward. The proposed development, due to its location and scale would read as a natural extension to the village in part due to the existing surrounding residential sites and would result in an appropriate addition. Whilst in outline the proposal takes into consideration the impact on the immediate locality in terms of highway safety, which has been achieved. The proposal could, subject to an appropriate site layout, scale, appearance and landscaping, achieve a successful form of development which respects the local character and form. On this basis and subject to the submission of acceptable details, the principle of development is accepted.
- 5.3 The proposal would therefore accord with the overall aims of the Core Strategy and Local Plan in regards to achieving sustainable patterns of growth and the general principles relating to sustainable development contained within the NPPF.

## **6. Recommendation**

- 6.1 That the proposal is GRANTED subject to a Section 106 Agreement and subject to the following conditions:

01. No development shall commence until details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") have been submitted to and approved in writing by the local planning authority.

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 as amended.

02. Application for the approval of the reserved matters shall be made to the local planning authority before the expiration of two years from the date of this permission.

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 as amended.

03. The development hereby permitted shall be begun before the expiration of one year from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved..

Reason: In the interests of amenity having regard to Plan Policy ENV1.

04. The development hereby permitted shall be carried out in accordance with the following approved and dated plans and documents:

0000-0003 Rev B - Location Plan as received on 18.05.2017  
001/Rev 2 – Access details (amended) as received on 03.06.2019  
Arboricultural Report & Arboricultural Assessment dated 05.05.2017

Reason: For the avoidance of doubt.

05. A) No demolition/development shall commence until a Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and:
1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: This condition is imposed in accordance with Section 12 of the NPPF as the site is of historic interest.

06. No development shall commence in relation to approved reserved matters for any dwelling until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority:

(1) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:

- (a) The proposed highway layout including the highway boundary
- (b) Dimensions of any carriageway, cycleway, footway, and verges
- (c) Visibility splays
- (d) The proposed buildings and site layout, including levels
- (e) Accesses and driveways
- (f) Lining and signing
- (g) Traffic calming measures
- (h) All types of surfacing (including tactiles), kerbing and edging.

(2) Full highway construction details including:

- (a) Typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
- (b) Cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
- (c) Kerb and edging construction details

(3) Details of all proposed street lighting.

The development of each individual plot shall thereafter only be carried out in full compliance with the approved drawings and details.

Reason: In accordance with policies ENV1, T1 and T2 of the Local Plan and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

07. Development shall not commence in respect of each of the approved reserved matters phases until a Construction Management Plan to include the following:

- Hours of construction working
- On-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- On-site materials storage area capable of accommodating all materials required for the operation of the site
- Mitigation and monitoring in respect to the construction works relating to that part of the site including any construction works to its access.

The approved plan shall be implemented throughout the construction phase of that part of the site to which the plan relates.

Reason: In accordance with Policies ENV1, T1 and T2 of the Local Plan and in the interests of highway safety and the general amenity of the area.

08. Development shall not commence in relation to the approved reserved matters until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority:

- A swept path diagram which shows that waste collection vehicles will be able to turn safely.

Reason: In accordance with Policies ENV1, T1 and T2 of the Local Plan and in the interests of highway safety and the general amenity of the area.

09. No development shall take place on site until a Method Statement for the removal and eradication of from the site to include the following:

- Location(s) of Himalayan Balsam
- Methods to destroy and eradicate Himalayan Balsam

has been submitted and approved in writing by the Local Planning Authority.

Reason: This pre-commencement condition is imposed in accordance with policies ENV1 (SDLP) and SP19 (SDCS) and in the interests of biodiversity.

10. No development shall take place on site until details of a hard and soft landscaping scheme to provide for the following:

- Structural screen planting to boundaries with A19 and the railway, with the option to incorporate an acoustic barrier as necessary.

- Protect and enhance hedgerows to the northeast boundary incorporating rural boundary fencing treatment where appropriate (rather than close boarded fencing).
- Street trees, soft landscape and Public Open Space (POS) along key access roads (the current strategy is not adequate). Sufficient space should be given to accommodate soft landscape and larger street trees.
- Retention and rebuilding of the garden brick boundary wall and entrance feature along Selby road frontage and Croysdale Terrace

has been submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate species, plant and tree sizes and proposed numbers/densities and shall be carried out as approved within the first planting season following the first occupation of the development or the completion of the development whichever is the sooner. Any plants or trees which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: This pre-commencement condition is imposed in accordance with policies ENV1 (SDLP) and SP19 (SDCS) and in the interests of the visual amenities of the area.

11. The applicant shall install a three pin 13 amp electrical socket in the garage of each dwelling which is in a suitable location to enable the charging of an electric vehicle using a 3m length cable.

Note: Any socket provided must comply with BS1363 or an equivalent standard, Building Regulations and be suitable for charging electric vehicles.

Reason: In the interests of sustainable development

12. The applicant shall install a three pin 13 amp external electrical socket which is suitable for outdoor use. The socket shall be located in a suitable position to enable the charging of an electric vehicle on the driveway using a 3m length cable.

Note: Any socket provided must comply with BS1363, or an equivalent standard, Building Regulations and be suitable for charging electric vehicles. Sockets should also have a weatherproof cover and an internal switch be provided inside the property to enable the socket to be turned off.

Reason: In the interests of sustainable development.

13. No development shall take place until there has been submitted to, and approved in writing by the Local Planning Authority a scheme to protect the new residential properties from traffic noise. The scheme shall detail the

noise levels to affect the properties and the mitigation measures to be employed to reduce the noise to acceptable levels. The agreed scheme shall be implemented throughout the life of the development.

Reason: In the interests of neighbour amenity.

14. No development, including demolition, shall take place until there has been submitted to and approved in writing by the Local Planning Authority a Construction Environmental Management Plan. The Plan shall include details of how noise, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated.

The construction of the development shall be completed in accordance with the approved Plan unless any variation has been approved in writing by Local Planning Authority. Measures may include, but would not be restricted to:

- i) On site wheel washing,
- ii) restrictions on use of unmade roads,
- iii) agreement on the routes to be used by construction traffic,
- iv) restriction of stockpile size (also covering or spraying them to reduce possible dust),
- v) targeting sweeping of roads,
- vi) minimisation of evaporative emissions and prompt clean up of liquid spills,
- vii) prohibition of intentional on-site fires and avoidance of accidental ones,
- viii) control of construction equipment emissions and proactive monitoring of dust.
- ix) The plan should also provide detail on the management and control processes.

Reason: To protect the amenity of the area, the environment and local residents from noise, vibration and pollution.

15. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme to control odour and noise from the pumping stations to be located on the site. The scheme shall detail the odour and noise emissions from the pumping stations, impact on residential properties and mitigation to be implemented. The agreed scheme shall be implemented throughout the life of the development.

Reason: In the interests of sustainability and residential amenity.

16. No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the



hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority.

The surface water drainage design should demonstrate that the surface water run-off generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the run-off from the undeveloped site following the corresponding rainfall event (subject to minimum practicable flow control). The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development. 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).

Reasons: To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.

17. The development shall be carried out in accordance with the details shown on the submitted Flood Risk Assessment (prepared by WSP - Report 70027703-FRA-001 Revision 1 dated 04/05/2017), unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage

18. The development hereby permitted shall be implemented in strict accordance with the mitigation measures specified in pages 21-22 of Section 4.5 (Mitigation, Compensation and Enhancement) of the submitted Bat Survey Report prepared by Wardell Armstrong (July 2017) and pages 29-32 of Section 4 of the Preliminary Ecological Appraisal (May 2017) prepared by Wardell Armstrong (November 2016).

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010.

19. The development hereby permitted shall be implemented in strict accordance with the mitigation measures specified in pages 15-16 of Sections 5 & 6 (Mitigation, Compensation and Enhancement) of the submitted Breeding Bird Survey Report prepared by Wardell Armstrong (July 2017).

Reason: To ensure that all wild birds are protected having regard to the Wildlife and Countryside Act 1981 (as amended) and the requirements of the National Planning Policy Framework (NPPF).

20. Prior to occupation of the dwellings hereby approved, details of a reduction of energy consumption of 10% across the development as a whole shall be secured through a combination of a 'fabric first' approach and renewable or low-carbon energy sources; and agreed with the local planning authority. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be first submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be implemented in accordance with the approved details and maintained and retained thereafter.

Reason:

In the interests of sustainability, climate change; improving resource efficiency and carbon reduction through reduced energy consumption.

## **INFORMATIVES**

### **Foul Drainage**

A mains connection has been proposed for foul drainage disposal. The applicant/agent is advised that, prior to determination, it is necessary to ensure there is capacity in both the receiving sewer and sewage treatment works to accommodate the discharge proposed. Please contact the sewerage undertaker, to attain this information. If capacity is not available, an alternative means of foul drainage disposal may need to be explored or improvement works to resolve the capacity issue secured as part of the planning permission.

### **Surface Water**

No obstructions within 9 metres of the edge of a watercourse are permitted without Consent from the IDB.

Surface water discharge into any watercourses in, on, under or near the site requires consent from the Drainage Board.

### **Outfall**

The landowners consent will be required for the construction of a new outfall structure and consent from the IDB would be required should surface water be discharged to a watercourse and would be restricted to 1.4 litres per second per hectare or greenfield runoff.

### **Himalayan Balsam**

It is an offence under Section 14 of the Wildlife and Countryside Act 1981 to allow Himalayan Balsam into the wild. Due to the rapid invasion of this species and potential harm to indigenous species a suitable method of control and eradication will be required. If the eradication involves the use of chemicals close to a waterway, you are advised to contact the Environment Agency before undertaking any such works: [www.gov.uk/government/organisations/environment-agency](http://www.gov.uk/government/organisations/environment-agency)

## **7. Legal Issues**

### **7.1 Planning Acts**

This application has been determined in accordance with the relevant planning acts.

