



Meeting: **PLANNING COMMITTEE**
Date: **WEDNESDAY, 8 DECEMBER 2021**
Time: **2.00 PM**
Venue: **COUNCIL CHAMBER - CIVIC CENTRE, DONCASTER ROAD, SELBY, YO8 9FT**
To: **Councillors J Cattanach (Chair), J Mackman (Vice-Chair), M Topping, K Ellis, I Chilvers, R Packham, P Welch, D Mackay and C Richardson**

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.

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 - 8)**

To confirm as a correct record the minutes of the Planning Committee meeting held on 10 November 2021.

5. **Planning Applications Received (Pages 13 - 14)**
- 5.1. **2020/0014/FULM - Land Off Barff View, Burn (Pages 15 - 46)**
 - 5.2. **2021/0789/FULM - Land South of Electricity Substation, Rawfield Lane, Fairburn (Pages 47 - 82)**
 - 5.3. **2021/0633/FULM - Land South of Electricity Substation, Rawfield Lane, Fairburn (Pages 83 - 116)**
 - 5.4. **2020/1391/FUL - Land Off York Road, North Duffield (Pages 117 - 130)**
 - 5.5. **2021/0913/S73 - Green Lane, North Duffield (Pages 131 - 146)**
 - 5.6. **2021/1295/REM - Yew Tree House, Main Street, Kelfield (Pages 147 - 170)**
 - 5.7. **2020/0718/FUL - New Coates Farm, Hirst Road, Carlton (Pages 171 - 184)**
 - 5.8. **2020/0719/FUL - Coates Hall Lodge, Hirst Road, Carlton (Pages 185 - 198)**

Janet Waggott

Janet Waggott, Chief Executive

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|--|
| Dates of next meetings (2.00pm) Wednesday, 12 January 2022 |
|--|

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, 10 November 2021 |
| Time: | 2.00 pm |
| Present: | Councillor J Cattanach in the Chair Councillors J Mackman (Vice-Chair), M Topping, K Ellis, I Chilvers, R Packham, P Welch, D Mackay and C Richardson |
| Officers Present: | Martin Grainger – Head of Planning, Ruth Hardingham – Planning Development Manager, Glenn Sharpe – Solicitor, Diane Holgate – Preincipal Planning Officer, Garth Stent – Principal Planning Officer, Jac Cruicshank – Planning Officer, Ashley Pratt – North Yorkshire County Council Highways Officer, Jack Hopper – Environmental Health Officer, Victoria Foreman – Democratic Services Officer |
| Press: | 1 |
| Public: | 27 |

40 APOLOGIES FOR ABSENCE

There were no apologies for absence.

41 DISCLOSURES OF INTEREST

All Committee Members declared a non-pecuniary interest in agenda items 5.1 - 2020/0149/FULM – Sellite Blocks Ltd., Long Lane, Great Heck, Goole and 5.3 – Staynor Hall, Abbots Road, Selby as they had all received several representations in relation to the two applications; however, no Members were required to leave the meeting during consideration thereof.

42 CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair announced that an Officer Update Note had been circulated and was available to view alongside the agenda on the Council's website.

The Committee noted that any late representations on the applications would be summarised by the Officer in their presentation.

The Chair announced that the order of business had been amended so that item 5.3 (2015/0452/EIA – Staynor Hall, Abbots Road, Selby) would be taken first, followed by item 5.1 (2020/0149/FULM - Sellite Blocks Ltd., Long Lane, Great Heck) and lastly item 5.2 (2021/0860/HPA – 19 Dower Chase, Escrick).

43 MINUTES

The Committee considered the minutes of the Planning Committee meeting held on 6 October 2021.

RESOLVED:

To approve the minutes of the Planning Committee meeting held on 6 October 2021 for signing by the Chairman.

44 PLANNING APPLICATIONS RECEIVED

The Planning Committee considered the following planning applications.