### **7.2 Human Rights Act 1998**

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

### **7.3 Equality Act 2010**

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

## **Financial Issues**

7.4 Financial issues are not material to the determination of this application.

## **Background Documents**

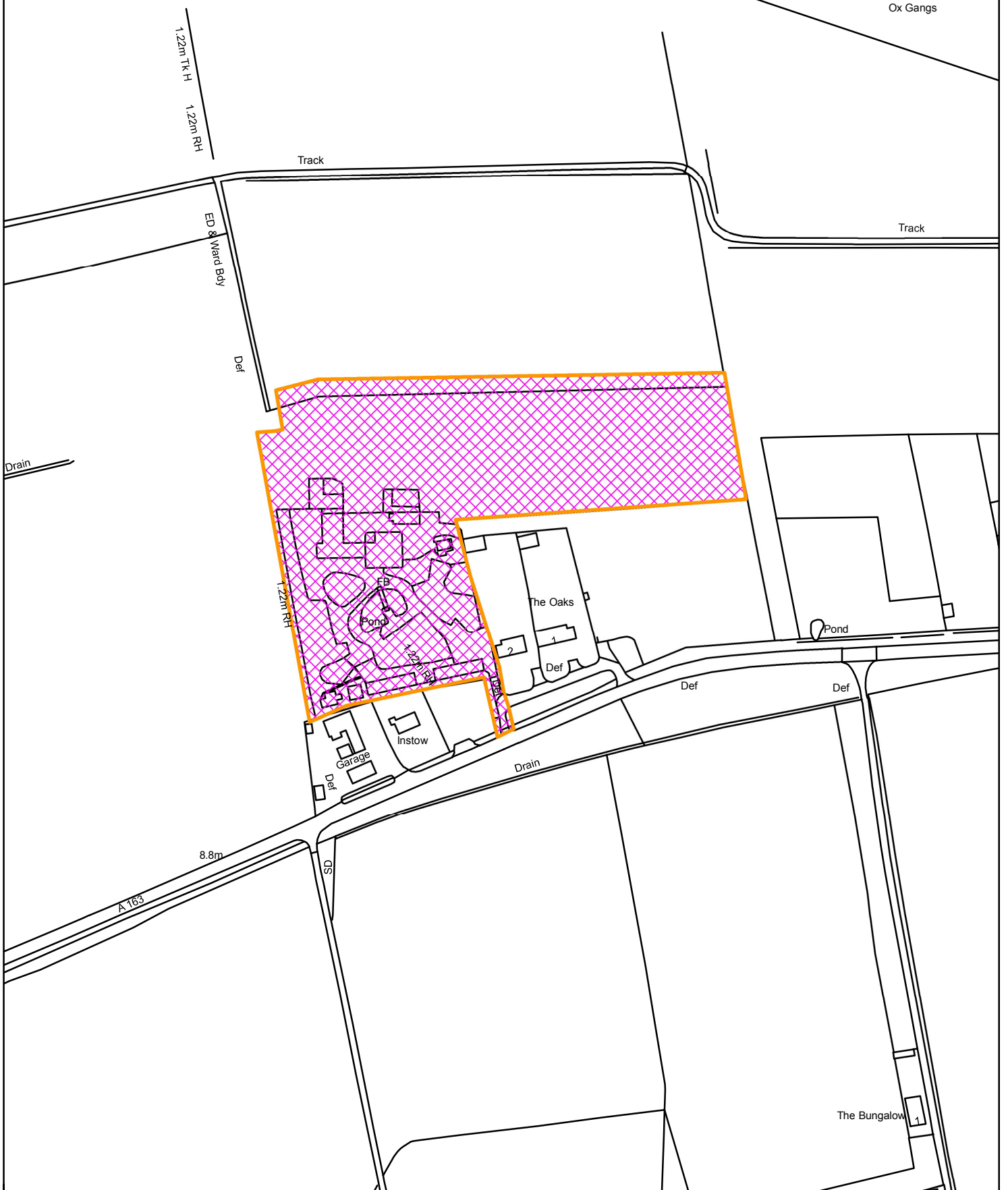
7.5 Planning Application file reference 2017/0542/OUTM and associated documents.

**Contact Officer:** Mandy Cooper, Principal Planning Officer  
[mcooper@selby.gov.uk](mailto:mcooper@selby.gov.uk)

**Appendices:** None

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# Agenda Item 5.4



## APPLICATION SITE

2018/1387/FUL

Birchwood Lodge, Market Weighton Road, Barlby  
Page 87

1:2,500



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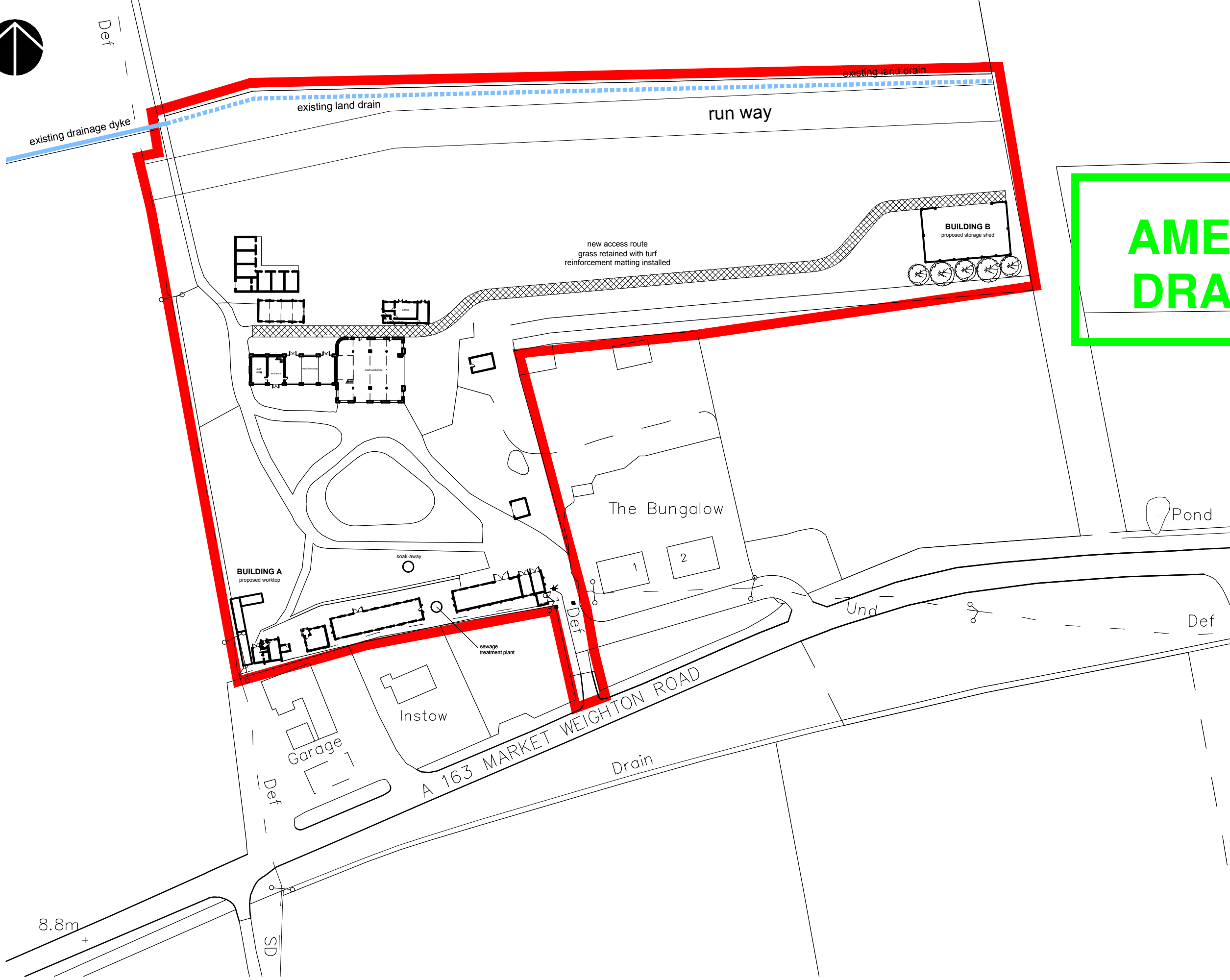


NOTES  
 Do not scale from this drawing. Only figured dimensions are to be taken from this drawing.  
 The contractor must verify all dimensions on site before commencing any work or shop drawings.  
 The contractor must report any discrepancies to the Architect before commencing work. If this drawing exceeds the quantities taken in any way, the Architect is to be informed before the work is initiated.  
 Work within The Construction ( Design and Management ) Regulations 1994 is not to start until a Health and Safety Plan has been produced.

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Rev	Description	By	Date	Chd	Chd Date
A	Remove extension	TD	Jan19		
C	Updated design	TD	28-05-19		

**AMENDED  
DRAWING**



Page 89

**SITE PLAN - 1:1000**

**Jonathan Forman Chartered Architects**

Head Office:  
 54 West End, South Cave Brough, East Yorkshire HU15 2EY  
 Tel: 01430-471301 Fax: 01430-471302 Email: info@jformanarchitects.com

St. Mary's Mission Room  
 Main St. Ebbwasthorpe, North Yorkshire YO13 9NR  
 Email: info@jformanarchitects.com

PROJECT:  
**MARTYN WISEMAN - CONDOR PROJECTS  
 BIRCHWOOD LODGE  
 MARKET WEIGHTON ROAD, SELBY**

TITLE:  
**PROPOSED SITE PLAN**

SCALE: 1:1000 @ A3 DWG. STATUS: PLANNING DRAWN: TD DATE: Sep 2018

PROJECT NO: 18-114 DRAWING NO: P-001 REVISION: C

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**Report Reference Number:** 2018/1387/FUL

**To:** Planning Committee  
**Date:** 10 July 2019  
**Author:** Rebecca Leggott (Senior Planning Officer)  
**Lead Officer:** Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2018/1387/FUL	PARISH:	Cliffe Parish Council
APPLICANT:	Condor Projects Ltd	VALID DATE:	11th December 2018
		EXPIRY DATE:	5th February 2019
PROPOSAL:	Proposed erection of single storey extension to main workshop building, forming of new storage area, forming of new workshop and use of runway for any day of the week		
LOCATION:	Birchwood Lodge Market Weighton Road Barlby Selby North Yorkshire YO8 5LE		
RECOMMENDATION:	APPROVE		

This application has been brought before Planning Committee as it has been called in by Cllr Arthur and Cllr Deans on the following grounds:

- Impact on residential amenity of neighbouring properties
- The environmental impact of the proposal
- Intrusion into the openness of the countryside
- Noise pollution impacting on neighbouring properties
- The adverse visual impact of the proposal on neighbouring properties

## 1. Introduction and background

### Site and Context

- 1.1 The application site is located outside the defined development limits of any settlement and is therefore located within the open countryside.
- 1.2 The application site comprises land to the north east of Birchwood Lodge. The application site is surrounded by existing buildings at Birchwood Lodge to the west,

a grass run-way (granted 2 year temporary planning permission under application reference 2016/0141/COU) to the north, with open fields beyond, open fields to the east and residential properties to the south.

### **The Proposal**

- 1.3 The application form describes the proposals as the proposed erection of single storey extension to main workshop building, forming of new storage area (Building B), forming of new workshop (Building A) and use of runway for any day of the week.
- 1.4 Following discussions with the applicant and agent the applicant no longer wishes to erect the single storey extension to the main workshop. However, the application is still to consider the forming of a new storage area (Building B), the forming of a new workshop (Building A) and the use of the runway.
- 1.5 In terms of the existing use of the application site, this has permission for a mixed use development by Condor Projects Ltd, mix of uses comprising B1/B2/B8. The site also has permission for the managers dwelling and for disabled accommodation. In addition, the site has been previously granted permission for a 2 year temporary change of use to form a grass runway, which expired on 9th March 2019.
- 1.6 Further to this, from a site visit it is noted that the proposals are part retrospective. During a site visit it was evident works had commenced on the workshop building (Building A). In addition to this a new storage area had been created. However, it should be noted that following discussions with the applicant and agent the proposals for the storage area have been amended are not retrospective, as it is intended that the existing unlawful storage area will be removed.
- 1.7 The proposed new storage area (Building B) and the proposed new workshop (Building A) would be accessed from an existing vehicular access from Market Weighton Road.

### **Planning History**

- 1.8 The following historical applications are considered to be relevant to the determination of this application.
  - Retrospective application 2007/0408/FUL for the retention of livery stables was approved on 25 May 2007.
  - Application 2012/0248/COU for a proposed change of use of existing buildings for use by Condor Projects Ltd (mix of uses comprising B1/B2/B8) following the demolition of some existing buildings was approved on 21 May 2012.
  - Application 2012/0926/DPC for the discharge of condition 2 (materials) of approval 2012/0248/COU for the change of use of existing buildings for use by Condor Projects Ltd (mix of uses comprising B1/B2/B8) following the demolition of some existing buildings was Part Discharged on 23 November 2012.

- Application 2013/0349/DPC for the discharge of condition 2 (materials) to substitute previously approved materials of approval 2012/0248/COU for the change of use of existing buildings for use by Condor Projects Ltd (mix of uses comprising B1/B2/B8) following the demolition of some existing buildings was Discharged on 8 May 2013.
- Application 2014/0959/FUL for the proposed conversion of existing building to form manager's dwelling and conversion of existing building to disabled living accommodation was Approved on 12 March 2015.
- Application 2015/0763/FUL for the proposed erection of 2m high fence was approved on 11 September 2015.
- Application 2015/0768/FUL for the proposed conversion of building to allow disabled accommodation (amendment to previously approved application 2014/0959/FUL) was approved on 9 December 2015.
- Application 2016/0141/COU for the proposed change of use to form grass runway was approved on 9 March 2017. It should be noted that this permission had a time limit of 2 year. This expired on 9<sup>th</sup> March 2019.
- Application 2017/0528/FUL for the proposed construction of hanger/storage building was refused on 10 November 2017.

## 2. Consultation and Publicity

- 2.1 **Civil Aviation Authority - Aerodromes** – No response within the statutory consultation period.
- 2.2 **North Yorkshire Bat Group** - No response within the statutory consultation period.
- 2.6 **Cliffe Parish Council** – The Parish Council have raised strong objections to the proposed development. The concerns raised relate to the anticipated frequency of aircraft taking off and landing on the runway as no figures are specified within the application and the confirmation of the operational hours of the runway.
- 2.8 **County Ecologist** – NYCC Ecology have raised no objections to the proposed development and have stated that the information provided is satisfactory and conclude that there are unlikely to be any impacts upon legally protected species due to the scale, type and location of the development.
- 2.9 **Barlby and Osgodby Parish Council** - Object to the extensions and increased flying hours, the site is becoming a small industrial estate and causing loss of amenity to neighbouring properties.
- 2.10 **Environmental Health** – Environmental Health have raised no objections to the proposed development subject to a number of conditions and have provided the following comments, the applicant has submitted an updated Noise Impact Assessment (NIA) prepared by Blue Sky Acoustics, dated 28/1/19, reference 182/10/2019. The NIA considers the likely impact on residential amenity in terms of national policies and guidance which are

relevant to the proposed development. The NIA concludes that the proposed use of the grass runway will not exceed the Lowest Observable Adverse Effect Level (LOAEL). That conclusion is based on the existing restriction imposed by conditions attached to decision no: 2016/0141/COU continuing with the exception that the runway can be used on any day.

Therefore the Environmental Health Officer has raised no objections subject to conditions 02, 04, 05 and 06 of decision no: 2016/0141/COU remaining attached and that condition 03 of decision no: 2016/0141/COU is amended to allow the runway to be used between the hours of 08:00 and 17:00 on any day.

2.11 **NYCC Highways Canal Rd** – NYCC Highways have raised no objections to the proposed development.

2.12 **Yorkshire Water** – Yorkshire Water have raised no objections to the proposed development.

2.13 **Selby Area Internal Drainage Board** – The IDB have raised no objections to the proposed development. However, the IDB have commented that the ground conditions may be unsuitable for soakaways. Further to this the IDB have suggested a number of conditions to be attached to any permission granted: (1) If the surface water were to be disposed of via a soakaway system, (2) If surface water is to be directed to a mains sewer system, (3) If the surface water is to be discharged to any watercourse within the Drainage District, (4) No obstructions within 7 metres of the edge of a watercourse and (5) Consent be required from the IDB for surface water discharge into ANY watercourses in, on, under or near the site requires CONSENT from the Drainage Board.

2.14 **The Ouse & Derwent Internal Drainage Board** – The internal drainage board have raised no objections to the proposed development in principle. However, the IDB have made a number of comments. In summary the IDB have requested further information relating too:

- The Sustainable Drainage System which is proposed.
- Providing sufficient information in order to demonstrate that the drainage strategy would decrease the volume and rate of surface water being discharged from the site.
- Details of run off rates.

The IDB have suggested a number of conditions to be attached to any permission granted as follows: (1) Drainage Works to be Agreed, (2) Restricted rate of discharge, (3) Evidence of Existing Surface Water Discharge, (4) Sustainable Drainage System – SUDS (Combined Systems) and (5) Surface Water to Adjacent Watercourse. Further to this a number of informatives have been suggested, as follows: (1) Surface Water Adjacent Watercourse, (2) Consent – Outfall and (3) Consent – Discharge.

2.15 **Natural England** – Natural England have raised no objections to the proposed development subject to a number of conditions: (1) All flights will be conducted under CAA e-conditions and a minimum altitude of 1000m will be maintained for any flights within 1km of the Lower Derwent Valley SPA / Ramsar site and (2) Flights will take place on no more than 100 days per year

We have no objection to this additional planning application if our suggested conditions are also applied in this case.

2.16 **Neighbour Summary** - All immediate neighbours were informed by letter, a site notice was erected and an advert placed in the local press. It is noted that 3 letters of objection were received. In summary these raise concerns for:

- Noise disturbance, increased vehicle movement and disturbance from testing aeroplanes;
- Traffic and highway safety, due to increased vehicle movements. Including concerns for the ownership of the access track running in front of 1 & 2 the Oaks;
- Overlooking and loss of privacy, due to increased visitors to the site;
- Over development of the site;
- Lack of visual amenity;
- Loss of views of the open countryside and limited screening by the willow trees in place;
- Boundary treatments causing issues such as attracting wasps;
- Burning rubbish on site;
- Flying outside of hours;
- Development in the green belt; and
- Health implications of the pollution generated by the site.

It should be noted that the application site is not located within the green belt. In addition concerns relating to burning rubbish and wasps are not for consideration within this application.

The access track in front of 1 and 2 the Oaks has been removed from the redline boundary and the application in response to the concerns raised regarding ownership.

### 3. **Site Constraints and Policy Context**

#### **Constraints**

3.1 The application site is located outside the defined development limits of any settlement and is therefore located within the open countryside. The application site is located within Flood Zone 1.

#### **Policy Context**

3.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.

3.3 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and 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.

3.4 The National Planning Policy Framework (February 2019) (NPPF) replaced the July 2018 NPPF, first published in March 2012. The NPPF does not change the status of an up to date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.

3.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

“213. ....existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

3.4 The principal Core Strategy Local Plan Policies are:

- SP1 – Presumption in Favour of Sustainable Development
- SP2 – Spatial Development Strategy
- SP13 – Scale and Distribution of Economic Growth
- SP15 – Sustainable Development and Climate Change
- SP18 – Protecting and Enhancing the Environment
- SP19 – Design Quality

3.5 Policy SP1 of the Core Strategy outlines that *"when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework"* and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 11 of the NPPF in relation to the presumption in favour of sustainable development and decision taking.

3.6 Development in the countryside is limited in SP2 to the replacement or extension of existing buildings, the re-use preferably for employment and well-designed new buildings of an appropriate scale which would contribute towards and improve the local economy.

3.7 Policy SP19 promotes high quality design and provides that development proposals should have regard to local character, identity and context including being accessible to all.

### **Selby District Local Plan**

3.8 The relevant Selby District Local Plan Policies are:

- ENV1 – Control of Development
- EMP2 – Location of Economic Development
- EMP9 – Expansion of Existing Employment Uses in Rural Area
- T1 – Development in Relation to the Highway Network

## **4. Appraisal**

4.1 The main issues to be taken into account when assessing this application are:

- Principle of Development
- Design and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Impact on Highway Safety
- Nature Conservation and Protected Species
- Flood Risk and Drainage

### **The Principle of the Development**

4.2 Policy SP1 of the Core Strategy outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken.

4.3 Policy SP1 is therefore consistent with the guidance in Paragraph 11 of the NPPF.

4.4 Policy SP15 (B) of the Core Strategy states that to ensure development contributes toward reducing carbon emissions and are resilient to the effect of climate change schemes should where necessary or appropriate meet 8 criteria set out within the policy.

4.5 Whether it is necessary or appropriate to ensure that schemes comply with Policy SP15 (B) is a matter of fact and degree depending largely on the nature and scale of the proposed development. Having had regard to the nature and scale of the proposal, it is considered that its ability to contribute towards reducing carbon emissions, or scope to be resilient to the effects of climate change is so limited that it would not be necessary and, or appropriate to require the proposals to meet the requirements of criteria of SP15 (B) of the Core Strategy.

4.6 Therefore having had regard to Policy SP15 (B) it is considered that the proposal is acceptable.

4.7 Policy SP2 (c) of the Core Strategy states that "Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10, or other special circumstances".

4.8 Policy SP13 of the Core Strategy states that in rural areas, sustainable development which brings about sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported, including (amongst other things) the re-use of existing building and infrastructure and the development of well-designed new buildings. In all

cases development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity.

- 4.9 Policy EMP9 of the Selby District Local Plan relates to the expansion of existing employment uses in rural areas and sets out that proposals for the expansion and/or redevelopment of existing industrial and business uses outside development limits and established employment areas, as defined on the proposals map are acceptable in principle, subject to four criteria which will be assessed later in this report.
- 4.10 The application is for the retrospective forming of a new storage area (Building B), the part retrospective forming of a new workshop (Building A) and the proposed use of the runway for any day of the week. The proposed building would be used in association with the existing use of the site which has permission for B1/B2/B8. The site is currently occupied by Condor Aviation, the applicant states within the submitted documents that Condor Aviation are, the leading company in the UK for experimental aircraft and are among the world leaders in the use of radial engines in sport aircraft. The information submitted in support of the application sets out that the proposals would create a further 10 jobs on site.
- 4.11 In terms of the need for the proposals the applicant has advised that the aircrafts need to be stored inside, as opposed to outside, as the aircraft are either fabric covered or of composite and would be damaged by weather if they were to be stored outside during the winter.
- 4.12 In respect of the proposed new storage building (B), this would be located to the far east of the site would consist of a timber clad portal frame building with green corrugated metal sheeting on the top. This would measure, 23 metres in width by 14 metres in depth and would have an eaves height of 3 metres and ridge height of 3.8 meters from the existing ground floor level. This would replace an existing unlawful building constructed from 4 shipping containers.
- 4.13 In respect of the part retrospective workshop (A), this would be sited to the South West corner of the site. This would be in an area to the rear of an existing commercial garage outside the application site and would be a combination of three green corrugated metal containers. These would be joined in an L- shaped form to measure a maximum of 18.4 metres in width by 8.6 metres in depth and would have a ridge and eaves height of 3 metres above the existing ground floor level.
- 4.14 In respect of the proposed use of the run way any day of the week. Following consultations restrictions would be imposed to state that the flights could occur on a maximum of 100 days of the year, with a no fly zone of 1000ft. Further to this working hours would be imposed for flights only for 7.30 and 17.00 Monday to Friday and 8.00 to 17.00 Saturday and Sundays.
- 4.15 Where the proposed scheme may be acceptable in principle it would be required to meet the policy tests set out in in Local Plan Policy EMP9 (1), (2), (3), (4) and all other relevant local and national policy tests.