44.1 2015/0452/EIA (8/19/1011AV/PA) - STAYNOR HALL, ABBOTS ROAD, SELBY

Application: 2015/0542/EIA

Location: Staynor Hall, Abbots Road, Selby

Proposal: Reserved matters application for the erection of 215 dwellings following outline approval CO/2002/1185 (8/19/1011C/PA) for the erection of 1200 dwellings (4 existing to be demolished) employment, public open space, shopping and community facilities (including up to 2,000 sq. m of shops) together with associated footpaths, cycleways, roads, engineering at Phase 4

The Planning Officer presented the application which had been brought to Committee as it was a significant residential development that had received 3rd party objections, which raised material planning considerations in objection to the scheme, and Officers would otherwise determine the application contrary to these representations. The application was also EIA development owing to the original outline consent.

Members noted that the application was for a reserved matters application for the erection of 215 dwellings following outline approval CO/2002/1185 (8/19/1011C/PA) for the erection of 1200 dwellings (4 existing to be demolished) employment, public open space, shopping and community facilities (including up to

2,000 sq. m of shops) together with associated footpaths, cycleways, roads, engineering at Phase 4.

In attendance at the meeting was a Highways Officer from North Yorkshire County Council.

An Officer Update Note had been circulated and published online ahead of the meeting which contained significant additional information for the consideration of Members; it included a consultation response from Selby Town Council, an additional representation from Selby College and their consultants WSP, seven supplementary objections from residents, further information from the applicant's agent and comments from North Yorkshire Police and VPK Holdings. There were also amendments to Conditions 4, 5, 9, 12 and 13.

The Committee asked numerous questions of the Officer about various aspects of the application. These included access to the Staynor Hall estate via Abbots Road and related road safety issues for students and residents, the distance of the proposed houses from Staynor Wood, noise impact on residential properties, landscaping and the potential effect of the scheme on ancient woodland, piling and scheme viability, access arrangements as per the outline of the original masterplan, the removal of trees and verges to provide the aforementioned access and the width of the resulting hardstanding. The Committee also queried if any other points of access had been considered as part of the scheme; Officers confirmed that in the original 2002/2005 application access via Bawtry Road had been contemplated but was deemed to be not possible.

Judith Firth, objector, was invited to speak at the meeting and spoke against the application.

The Committee noted that the Chair had given his permission for a second objector to speak at the meeting; as such Phil Sayles, Principal of Selby College, was invited to speak at the meeting and spoke against the application.

Councillor Steve Shaw-Wright, Ward Councillor, was invited to speak at the meeting and spoke against the application.

Paul Butler, applicant, was invited to speak at the meeting and spoke for the application.

Members went on to debate the application in detail. The Committee felt that traffic surveys around the college should be undertaken at peak times if not already done, as this was a crucial piece of information. The Officer from North Yorkshire County Council confirmed that there were no objections to the scheme from the Highways Team.

The Committee asked if alternative access points along East Common Lane had been considered; Officers responded that it had not been included in past discussions. Members were reminded that they needed to consider the matters before them, but should the application be deferred, alternative access could be explored, which would likely require significant reengineering of the scheme.

Members made it clear that they had contemplated the various options as set out in the report, and whilst some were supportive of the recommendation to grant, the majority of the Committee were of the opinion that the proposed access was not safe, and as such, the application should be deferred in order for Officers to consider it again. As well as deferral, a site visit was proposed to be undertaken at peak traffic times in order for Members to see the reality of traffic flow down Abbots Road. The Committee also felt that the impact on the adjoining woodland needed to be explored further, the Landscape Architect consulted on the scheme and alternative access investigated.

It was proposed and seconded that the application be DEFERRED. A vote was taken and was carried.

RESOLVED:

That the application be DEFERRED in order for:

- **a site visit, at peak traffic times, to be undertaken;**
- **Officers to explore further alternative access to the site and the impact of the proposals on the nearby woodland; and**
- **the Landscape Architect to be consulted on the scheme.**

44.2 2020/0149/FULM - SELLITE BLOCKS LTD., LONG LANE, GREAT HECK, GOOLE

Application: 2020/0149/FULM

Location: Sellite Blocks Ltd., Long Lane, Great Heck, Goole

Proposal: Proposed erection of a foamed glass manufacturing facility including hard surfacing for material storage

The Principal Planning Officer presented the application which had been considered by the Committee on 6 October 2021, as the application was a major application where 10 or more letters of representation had been received against the officer recommendation. Members had resolved to defer the application for a site visit to assess the impact on the highway, visual impact on the countryside and the impact on occupiers of residential properties. The Committee had also deferred for further information with regards to the necessary conditions, HGV traffic movements, hours of operation, clarification of emissions from the plant and further details on visual impact. Planning Committee Members, Parish Councillors and Mr Vendy as agent for Heck Parish Council had been invited to the site visit along with NYCC Highways Officer and SDC Environmental Health Officer.