- 4.16 The impact on acknowledged interests against the above policy tests is considered in the following parts of the report, including the issue of scale.

### **Design and Impact on the Character and Appearance of the Area**

- 4.17 Relevant policies in respect of design and impact on the character of the area include Policies ENV1 (1) and (4) and EMP9 of the Selby District Local Plan and Policy SP19 "Design Quality" of the Core Strategy. Significant weight should be attached to the Local Plan Policies ENV1 and EMP9 as they are broadly consistent with the aims of the NPPF. Relevant policies within the NPPF, which relate to design, include paragraphs 124, 127, 128, 130 and 131.
- 4.18 The application site is located outside the defined developments of any settlement and is therefore located within the open countryside. The application site comprises land to the north east of Birchwood Lodge. The application site is surrounded by existing buildings at Birchwood Lodge to the west, a grass run-way (granted temporary planning permission under application reference 2016/0141/COU) to the north, with open fields beyond, open fields to the east and residential properties to the south.
- 4.19 The proposals are for the forming of a new storage area (B), the part retrospective forming of a new workshop and the proposed use of the runway for any day of the week.
- 4.20 The comments of the occupiers of the neighbouring properties in relation to the part retrospective development have been noted.

#### **Proposed New Storage Area (Building B)**

- 4.21 In respect of the proposed new storage building (B), in terms of appearance and scale it is noted that the scheme would be relatively large in footprint and the height of the proposed development is relatively low with a ridge height of 3 metres. However, the proposals would reflect the character and appearance of the area as it would be designed to look like a typical agricultural outbuilding. Therefore the proposed development would be appropriate to the locality. Further to this, the materials to be used in the construction of the proposed scheme would be simple and traditional materials, as detailed on the proposed elevations, drawing No. 18-114 P-005 A.
- 4.22 While the building would be visible in views from Market Weighton Road, by reason of its limited height and being situated to the rear of an existing fence, it is considered that these views would not have any significant adverse impact on the character and appearance of the surrounding area. Whilst a location closer to the existing buildings would be desirable, the location is in part for the operational reasons in relation to manoeuvring the aircraft and in part to address concerns raised by neighbours. Furthermore, having regard to the context of the site, it is not considered that the proposal would be unduly visually intrusive within the open countryside.
- 4.23 In terms of landscaping and boundary treatments, all existing boundary treatments are to be retained as seen on site. Details of an additional scheme of landscaping could be secured by way of condition.

- 4.24 In considering the proposals for the new storage area it is considered that this would comply with criteria 3 of Policy EMP9 relating to high standard of design.

#### Retrospective Workshop (Building A)

- 4.25 In respect of the part retrospective workshop (A), this is suitably located on the site within the main cluster of buildings and set against the western boundary of the site. Further to this the materials to be used in the construction of the proposed scheme would be green painted metal shipping containers.
- 4.26 There would be limited views of the building from outside of the site due to the siting of a number of existing oak trees. It is noted that the retrospective building would be within close proximity to these trees. However, given the building would be located on an area of already compacted ground as stated within the supporting statement submitted by the applicant it is not considered that there would be an significant adverse impacts on these oak trees.
- 4.27 In considering the part retrospective workshop (A), whilst there are limited views of the proposed development, it is not considered that its design would reflect the character and appearance of the area by reason of its design. The applicant has advised that the development is necessary for the existing business on the site. It is therefore recommended that permission for this building be limited to a 3 year period to enable consideration of a more appropriately designed building which would be of a higher design standard in order to comply with criteria 3 of Policy EMP9.
- 4.28 In considering the proposal for the temporary workshop (A) area it is considered that this would not comply with criteria 3 of Policy EMP9. However, it should be noted that the proposed development is required to support an existing business in line with policy SP13C of the Selby District Core Strategy and paragraphs 83 and 84 of the NPPF. Therefore, for these reasons and the business need this could be conditioned to be a temporary permission for 3 years.

#### Retrospective use of the Runway

- 4.29 In respect of the proposed use of the runway, the grass landing strip was originally created under Permitted Development Rights and has a nominal impact on the character and appearance of the area. In terms of its visual impact, the proposed airfield is well integrated into the landscape and is not harmfully prominent, intrusive or incongruous in its setting. Therefore, it is considered to be acceptable and would not have a detrimental impact on the character of the area.
- 4.30 In considering the proposal for the use of the runway it is not considered that this would have any impacts in terms of the character and appearance of the area.
- 4.31 Having regard to the above, it is considered that the proposed scheme would have an acceptable siting, design and appearance and would not have any

significant adverse impact on the character and appearance of the area in accordance with Policies ENV1 (1) and (4) and EMP9 of the Selby District Local Plan, Policy SP19 of the Core Strategy and policies within the NPPF.

### **Impact on Residential Amenity**

- 4.32 Relevant policies in respect to impact on residential amenity include Policies ENV1 (1) and (4) and EMP9 of the Selby District Local Plan and Policy SP19 "Design Quality" of the Core Strategy. In respect of the NPPF it is noted that one of the Core Principles of the framework is to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 4.33 The comments of the occupiers of the neighbouring properties in relation to the impacts of the proposed development on residential amenity are noted.
- 4.34 In respect of the proposed new storage building (B), given the size, siting and design of the proposed building and its relationship to neighbouring residential properties, while the proposed building would be visible from neighbouring properties, given the separation distance of 90 metres it is considered that the proposal would not have an oppressive appearance when viewed from any neighbouring residential properties. Further to this any visual impact is further reduced by the low scale of the buildings the existing fence and the planting that has taken place.
- 4.35 In respect of the part retrospective workshop (A), given the size, siting and design of the building and its relationship to neighbouring residential properties, the building is not visible from neighbouring properties and given the separation distance of 34 metres it is considered that the proposal would not have an oppressive appearance when viewed from any neighbouring residential properties.
- 4.36 In terms of the use for the storage and workshop buildings it is not considered that they would introduce any new uses on the site given the existing permission for B1/ B2/ B8. Though it is considered reasonable to condition no external storage.
- 4.37 In respect of the proposed use of the runway given the size, siting and design of the proposal and its relationship to neighbouring residential properties, there are no physical changes as this is a grassed runway. Furthermore, given the separation distance of 107 metres it is considered that the grass runway would not be visible from any neighbouring residential properties.
- 4.38 Overall given the siting of the proposed scheme and surrounding residential properties, it is considered that the proposal would not result in any adverse effects of overshadowing so as to have any adverse effects on the amenities of the occupiers of any neighbouring properties.
- 4.39 In addition, the Environmental Health Officer has been consulted on the proposals. The Environmental Health Officer initially raised concerns regarding the noise impacts of the development and the necessary mitigation measures. However, following additional information submitted by the applicant, Environmental Health have raised no objections subject to the

following conditions being attached to any permission granted: (1) Take-off or landing aircraft speed and distance, (2) airstrip use not more than 3 days per week, (3) Not more than 4 landing and take-off manoeuvres per day, (4) flights to take place on not more than 100 days per year and (5) Working hours 08:00- 17:00 any day.

- 4.40 Further to the above a condition could be attached to any planning permission granted, restricting the use of the runway as such, in the interests of the amenities of neighbouring properties.
- 4.41 Subject to the aforementioned condition, it is considered that the proposal is acceptable in terms of its impact on residential amenity in accordance with Policies ENV1 (1) and (4) and EMP9 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained with the NPPF.

#### **Impact on Highway Safety**

- 4.42 Policies in relation to highway safety are Policies ENV1 (2), T1 and EMP13 (3) of the Local Plan and Policy SP19 of the Core Strategy and paragraphs 34, 35 and 39 of the NPPF
- 4.43 The comments of the neighbouring properties are noted.
- 4.44 The proposal would use an existing access and would not alter any existing parking arrangements within the site. North Yorkshire County Council Highways have been consulted on the application and have not raised any objections to the proposals. NYCC Highways have raised no objections to the proposed development.
- 4.45 Having regard to the above, it is considered that the proposal would not result in a detrimental impact on highway safety in accordance with Policies ENV1 (2), T1 and EMP9 (1) of the Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

#### **Nature Conservation and Protected Species**

- 4.46 Relevant policies in respect of nature conservation and protected species include Policies ENV1 (5) and EMP9 (2) of the Selby District Local Plan and Policy SP18 "Protecting and Enhancing the Environment" of the Core Strategy.
- 4.47 Significant weight should be attached to Local Plan Policies ENV1 and EMP9 as they are broadly consistent with the aims of the NPPF, specifically section 15. "Conserving and enhancing the natural environment".
- 4.48 Protected species include those protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. The presence of protected species is a material planning consideration.
- 4.49 A Great Crested Newt Survey undertaken by Wold Ecology Ltd, dated July 2017, has been submitted with the application. The survey states that two ponds have been identified within 500 metres of the application site and that no known great crested newts populations were recorded within 500 metres

of the application site. Further, the survey sets out that the surrounding arable landscape significantly hampers great crested newt dispersal into the area, without the aid of humans. In conclusion, Wold Ecology does not recommend any further great crested newt survey work at the site and do not suggest any mitigation measures.

- 4.50 It should be noted that NYCC Ecology have been consulted on this application. However, the county ecologist has raised no objections to the proposed development.
- 4.51 Having regard to the above, it is considered that the proposed development is acceptable in respect of nature conservation and protected species and is therefore in accordance with Policies ENV1 (5) and EMP9 (2) of the Selby District Local Plan, Policy SP18 of the Core Strategy and the advice contained within the NPPF.

### **Flood Risk and Drainage**

- 4.52 The application site is located within Flood Zone 1, which has a low probability of flooding.
- 4.53 In terms of drainage, the submitted application form states that surface water would be disposed of via sustainable drainage system. However, no details of this have been supplied. Further to this, no details have been provided in terms of foul water drainage.
- 4.54 The Ouse and Derwent Internal Drainage Board and Yorkshire Water have been consulted on the proposals. The Ouse and Derwent Internal Drainage Board have advised that they have no objections to the proposals subject to a condition requiring drainage works to be agreed, amongst other conditions. It is considered the attaching the condition requiring drainage works to be agreed as part of any planning permission is sufficient for the purposes of this application.