Members noted that the application was for the proposed erection of a foamed glass manufacturing facility including hard surfacing for material storage.

In attendance at the meeting was an Environmental Health Officer from Selby District Council.

An Officer Update Note had been circulated and published online ahead of the meeting which gave details of an amendment to the recommendation and Heads of Terms for the legal agreement, additional information from the applicant relating to traffic routing, draft CEMPs and the landscaping scheme, comparison of building heights to other tall buildings in the district and lastly additional representations from objectors that referred to the Local Plan and landscaping.

The Committee asked numerous questions of the Officer about the scheme which covered other block manufacturing in the area, building elevation and visibility of the highest point, night-time operations and resultant noise and the views of the Landscape Officer.

Officers explained that the facility was one of a number of such businesses in the area, which also included environmental and waste recycling companies.

The Committee were informed that a noise impact assessment had been undertaken by Environmental Health at both day and night; the operations at night were between 11.00pm and 7.00am. The Environmental Health Officer was satisfied that suitable mitigation measures were in place to reduce noise. Officers also confirmed that the night operations were reduced from those in the day and that there were fully enforceable conditions regarding the use of such things as vehicle reversal beepers.

Lastly, Members noted that in terms of the Landscape Officer's report when considering views of the facility, the landscape effects were moderate adverse to negligible, as were the visual effects. Officers confirmed that subject to the landscaping scheme, the residual effects on the landscape were not considered to be significant. The proposed development would be visible from close, medium and long-range regions of the surrounding landscape because of the substantial height and scale. Mitigation measures would reduce the visual effects but were less effective in terms of the tallest part of the building. As a result, it was accepted by all parties that the tallest part of the building would be seen, which could not be mitigated against.

Stuart Vendy, objector, was invited to speak at the meeting and spoke against the application.

John Hunter, Heck Parish Council, was invited to speak at the meeting and spoke against the application.

Councillor J McCartney, Ward Member, was invited to speak at the meeting and spoke against the application.

Colin Hope, applicant, was invited to speak to the meeting and spoke in favour of the application.

Members debated the application further and acknowledged that the scheme before them constituted a major application; some Members felt that the proposals were acceptable and that potential effects on the surrounding landscape and residential amenity were manageable though the numerous conditions attached to the Officer's recommendation.

Other Committee Members strongly felt that in terms of the scheme's carbon footprint there needed to be policies that took this into account so it could be properly assessed; as a result some Members stated they would not be supporting the application.

The site visit undertaken by the Committee was judged to have been very useful as it had allowed Members to assess how the proposals would impact the surrounding area; on balance, the application was felt to be acceptable.

It was proposed and seconded that the application be GRANTED. A vote was taken and was carried.

RESOLVED:

1. That the application be GRANTED, subject to the conditions set out in paragraph 3 of the report and the Officer Update Note, and the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) in relation to the following matters:
 - a) long term landscape and ecology management plan (30 years);
 - b) delivery of 10% biodiversity net gain on land identified within the blue land (owned by the applicant) in accordance with a detailed scheme to be agreed; and
 - c) traffic routing plan for HGVs.
2. That the Head of Planning/Panning Development Manager be authorised to issue the planning permission on completion of the agreement.

44.3 2021/0860/HPA - 19 DOWER CHASE, ESCRICK

Application: 2021/0149/FULM

Location: 19 Dower Chase, Escrick

Proposal: Erection of a new first floor annexe over the existing garage

The Planning Officer presented the application which had been brought to Committee as the applicant was a Ward Councillor.

Members noted that the application was for the erection of a new first floor annexe over the existing garage.

It was proposed and seconded that the application be GRANTED. A vote was taken and was carried.

RESOLVED:

That the application be GRANTED, subject to the conditions set out in paragraph 7 of the report.

The meeting closed at 5.22 pm.