## **5. Conclusion**

- 5.1 This type of development for the expansion of an existing business use is supported by the NPPF and in development plan policy and EMP9 of the Core Strategy. Though it is noted that the part retrospective workshop would not accord with criteria (3) of Policy EMP9, it is considered acceptable in all other respects. Therefore, it is considered reasonable to condition this as temporary for a period of 3 years to allow for an improved design to be submitted. Furthermore, it is considered that the NPPF is a material consideration and in line with Paragraph 83 and 84 of the NPPF relating to the expansion of all types of business in rural areas and the recognition of business and community needs in rural areas would be acceptable.
- 5.2 Furthermore, it is noted that the proposed development is considered to propose economic benefits through the creation of 10 new jobs. Therefore, the proposals provide some economic benefits to the rural community and economy.
- 5.3 Therefore subject to the conditions set out below, this application complies with the up to date Framework guidance and with, principally SDLP Policy

EMP9 and compliance with the conditions would create a scheme in compliance with the development plan.

## **6. Recommendation**

This application is recommended to be APPROVED subject to the following conditions:

01. Notwithstanding the proposed 'Building A proposed workshop' as shown on plan reference 18-114 P-001 C the development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

02. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

Location Plan – 18-114 S-002 A

Existing Site Plan – 18-114 S-001 A

Proposed Site Plan - 18114\_P-001 C

Proposed Workshop Floor Plan and Elevations - 18114\_P-004A

Proposed Storage Area Floor Plan and Elevations - 18114\_P-005A

For the avoidance of doubt.

03. Building A as shown on plan reference, 18114\_P-004A shall only be hereby approved as shown on the proposed plans shall only be retained for a period of 18 months and shall only be used as a workshop and shall not at any time be used for any other purpose. There after the building shall be removed from the site.

Reason: In the interest of residential amenity and in order to comply with Policies ENV1 and EPM9 of the Selby District Local Plan.

04. The development relating to Building B shall be here by approved as shown on the proposed plans shall only be used for the storage of aircraft and shall not at any time be used for the maintenance or repair of aircraft, or for any other purpose. Furthermore, there should be no external storage air craft parts within the application site.

Reason: In the interest of residential amenity and in order to comply with Policies ENV1 and EPM9 of the Selby District Local Plan.

05. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as stated on drawing numbers 18114\_P-004A and 18114\_P-005A . Only the approved materials shall be utilised.

Reason:

In the interests of visual amenity and in order to comply with Policies ENV1 and EPM9 of the Selby District Local Plan.

06. A scheme of landscaping and boundary treatment should be submitted to and approved by the local planning authority prior to the development first being brought into use. There after the scheme of landscaping shall be maintained for a period of 5 years.

Reason:

In the interests of visual and residential amenity and in order to comply with Policies ENV1 and EPM9 of the Selby District Local Plan.

06. A scheme of drainage should be submitted to and approved by the local planning authority prior to the development first being first brought into use. This should include details of discharge rates, the existing surface water discharge and details of the Sustainable Drainage System – SUDS (Combined Systems) and any surface water to adjacent watercourse.

Reason:

To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

07. The use of the airstrip shall be limited to the hours of 08:00 and 17:00 no take-off or landing manoeuvres shall take place outside the specified times.

Reason:

To protect the residential amenity of the area.

10. Flights shall take place on no more than 100 days per year of which there shall be no more than 3 flight days in any one week. There shall be no more than 4 landing and take-off manoeuvres on any one day. Furthermore, flight logs shall be retained.

Reason:

To protect the residential amenity of the area.

11. All flights shall be conducted under CAA e-conditions.

Reason:

To ensure aviation safety.

12. A minimum altitude of 1000m shall be maintained for any flights within 1km of the application site, Lower Derwent Valley SPA/Ramsar and Humber Estuary SPA/Ramsar site.

Reason:

To protect the Lower Derwent Valley SPA/Ramsar and Humber Estuary SPA/Ramsar site and to protect residential amenity.

## **7. Legal Issues**

### **7.1 Planning Acts**

This application has been determined in accordance with the relevant planning acts.

### **7.2 Human Rights Act 1998**

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

7.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

7.4 **Financial Issues**

7.5 Financial issues are not material to the determination of this application.

7.6 **Background Documents**

7.7 Planning Application file reference 2018/1387/FUL and associated documents.

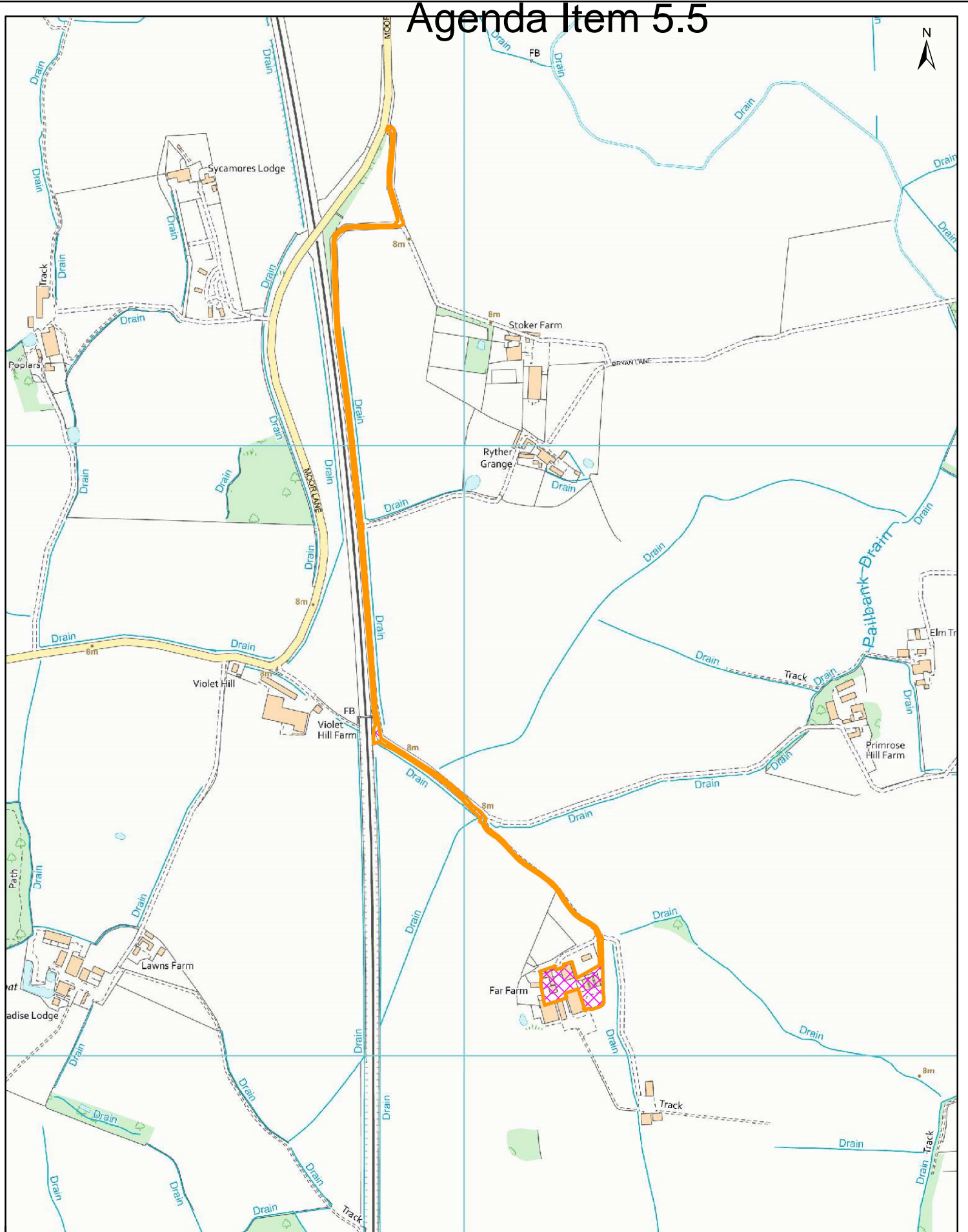
**Contact Officer:** Rebecca Leggott, Senior Planning Officer

[rleggott@selby.gov.uk](mailto:rleggott@selby.gov.uk)

**Appendices:** None



# Agenda Item 5.5



## APPLICATION SITE

2019/0110/COU

Far Farm, Mill Lane, Ryther

1:8,000



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Site Layout Block Plan

red line site area 12,385sqm  
 Spinko Ltd  
 Far Farm Ryther Tadcaster LS24 9EL  
 Proposed Block Plan scale 1:500 17/01/2019 drwg. no. 2738-06-01

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**Report Reference Number:** 2019/0110/COU

**To:** Planning Committee  
**Date:** 10 July 2019  
**Author:** Rebecca Leggott (Senior Planning Officer)  
**Lead Officer:** Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2019/0110/COU	PARISH:	Ryther Cum Ossendyke Parish Council
APPLICANT:	Spinko Ltd	VALID DATE: EXPIRY DATE:	15th February 2019 12th April 2019
PROPOSAL:	Proposed change of use of land and buildings to that of a wedding venue including the creation of a total of 15 bedrooms for wedding guests, erection of 2 No lychgates, formation of a car park, demolition of some existing buildings, and formation of extension to accommodate 5 bedrooms, common room and kitchen to be constructed following the demolition of the pole barn		
LOCATION:	Far Farm Mill Lane Ryther Tadcaster North Yorkshire LS24 9EG		
RECOMMENDATION:	APPROVE		

This application is to be determined by the Planning Committee since it does not accord with Policy EMP8 (1) and (2) of the Selby District Local Plan. This requires that the conversion of rural buildings to recreational uses, including appropriate farm diversification activities in the open countryside will only be permitted where (amongst other criteria) it can be demonstrated that the building is structurally sound and capable of re-use without substantial rebuilding and where the proposed re-use or adaptation will generally take place within the fabric of the building and will not require extensive alteration, re-building and/ or extension. Since the proposal would comply with all other relevant criteria, it is considered that there are material considerations which support the application and the recommendation is for approval.

## 1. Introduction and background

### Site and Context

- 1.1. The proposal is as described above and as shown in the accompanying plans and drawings.
- 1.2. The application site is located outside any defined development limits and is therefore located within the open countryside. The application site is located within an agricultural setting with a number of dwellings within proximity. Furthermore, the majority of the application site is located within Flood Zone 1 with part of the access lying within Flood Zone 2. However, it is noted that the application site would be accessed from an existing access point and road.
- 1.3. Further to this, the application site includes agricultural land and farmstead, which was previously associated with a piggery. However, it is noted that there are two residential properties within the blue line boundary of the application to show that this is also owned by the applicant. Further to this, the application site is located within proximity to other part residential and part agricultural properties which are surrounded by open fields.