Planning Committee

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

1. The legislation that allowed Councils to take decisions remotely came to an end on 7 May 2021. As such, Planning Committee meetings are now back to being held 'in person', but the Council still needs to be mindful of the number of attendees due to Covid-19. If you are planning to attend a meeting of the Committee in person, we would ask you to please let Democratic Services know as soon as possible. The meetings will still be available to watch live online.
2. If you are intending to speak at the meeting, **you will now need to come to the meeting in person**. If you cannot attend in person, **you will need to provide a copy of what you wanted to say so it can be read out on your behalf**.
3. 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.
4. 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 published on the Council's website alongside the agenda.
5. 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>
6. Each application will begin with the respective Planning Officer presenting the report including details about the location of the application, outlining the officer recommendations, giving an update on any additional representations that have been received and answering any queries raised by members of the committee on the content of the report.
7. The next part is the public speaking process at the committee. Speakers will need to attend the meeting in person and are strongly encouraged to comply with Covid-safe procedures in the Council Chamber such as social distancing, mask wearing (unless exempt), sanitising of hands etc.
8. The following speakers 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 Democratic Services **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).**

- 9. If registered to speak but unable to attend in person, speakers are asked to submit a copy of what they will be saying **by 3pm on Monday before the Committee meeting** (amended to the Tuesday if the deadline falls on a bank holiday). This is so that their representation can be read out on their behalf (for the allotted five minutes).
- 10. Speakers physically attending the meeting and reading their representations out in person do **not** need to provide a copy of what they will be saying.
- 11. The number of people that can access the Civic Suite will need to be safely managed due to Covid, which is why it is important to let Democratic Services know if you plan on attending in person.
- 12. When speaking in person, speakers will be asked to come up to a desk from the public gallery, sit down and use the provided microphone to speak. They will be given five minutes in which to make their representations, timed by Democratic Services. Once they have spoken, they will be asked to return to their seat in the public gallery. The opportunity to speak is not an opportunity to take part in the debate of the committee.
- 13. 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.
- 14. The members of the committee will then debate the application, consider the recommendations and then make a decision on the application.
- 15. 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.
- 16. 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.
- 17. This is a council committee meeting which is open to the public.

18. Selby District Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform Democratic Services of their intentions prior to the meeting on democraticservices@selby.gov.uk
19. The arrangements at the meeting may be varied at the discretion of the Chairman.
20. Written representations on planning applications can also be made in advance of the meeting and submitted to planningcomments@selby.gov.uk. All such representations will be made available for public inspection on the Council's Planning Public Access System and/or be reported in summary to the Planning Committee prior to a decision being made.
21. Please note that the meetings will be streamed live on YouTube but are not being recorded as a matter of course for future viewing. In the event a meeting is being recorded, the Chair will inform viewers.
22. These procedures are being regularly reviewed.