### **The Proposal**

- 1.4. The application is for a proposed change of use of land and buildings previously in use as a piggery to that of a wedding venue. The proposal includes the conversion and extension of an existing brick built agricultural building to an accommodation block to create 20 bedrooms in total; the erection of two lynch gates; formation of a car park with a capacity for 67 cars and the construction of a wedding venue building following works to an existing portal framed agricultural building.
- 1.5. It is noted from a site visit that the application is part retrospective, which includes key changes such as the demolition of a number of buildings, the creation of a new access and the significant re build of the venue building.
- 1.6. Further to this, it is evident from a review of the plans and drawings and a site visit that the proposed scheme involves works significant rebuilding to an existing portal frame barn, due to the retrospective insertion of new structural beams. The retrospective rebuilding and alterations have taken place inside and outside the fabric of the existing building and the works have removed some of the fabric and character of the existing building. In addition, works include site clearance for the car parking area and alterations to the road into the farm stead. It should be noted that there is no new access to the site from the adopted highway proposed.
- 1.7. The proposed scheme would involve signification external changes.

### **Planning History**

- 1.8. The following historical applications are considered to be relevant to the determination of this application:
  - 2007/0549/FUL, Single storey extension to the north elevation and 1st floor extension above existing garage, Far Farm, Mill Lane, Ryther, Tadcaster, North Yorkshire, Decision: WDN, Decision Date: 07-JUN-07
  - CO/1980/27549, Erection Of A Pig Weaner House, Far Farm Moor Lane Ryther, Decision: PER, Decision Date: 09-JUN-80



- CO/1980/27549, Erection Of A Pig Weaner House, Far Farm Moor Lane Ryther, Decision: PER, Decision Date: 09-JUN-80
- CO/1991/1172, Outline application for the erection of an agricultural workers dwelling on land adjacent to Far Farm, Mill Lane, Ryther, Tadcaster, North Yorkshire, LS24 9EG, Decision: PER, Decision Date: 25-APR-91
- 2007/0975/FUL, Resubmission of withdrawn application 8/65/4D/PA (2007/0549/FUL) single storey extension to side following demolition of existing garage Far Farm, Mill Lane, Ryther, Tadcaster, North Yorkshire, Decision: PER, Decision Date: 16-OCT-07

## **2. Consultations and Publicity**

- 2.1. The application has been advertised by site notices and adjoining neighbours have been notified directly, in order to comply with the Council's commitment with regard to publicity for planning applications.
- 2.2. Parish Council – The Ryther Parish Council have raised no objections to the proposed development however have commented that they *“wish to highlight the need for careful consideration of planning regulations to provide for appropriate drainage from the site. Schemes that provide some water storage at times of high rainfall may be helpful to slow flows into water courses.”*
- 2.3. NYCC Highways Canal Rd – NYCC Highways most up to date comments have raised no objections subject to a condition relating to the access and verge crossing construction requirements. Further to this, an informative has been suggested which relates to a separate license being required from the Highway Authority in order to allow any works in the adopted highway.
- 2.4. Selby Area Internal Drainage Board – The IDB have raised no objections to the proposed development subject to a condition relating to the any surface water discharge into any watercourse in, on, under or near the site requires consent from the IDB.
- 2.5. Land Use Planning Yorkshire Water Services Ltd – No comments have been received from Yorkshire Water within the statutory consultation period.
- 2.6. SuDS And Development Control Officer – The LLFA have raised no objections to the proposed development in principle. However, have stated that, “No details of the existing or proposed drainage network, the proposed permeable area that will replace hard standing or the current and proposed rates of discharge have been submitted.”

SuDs have stated that, “only very basic drainage information has been submitted” and have requested that existing and proposed drainage rates be submitted. Further to this, it is advised that a “greenfield” rate should be achieved.

The LLFA has recommended that the applicant provides further information before any planning permission is granted by the LPA. The following should be submitted and approved by the Local Planning Authority;

- Infiltration testing to BRE 365 standard to confirm infiltration rates and suitability for permeable surfacing.
- Details of the permeable surfacing to replace hard standing areas.
- Confirmation of proposed drainage network, including pipe sizes, gullies, outfalls etc.
- Confirmation of existing and proposed drainage rates.

2.7. Environmental Health – Environmental Health have raised objections to the proposed development. The concerns raised relate to “unacceptable disturbance, most notably from noise pollution”.

In view of the above Environmental Health have recommended that the mixed residential and commercial uses within the application boundary are formally linked.

Further to this, the following informatives have been suggested:

(1) The applicant has indicated the use of a package treatment plant for the disposal of foul sewage. I would advise that the installation of a new foul drainage system will require building regulation approval in addition to appropriate consent to discharge issued by the Environment Agency. You may wish to consult the Environment Agency to ensure that the necessary consent will be granted.

(2) The aggregated net rated thermal input of the biomass boiler is not specified and, therefore, may be subject to an environmental permit under the Environmental Permitting (England and Wales) Regulations 2016.

2.8. North Yorkshire Bat Group – No comments have been received from the North Yorkshire Bat Group within the statutory consultation period.

2.9. Yorkshire Wildlife Trust - No comments have been received from Yorkshire Wildlife Trust within the statutory consultation period.

2.10. County Ecologist – NYCC Ecology have raised no objections to the proposed development subject to the following conditions: (1) compliance with recommendations set out in the Bat Emergence Survey and (2) Invasive Weed Management Plan to be submitted prior to commencement. Further to this, an informative is suggested relating to works taking place outside bird nesting season (March to August) or after a competent person has confirmed that no active nests are present.

2.11. Public Rights Of Way Officer – The public rights of way officer has raised no objections subject to an informative relating to, no works being undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development.

2.12. Network Rail – Network rail have raise no objection to the proposed development.

2.13. Ainsty (2008) Internal Drainage Board - The IDB have raised concerns for the proposed development and have advised that the following information would be required prior to any permissions being granted:



- This includes details of surface water drainage which would not adversely affect the surface water drainage of the area and amenity of adjacent properties.
- Appropriate testing to consider the usage of soakaways (existing or newly constructed).
- Confirmation of permissions to discharge into an existing water course.
- Details of the existing capacity of the water course intended to be used and whether it can be demonstrated that there is currently positive drainage and a proven connection to the water course or sewer.

If the above can be satisfied the IDB would advise that the rate of discharge should be constrained at greenfield rates, as detailed within the planning comments submitted.

2.14. Neighbour Summary – All immediate neighbours were informed by letter, a site notice was erected and an advert placed in the local press. It is noted that 32 letters of support were received in relation to the original proposals relating to the design and sustainability of the proposal. However, following re consultation on the amended scheme no comments were received.

It should be noted that none of the letters of support received were from residents within the vicinity of the application site. Further to this, four letters of support were received from the application Architect and his family members and a number of letters were received from residents outside the Selby District. Therefore, limited weight has been applied to these.

2.15. Contaminated Land Consultant – The contaminated land consultant has raised no objections to the proposed development. It is confirmed that the contaminated land reports are acceptable. However, a condition is advised relating to unexpected contamination.

2.16. Environment Agency – The EA have raised no objections to the proposed development.

### **3. Site Constraints and Policy Context**

#### **Constraints**

3.1. The site is in the open countryside without allocation.

#### **Policy Context**

3.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.

3.3. The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and 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.

3.4. The National Planning Policy Framework (February 2019) (NPPF) replaced the July 2018 NPPF, first published in March 2012. The NPPF does not change the status of an up to date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.

3.5. Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

“213. ....existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

3.6. The principal Core Strategy Local Plan Policies are:

- SP1 – Presumption in Favour of Sustainable Development
- SP2 – Spatial Development Strategy
- SP13 - Scale and Distribution of Economic Growth
- SP15 – Sustainable Development and Climate Change Enhancing the Environment
- SP16 – Improving Resource Efficiency
- SP18 – Protecting and Enhancing the Environment
- SP19 – Design Quality

3.7. Policy SP1 of the Core Strategy outlines that *“when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework”* and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 11 of the NPPF in relation to the presumption in favour of sustainable development and decision taking.

3.8. Development in the countryside is limited in SP2 to the replacement or extension of existing buildings, the re-use preferably for employment and well-designed new buildings of an appropriate scale which would contribute towards and improve the local economy.

3.9. Policy SP19 promotes high quality design and provides that development proposals should have regard to local character, identity and context including being accessible to all.

### **Selby District Local Plan**

3.10. The relevant Selby District Local Plan Policies are as follows:

- ENV1 – Control of Development
- ENV2 – Environmental Pollution and Contaminated Land
- EMP2 – Location of Economic Development

- EMP8 – Conversion to Employment Use in the Countryside
- T1 – Development in Relation to the Highway Network
- T2 – Access to Roads
- RT10 – Tourism Related Development
- RT11- Tourist Accommodation

#### 4. Appraisal

4.1. The main issues to be taken into account when assessing this application are:

- The Principle of the Development
- Conversion/ not require substantial rebuilding or extensive alteration
- Impact on Residential Amenity
- Flood Risk and Drainage
- Nature Conservation and Protected Species
- Land Contamination
- Rural Economy
- Waste and Recycling
- Rural Economy

#### The Principle of the Development

4.2. Policy SP1 of the Core Strategy outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 14 of the NPPF.

4.3. The application site is located outside any defined development limits and is therefore located within the open countryside

4.4. Policy SP2A (a) of the Core Strategy states, "*The majority of new development will be directed to the towns and more sustainable villages depending on their future role as employment, retail and service centres, the level of local housing need, and particular environmental, flood risk and infrastructure constraints*". Further to this, the Policy SP2A (b) states, development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13.

4.5. Policy EMP8 of the Selby District Local Plan states the following:

*"Proposals for the conversion of rural buildings for commercial, industrial or recreational uses, including appropriate farm diversification activities, will be permitted provided:*

- 1) *The building is structurally sound and capable of re-use without substantial re-building;*
- 2) *The proposed re-use or adaptation will generally take place within the fabric of the building and will not require extensive alteration, re-building and/or extension;*

- 3) *Conversion would not damage the fabric and character of a building of architectural or historical interest, or a traditional building which makes a positive contribution to the character of the countryside;*
- 4) *The form, bulk and general design of the building is in keeping with its surroundings;*
- 5) *The conversion of the building and ancillary works, such as the creation of incidental outside areas, and the provision of satisfactory access and parking arrangements, would not have a significant effect on the character and appearance of the area, or encroach into open countryside; and*
- 6) *The proposal would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity."*

4.6. Policy RT11 of the Selby District Local Plan relates to proposed for serviced or non- serviced tourist accommodation. Although this proposal is for a Wedding Venue it is considered that this policy would hold some weight in terms of providing a form of accommodation. Policy RT11 outlines the following:

*"Proposals for serviced or non-serviced tourist accommodation, including extensions to existing premises, will be permitted provided:*

- 1) *The proposal would be located within defined development limits or, if located outside these limits, the proposal would represent the use of either;*
  - i. *A building of either architectural or historic interest, or;*
  - ii. *An existing structurally sound building which is suitable for its proposed function without major rebuilding or adaptation, or;*
  - iii. *An extension to an existing hotel or other form of accommodation; and*

2) *The proposal would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity;*

3) *In meeting car parking and access requirements, there would not be a significant adverse effect on the setting of the building or the character of the area; and*

4) *The size and scale of the proposal would be appropriate to the locality.*

*In granting permission for self-catering accommodation, the local planning authority will ensure that a condition restricting the maximum period of occupation of the premises is applied.*

4.7. The proposal involves the part retrospective change of use of land and buildings to include the conversion and extension of an existing brick built agricultural building to an accommodation block to create 20 bedrooms in total; the erection of two lynch gates; formation of a car park with a capacity for 67 cars and the construction of a wedding venue building following works to an existing portal framed agricultural building.

4.8. Given that the application site is located outside any defined development limits and therefore within the open countryside and the proposals would involve the

conversion of two existing buildings for employment use. The proposals would be acceptable in principle in terms of Policy SP2A (b). However, proposals that are acceptable in principle are still required to meet the policy tests set out within this policy. This includes whether the proposed development would contribute towards or maintain the vitality of rural communities, in accordance with policy SP13.

- 4.9. Where the proposed scheme may be acceptable in principle it would be required to meet the policy tests set out in in Local Plan Policy EMP8 (1), (2), (3), (4), (5), (6) and Policy RT11 (1), (2), (3) and (4) and all other relevant local and national policy tests.
- 4.10. The impact on acknowledged interests against the above policy tests is considered in the following parts of the report, including the issue of scale.

#### **Conversion/ not require substantial rebuilding or extensive alteration**

- 4.11. The principal tests in Policy EMP8 of the Selby District Local Plan of relevance are summarised below together with officer comments:

1) Structurally sound and capable of re-use without substantial rebuilding

In respect of the proposed accommodation building, it is noted from a site visit that the building in question is a brick built agricultural building of substantial construction. This building is proposed to be converted and extended. Overall, it is considered that this building is of a substantial construction and capable of re-use without substantial rebuilding.

In respect of the proposed venue building, having carried out a site visit it is evident that the building on site was a portal frame building and not of substantial construction. It appears from the photographic evidence that substantial works would have been required. However, this work has already been carried out on site.

It is noted that the application is accompanied by a brief Structural Survey Report prepared by Finn and Finn Architects that identifies that the existing Venue buildings structural frame has been designed to support "all or part of" the cladding. Further to this, the report concludes that the timber frames were in good condition and no repair or replacement works were necessary. Overall, the report concludes that, the existing buildings are structurally sound.

In considering the building proposed to be used as the venue building this was a portal frame building and was not of a substantial construction. Further to this, from a site visit the works to this building are retrospective and it is evident that the works involve rebuilding and the inclusion of additional structural elements resulting in this building now being structurally sound. Overall, it is not considered that the venue building was of substantial construction and is evidently not capable of re-use without substantial rebuilding.

Therefore, it is not considered that the proposals on a whole do not comply with these criteria of the policy EMP8.

- 2) Re-use and adaptation generally take place within the fabric and not require extensive alteration/ rebuilding or extension.

The scheme is considered to be the conversion of two existing rural buildings to employment use as a wedding venue. The works to the building proposed to be used for accommodation involved the demolition of a single storey portal frame projection and a two storey extension and the insertion of a numerous window and door openings. The works to the building proposed to be used for the venue building involve the demolition and rebuilding of part of the block work in brick around the outside and the re cladding of the external surfaces.

Overall it is considered that both buildings to be converted involve works with take place outside the fabric of the existing buildings and therefore the part retrospective development does not comply with this criteria.

- 3) Conversion would not damage the fabric and character of a building of architectural or historic interest.

In respect of the building proposed to be used as accommodation this is considered to be a traditional brick built barn building of interest. The proposed development would reasonably conserve this building and would be in keeping with the character and form of the local vernacular and the scheme would conserve its appearance and bring it back into use in the local environment.

In respect of the building proposed to be used as the venue building the original portal frame barn was not considered to be a building of architectural or historical interest.

Overall, the scheme is considered to be in keeping with the character and form of the local vernacular and the scheme would conserve its appearance and bring it back into use in the local environment. The scheme is therefore in accordance with Policies EMP8 (3) and ENV1 of the Selby District Local Plan and SP19 of the Core Strategy.

- 4) Form, bulk and design in keeping with the surroundings.

The overall scheme including the improved design to the existing buildings on site, the proposed landscaping and the overall improved design and appearance of the site from the previous use as a piggery.

The retrospective works as seen from a site visit are considered to improve the buildings design and appearance which would be more in keeping with the traditional brick built barn building on site. Overall, resulting in an improved and more attractive design. In considering this the proposed development would be in keeping with the surroundings of the open countryside.

- 5) The conversion of the building and ancillary works, including creation of parking without impacting on the open countryside.

The proposed development would include the creation of a large car park with a capacity for 67 cars. It is noted that this it would be in the location of

previously demolished structures. Further to this, the parking area has been designed in such a way that the landscaping limits the impact on the open countryside and would appear in character with the surrounding area by way of high quality landscaping.

#### 6) Highway Safety

District Local Plan, Policy SP19 of the Core Strategy and paragraphs 34, 35 and 39 of the NPPF. The policies of the Local Plan referred to above should be afforded significant weight as they do not conflict with the NPPF.

NYCC Highways have provided comments on the proposed development of which the latest comments following a site visit confirm that highways have no objections to the proposed development subject to a condition regarding, Private Access/ Verge Crossings: Construction Requirements. Further to this, an informative has been suggested regarding, a separate license being required from the Highway Authority to allow for works in any adopted highway.

From a site visit it is noted that the un-adopted access road is very narrow with limited room for passing. However, following discussions with the applicant details have been provided, drawing reference, 18038.GA.01, and can be secured by way of condition.

Subject to the aforementioned conditions, it is considered that the proposal is acceptable in terms of highway safety in accordance with Policies ENV1 (2), T1 and T2 of the Local Plan and the advice contained within the NPPF.

Overall in respect of Policy EMP8 of the Selby District Local Plan on balance the proposed development would be contrary to criteria (2) of the policy and acceptable in all other respects.

### **Design**

- 4.12. The application is for the proposal involves the part retrospective change of use of land and buildings to include the conversion and extension of an existing brick built agricultural building to an accommodation block to create 20 bedrooms in total; the erection of two lynch gates; formation of a car park and the construction of a wedding venue building following works to an existing portal framed agricultural building.
- 4.13. In respect of the proposed accommodation block this relates to the conversion and extension of an existing traditional brick built agricultural building. The proposal would involve the retention of all brick elements of the existing building. However, would involve the demolition of the pole barn and the erection of a metal clad extension with a pantile gable roof.
- 4.14. In respect of the proposed venue building this relates to the conversion of a portal frame barn building with a metal clad roof and part breeze block and part wooden clad walls. The works to this building are part retrospective and involve the demolition of some of the breeze block walls and the erection of traditional brick walls, new wooden cladding and metal sheet roofing.

- 4.15. The retrospective works as seen from a site visit are considered to improve the buildings design and appearance which would be more in keeping with the traditional brick built barn building on site. Overall, resulting in an improved and more attractive design. In considering this the proposed development would be in keeping with the surroundings of the open countryside.
- 4.16. In respect of the lynch gates these would be simple in form and small in scale. These would be simple structures and would be of a brick and timber construction.
- 4.17. In respect of the car park with capacity for 67 cars, this would be located in the place of a number of buildings which have now been demolished. It is noted that a car park of this size would not be typical of this location, within the open countryside. However, a detailed landscaping plan has been submitted which shows boundary treatments involving native species and a wide variety of different planting throughout the site. It is considered that the scheme of landscaping submitted would provide sufficient screening to the car park and the site as a whole in order to ensure the proposed development would be in keeping with the character and appearance of the area and would not appear to visually encroach into the open countryside in compared the proposed scheme to the previous structures and use of the site.
- 4.18. In terms of the proposed alterations although these would be extensive in terms of extensions, re cladding and new openings, it is considered that these would result in an overall improved design. Therefore the proposed development would be in accordance with Policy SP19 "Design Quality" of the Core Strategy and Section 12 "Achieving well- designed places" of the NPPF.

### **Impact on Residential Amenity**

- 4.19. The neighbours have made no comments in relation to the current proposals. However, a number of letters of support have been submitted though none of which are from any of the neighbouring properties or from within the vicinity of the application site.
- 4.20. Environmental Health were consulted on the application who have raised no objections to the proposed development subject to the linking both of the residential properties within the red and blue line boundary to the proposed development and new business use. This is so as to prevent concerns for unacceptable disturbance and noise pollution for any future users.
- 4.21. It is noted that a Management Plan has been submitted regarding the restrictions intended to be applied to the proposed Wedding Venue in terms of noise management. In summary, this includes the link between the two residential dwellings on site and the proposed development, no fireworks will be allowed on site and no amplified music will be allowed outside the insulated Venue barn.
- 4.22. In considering all of the above and the sufficient separation distance between the proposal and surrounding properties and businesses the proposal is considered acceptable subject to a number of conditions regarding: (1) Linking the dwellings on site to the proposed wedding venue, (2) Noise Management Plan and (3) Openings to be closed whilst playing amplified music in the venue building.



4.23. The neighbours have made no comments and given the separation and the alignment between properties and the controls to be imposed by the management plan it is considered that the proposal would not have a significant adverse effect upon adjoining residents in accordance with Policy ENV1 of the Selby District Local Plan.

### **Flood Risk and Drainage**

4.24. Firstly addressing the issues of flood risk, the application site is within Flood Zone 1 and part of the access road is within Flood Zone 2. In considering this the Environment Agency advice that there standing advice is followed for more vulnerable developments within Flood Zone 2. This includes: (1) surface water management, (2) access and evacuation for any parts of a building below estimated floor levels and (3) Ground floor levels. In considering the standing advice details of a surface water management plan could be secured by way of condition.

4.25. In terms of drainage, the submitted application form sets out that surface water would be disposed of via existing water course and the foul sewage would be disposed of via a package treatment plant.

4.26. The Ouse and Derwent Internal Drainage Board and Yorkshire Water have been consulted on the proposals and neither have raised objections to the proposed development

4.27. The Selby Area IDB have raised no objections to the proposed development. It is also noted that the Selby Area IDB welcome the approach to reduce surface water run-off.

4.28. The Ainsty IDB have raised no objections to the proposed development. It is noted that the IDB have raised concerns that there would be an increase in impermeable surfaces on site. However, it should be noted that proposed development demonstrates a reduction in hard surface area.

4.29. Further to this, Environmental Health have advised that two informatives be attached to any permissions granted: (1) Package treatment plant shown outside of the red line boundary requiring approval and consent from the Environment Agency; and (2) Biomass boiler Environmental Permit.

4.30. It is also noted that the Environment Agency have raised no objections to the proposed development.

4.31. Foul water is going to a new package treatment plant which is shown on the drawings so does not need conditioning since it will be on any approved drawings. It is noted that, limited information has been provided in terms of the scheme for surface water drainage. However, it is considered that an acceptable scheme of drainage can be achieved therefore notwithstanding the information submitted further information can be requested and subsequent measures secured by way of condition.