Contact: Democratic Services

Email: democraticservices@selby.gov.uk

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Agenda Item 5

Items for Planning Committee

8 December 2021

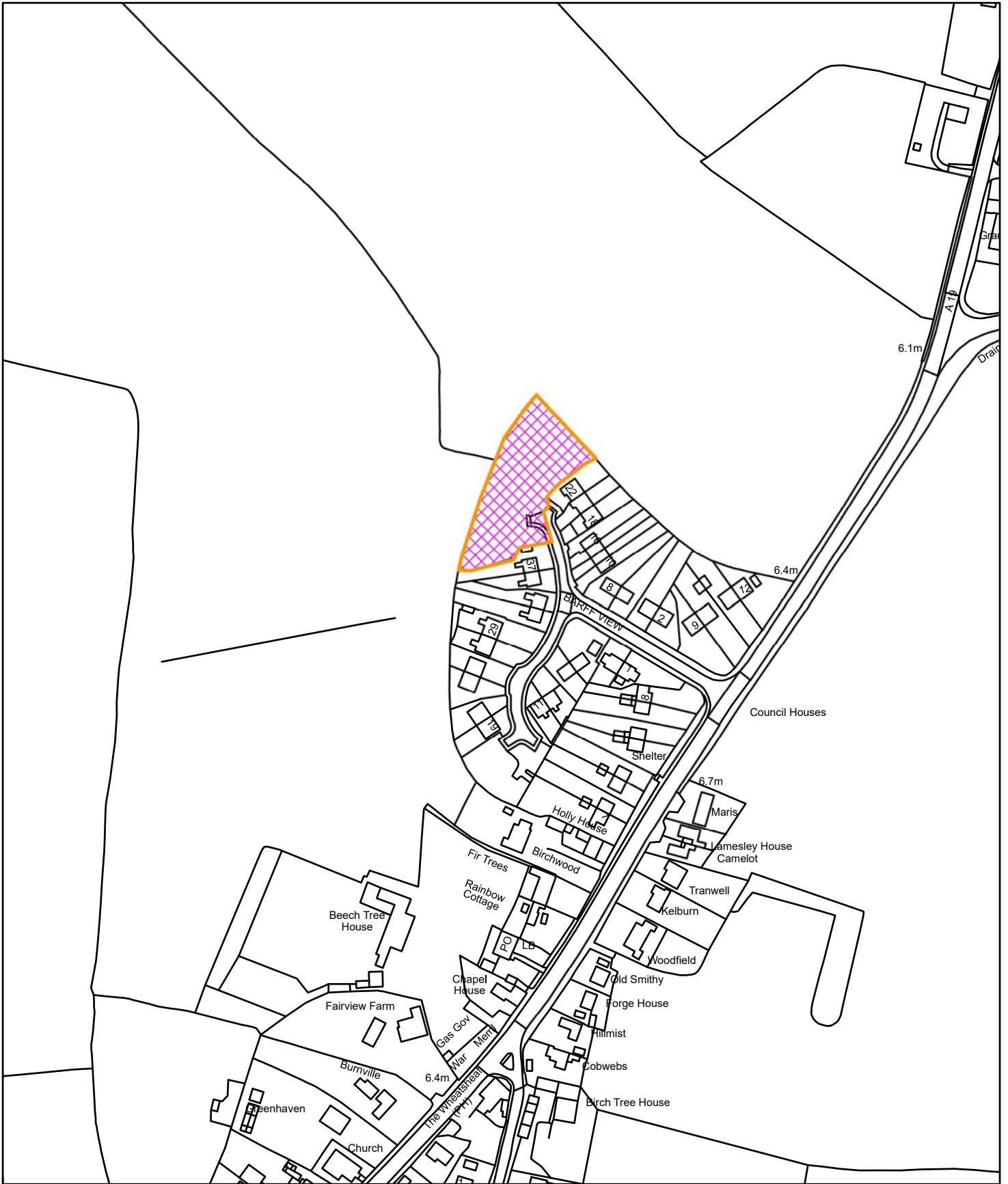
| Item No. | Ref | Site Address | Description | Officer | Pages |
|----------|----------------|---|---|---------|-----------|
| 5.1 | 2020/0014/FULM | Land Off Barff View, Burn, Selby | Proposed construction of 10 affordable homes, to include a two-storey block of six two-bedroom apartments and four single-storey two bedroom semi-detached properties | FIEL | 15 - 46 |
| 5.2 | 2021/0789/FULM | Land South of Electricity Substation, Rawfield Lane, Fairburn | Construction of a zero-carbon energy storage and management facility including containerised batteries, synchronous condensers and associated infrastructure, access and landscaping | FIEL | 47 - 82 |
| 5.3 | 2021/0633/FULM | Land South of Electricity Substation, Rawfield Lane, Fairburn | Installation and operation of a battery storage facility and ancillary development on land off Rawfield Lane, Monk Fryston | FIEL | 83 - 116 |
| 5.4 | 2020/1391/FUL | Land Off York Road, North Duffield | Change of use of land from agriculture to domestic curtilage and formation of new field boundary (retrospective) | IRSI | 117 - 130 |
| 5.5 | 2021/0913/S73 | Green Lane, North Duffield | Section 73 application to remove condition 07 (Highway Improvement Works) of approval 2018/0273/REM Reserved matters application relating to Reserved Matters approval appearance, landscaping, layout, scale and access of approval 2015/0520/OUT Outline application (with all matters reserved) for residential development (9 dwellings) granted on 13 March 2018 | GAST | 131 - 146 |
| 5.6 | 2021/1295/REM | Yew Tree House, Main Street, Kelfield | Reserved matters application (following the 2017/0701/OUT) including access, appearance, landscaping, layout and scale for the erection of 6 No dwellings | GAST | 147 - 170 |
| 5.7 | 2020/0718/FUL | New Coates Farm, Hirst Road, Carlton | Creation of a bund/bank to protect properties from flooding (retrospective) | DACO | 171 - 184 |
| 5.8 | 2020/0719/FUL | Coates Hall Lodge, Hirst Road, Carlton | Creation of a bund/bank for flood protection (retrospective) | DACO | 185 - 198 |