## **Nature Conservation and Protected Species**

- 4.32. The application site is not a protected site for nature conservation nor is it known to be in close proximity to any site supporting protected species or any other species of conservation interest.
- 4.33. It is noted that a number of ecology surveys were submitted with this application including a Preliminary Ecological Appraisal Report and Bat Emergence Survey Report.
- 4.34. NYCC Ecology have been consulted and have commented that, the site is of low ecological value and there are no objections to the proposed development subject to the following conditions: (1) Compliance with the recommendations contained within the Bat Emergence Survey Report and (2) Submission of an Invasive Weed Management Plan. Further to this, an informative has been suggested regarding taking place outside of bird nesting season.
- 4.35. It should be noted that an Invasive Weed Management Plan has been submitted and comments have been sought from NYCC Ecology. In summary NYCC Ecology have no objections to this.
- 4.36. As such it is considered that the proposed would not harm any acknowledged nature conservation interests and therefore accords with ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and the NPPF.

## **Land Contamination**

- 4.37. Relevant policies in respect of land contamination include Policy ENV2 of the Selby District Local Plan and Policy SP19 "Design Quality" of the Core Strategy.
- 4.38. The application is supported by the following: (1) Phase 1 Geoenvironmental Appraisal, (2) Remediation Strategy and (3) Verification Report.
- 4.39. Having sought comments from the Contaminated Land consultant, they have confirmed that the information provided is sufficient. However, it has been advised that a condition be attached relating to unexpected contamination.
- 4.40. Subject to the aforementioned condition, it is considered that the proposal would be acceptable in respect of land contamination and is, therefore, in accordance with Policy ENV2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

## **Waste and Recycling Facilities**

- 4.41. With respect to Waste and Recycling, a contribution for such provision would not be required for a scheme of this scale. However there are areas where bin storage could be provided in the application site.

## **Rural Economy**

- 4.42. The proposal is for the change of use of land and buildings to that of a wedding venue including the creation of a total of 15 bedrooms for wedding guests, erection of 2 No lychgates, formation of a car park, demolition of some existing

buildings, and formation of extension to accommodate 5 bedrooms, common room and kitchen to be constructed following the demolition of the pole barn.

- 4.43. Relevant policies within the NPPF, which relate to employment uses within rural areas include paragraphs 83 and 84.
- 4.44. In considering this, the applicant has submitted a number of supporting documents including a Design and Access Statement, Planning Statement and brochures from an existing wedding venue run by the applicants regarding the benefits of the proposed development in relation to the rural economy. In summary this demonstrates that extensive rural economic benefits which would be associated with the proposed development. The proposed scheme will provide further employment and, support local rural businesses i.e. florists, caterers, makeup artists, hairdressers, taxi firms and other small service businesses.
- 4.45. It is noted that the applicant states that the proposed scheme would have environmental and sustainability benefits and further to this would involve farm diversification opportunities.
- 4.46. It is considered that the proposals will result in a number of employment opportunities associated with the operation of the wedding venue which will benefit the local economy. As such are acceptable in terms of impacts on the rural economy in accordance with Policy SP13C of the Selby District Core Strategy and paragraphs 83 and 84 of the NPPF.
- 4.47. It is noted that a number of support letters have been received in relation to the proposed development.

## **5. Conclusion**

- 5.1. This type of conversion of existing rural buildings to business use is acceptable in principle in the NPPF and in development plan policy. Though it is noted that the proposal would conflict with criteria 1 and 2 of Policy EMP8 of the Core Strategy, it is considered that the NPPF is a material consideration and in line with Paragraph 83 and 84 of the NPPF relating to the further reuse of the building and the diversification of agricultural business and the recognition of business and community needs in rural areas would be acceptable. Furthermore, the Framework is more up to date and more flexible.
- 5.2. The works are appropriate to these agricultural buildings in terms of improved design, new openings and all other alterations.
- 5.3. Furthermore, the proposed development is considered to propose a wide variety of economic benefits associated with the proposed wedding venue, as set out above. Therefore, in considering the proposals the improved design and economic benefits to the rural community and economy are considered to outweigh any conflicts with criteria 1 and 2 of Policy EMP8.
- 5.4. Thus, subject to comments from the Contaminated Land specialist and the recommended conditions set out below, this application complies with the up to date Framework guidance and with, principally SDLP Policy EMP8 and compliance with the conditions would create a scheme in compliance with the development plan.

## 6.0 Recommendation

This application is recommended to be APPROVED subject to the following conditions:

01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

02. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

- Topographical Survey – 10500 – 01
- Elevations – 10500 – 02
- Ground Floor Plan 10500 – 03
- First Floor Plan – 10500 - 04
- Location and Block Plans - 2738-05-02
- Existing Block Plan- 2738-05-01A
- Proposed Lynchgate - 2738-08-01
- Guest Accommodation Building, proposed plans and elevations - 2738-07-01A DIMS
- Site Layout Block Plan - 2738-06-01
- Scheme of Landscaping - 2738-06-04B
- Site Surface Water Drainage Plan - 2738-06-02
- Flood Risk Assessment
- SUDs Statement
- Foul Drainage Assessment Form (FDA1)
- Remediation Strategy
- Indicative Management Plan, Proposed Wedding Venue

Reason:

For the avoidance of doubt.

03. The materials to be used in the construction of the external surfaces of the proposed development hereby permitted shall be as stated on the drawing No. 2738-03-01F – Proposed Plans and Elevations, the application form and the Design and Access Statement submitted and only the approved materials shall be utilised unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interests of visual amenity and in order to comply with Policy ENV1 of the Selby District Local Plan.

04. Prior to first use a Scheme for the provision of surface water and foul water drainage works shall be submitted to and approved by the Local Planning Authority. This should include details of, discharge rates, evidence of existing surface water and foul water discharge and details of soakaways.

Any such Scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

Reason:

To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

05. The development must be carried out in full accordance with the mitigation and compensation section contained within the following documents submitted:

- Bat Emergence Survey Report
- Preliminary Ecological Appraisal Report
- Himalayan Balsam Management Plan

Reason:

In the interests on nature conservation interest and the protection of protected species and in order to comply with Policy ENV1(5) of the Selby District Local Plan, Policy SP18 of the Core Strategy, The Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010.

06. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

07. The development hereby approved shall be used for a Wedding Venue and associated facilities only. The accommodation shall only be occupied in connection with the wedding venue hereby approved and not sold off separately.

Reason:

To avoid the establishment of permanent residential accommodation outside the development limits of Ryther; to comply with the terms of the application as submitted; and to comply with Policy RT11 of the Selby District Core Strategy.

08. There shall be no live, amplified or other music played in the premises other than between the hours of 1100 and Midnight.

Reason:

To protect the residential amenity of the area.

09. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

- a) The existing access adjoining the highway shall be improved (constructed) and that part of the access road extending 6 metres into the site details and/or Standard Detail number A1.
- b) Provision to prevent surface water from the site/plot discharging onto the existing proposed highway and shall be maintained thereafter to prevent such discharges

Reason:

In accordance with policy T1 and T2 of the Selby Local Plan in the interests of highway safety and the general amenity of the area.

#### INFORMATIVES:

01. 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.

02. HIGHWAYS:

You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

03. COAL:

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.

Further information is also available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

04. BIRD NESTING:

All nesting birds receive general protection under the Wildlife & Countryside Act 1981. It is advisable to undertake demolition of buildings, tree removal or clearance of dense vegetation outside the bird nesting season (March to August inclusive for most species), or after a competent person has confirmed that no active nests are present.

## **7.0 Legal Issues**

### **7.1 Planning Acts**

This application has been determined in accordance with the relevant planning acts.

### **7.2 Human Rights Act 1998**

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

### **7.3 Equality Act 2010**

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

## **7.4 Financial Issues**

7.5 Financial issues are not material to the determination of this application.

## **7.6 Background Documents**

7.7 Planning Application file reference 2019/0110/COU and associated documents.

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**Appendices:** None

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# Agenda Annex

## Glossary of Planning Terms

### **Community Infrastructure Levy (CIL):**

The Community Infrastructure Levy is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010.

### **Curtilage:**

The curtilage is defined as the area of land attached to a building.

### **Environmental Impact Assessment (EIA):**

Environmental impact assessment is the formal process used to predict the environmental consequences (positive or negative) of a plan, policy, program, or project prior to the decision to move forward with the proposed action. The requirements for, contents of and how a local planning should process an EIA is set out in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

### **National Planning Policy Framework (NPPF):**

The National Planning Policy Framework was published on 27 March 2012 and sets out Government planning policies for England and how these are expected to be applied.

### **Permitted Development (PD) Rights**

Permitted development rights allow householders and a wide range of other parties to improve and extend their homes/ businesses and land without the need to seek a specific planning permission where that would be out of proportion with the impact of works carried out. Many garages, conservatories and extensions to dwellings constitute permitted development. This depends on their size and relationship to the boundaries of the property.

### **Previously Developed Land (PDL)**

Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings), and associated fixed surface infrastructure. The definition covers the curtilage of the development. Previously developed land may occur in both built-up and rural settings.

### **Planning Practice Guidance (PPG)**

The Planning Practice Guidance sets out Government planning guidance on a range of topics. It is available on line and is frequently updated.

### **Recreational Open Space (ROS)**

Open space, which includes all open space of public value, can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks. It can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute to green infrastructure.

## **Section 106 Agreement**

Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as s106 agreements, are a mechanism which make a development proposal acceptable in planning terms, that would not otherwise be acceptable. They can be used to secure on-site and off-site affordable housing provision, recreational open space, health, highway improvements and community facilities.

## **Site of Importance for Nature Conservation**

Site of Nature Conservation Interest (SNCI), Site of Importance for Nature Conservation (SINC) and regionally important geological sites (RIGS) are designations used by local authorities in England for sites of substantive local nature conservation and geological value.

## **Site of Special Scientific Interest (SSI)**

Sites of special scientific interest (SSSIs) are protected by law to conserve their wildlife or geology. Natural England can identify and designate land as an SSSI. They are of national importance.

## **Scheduled Ancient Monument (SAM):**

Ancient monuments are structures of special historic interest or significance, and range from earthworks to ruins to buried remains. Many of them are scheduled as nationally important archaeological sites. Applications for Scheduled Monument Consent (SMC) may be required by the Department for Culture, Media and Sport. It is an offence to damage a scheduled monument.

## **Supplementary Planning Document (SPD)**

Supplementary Planning Documents are non-statutory planning documents prepared by the Council in consultation with the local community, for example the Affordable Housing SPD, Developer Contributions SPD.

## **Tree Preservation Order (TPO):**

A Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of amenity. An Order prohibits the cutting down, topping, lopping, uprooting, wilful damage, wilful destruction of trees without the local planning authority's written consent. If consent is given, it can be subject to conditions which have to be followed.

## **Village Design Statements (VDS)**

A VDS is a document that describes the distinctive characteristics of the locality, and provides design guidance to influence future development and improve the physical qualities of the area.

## Planning Committee 2019-20



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