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Agenda Item 5.1

2020/0014/FULM

Land off Barff View, Burn



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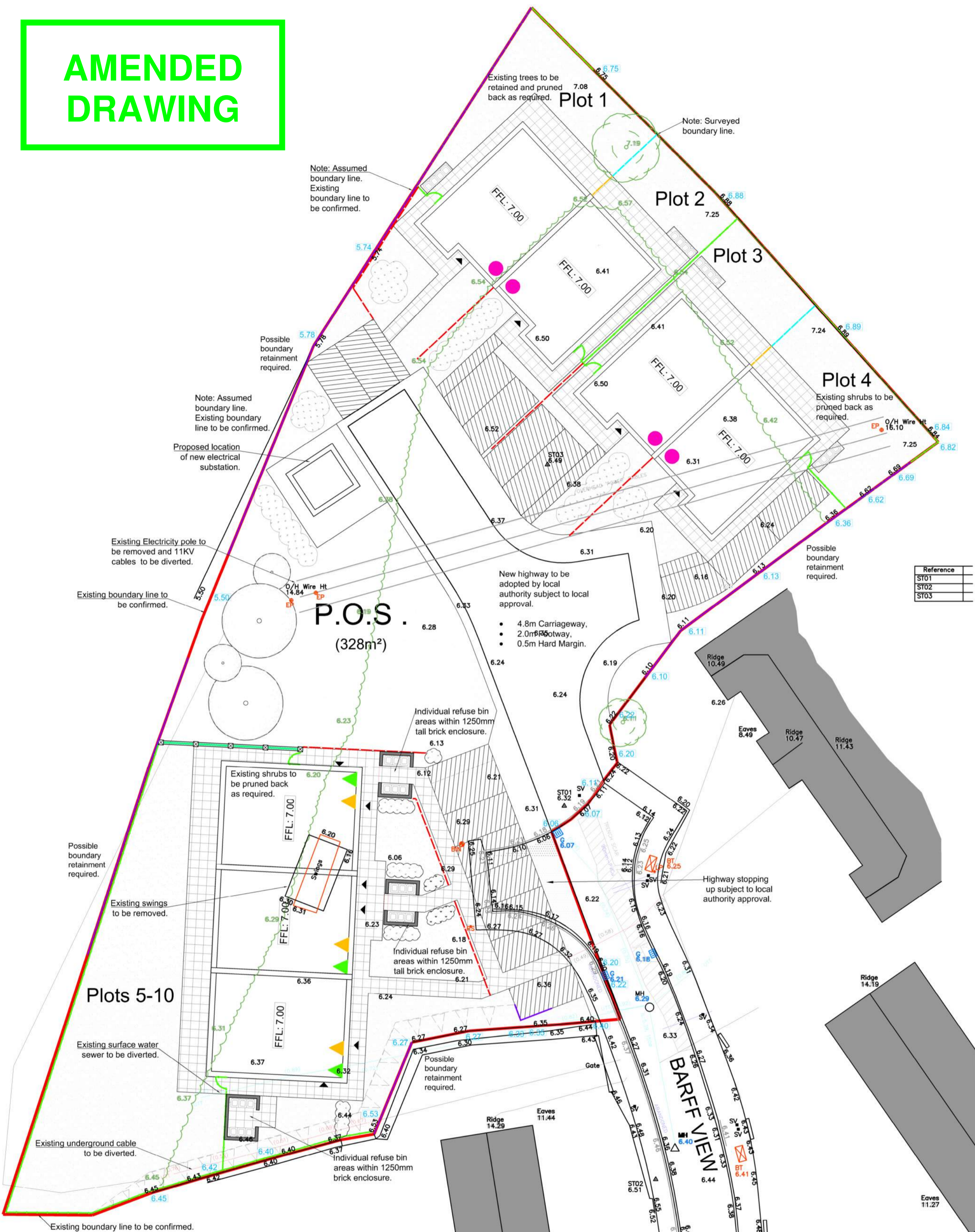
AMENDED DRAWING

The general contractor is responsible for the verification of all dimensions on site and the architect is to be informed of any discrepancy.

The status of information contained in a computer copy of this drawing shall be limited to that conveyed by the paper copy.

Revisions:

| | | |
|--|------------|--------|
| Rev. A | 23.09.2019 | NG/DRP |
| Electrical substation location indicated. | | |
| Rev. B | 16.10.2019 | NG/DRP |
| Railings amended following DTM comments. Red line boundary amended. Apartments internal areas amended. 2m footways and bin collection point added. | | |
| Rev. C | 04.12.2019 | NG/DRP |
| Schedule of accommodation updated. Entrance paths amended. | | |
| Rev. D | 21.01.2020 | DRP/NG |
| Refuse bin storage areas indicated for plots 5-10. | | |
| Rev. E | 17.03.2020 | DRP/NG |
| Highway adjusted to ensure 4.8m carriage way, 2m footways and 0.5m margin is achieved. | | |
| Rev. F | 01.07.2021 | RB/DRP |
| Proposed FFLs shown. | | |



| Reference |
|-----------|
| ST01 |
| ST02 |
| ST03 |

Schedule of Accommodation

| | | |
|---------------------|--------|---------|
| ▲ 2B3P GF apartment | @ 58m² | - 03no. |
| ▲ 1B2P FF apartment | @ 65m² | - 03no. |
| ● 2B3P Bungalow | @ 61m² | - 04no. |
| Total | | - 10no. |

Site area - 0.25ha - 0.62 acres
Density - 40 units/ha - 16.13 units/acre

Notes

Layout based on topographical survey by HH Surveys Ltd drawing number WSM/341/SP_2D, tree positions based on arboricultural survey by Smeeden Foreman SF 2947-2 drawing no. TC01.

Layout dependant upon confirmation of legal site boundary, confirmation of statutory services routes & subject to Highway approval.

Drainage strategy subject to further detailed design, subject to Phase I & II Geo-technical Survey and Drainage Assessment.

Boundary Treatments & Finish floor levels subject to further detailed design.

Aspect distances subject to agreement with local authority.

Where necessary existing street furniture, bollards & signage to be removed / relocated by main contractor.

Key:

- 0.9m High powder coated metal railings
- 1.5m High close boarded fence with 300mm trellis
- 1.5m High close boarded fence
- 1.8m High close boarded fence
- 1.8m High close boarded timber fence with dwarf wall and brick piers
- Possible retainment subject to further detailed design.
- Proposed location of new trees and soft landscaping
- Permeable bitumen macadam to driveways incorporating 900mm wide path, demarcated with concrete pin kerb.
- Marshalls Saxon Paving or similar paving to properties.
- Existing tree to be removed
- Existing tree to be retained.



Site Layout Barff View Burn, Selby Selby District Council

SELBY
DISTRICT COUNCIL

Drawing Status

| | |
|--------------------------------------|--|
| <input type="checkbox"/> preliminary | <input checked="" type="checkbox"/> planning |
| <input type="checkbox"/> information | <input type="checkbox"/> tender |
| <input type="checkbox"/> comment | <input type="checkbox"/> construction |
| <input type="checkbox"/> approval | <input type="checkbox"/> record/as built |

Scale 1:200 @ a2
Date September 2019
Drawn/Checked NG/DRP
Dwg No 2430.05.206F

Acanthus WSM Architects

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Report Reference Number: 2020/0014/FULM

To: Planning Committee
Date: 8 December 2021
Author: Fiona Ellwood (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

| | | | |
|---------------------|---|--------------|---------------------|
| APPLICATION NUMBER: | 2020/0014/FULM | PARISH: | Burn Parish Council |
| APPLICANT: | Selby District Council | VALID DATE: | 8th January 2020 |
| | | EXPIRY DATE: | 8th April 2020 |
| PROPOSAL: | Proposed construction of 10 affordable homes, to include a two-storey block of six two-bedroom apartments and four single storey two bedroom semi-detached properties | | |
| LOCATION: | Land Off Barff View Burn Selby North Yorkshire | | |
| RECOMMENDATION: | GRANT | | |

This application has been brought before Planning Committee due to it being an application by Selby District Council for its own development on its own land.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The site comprises an area 0.25 ha of council owned undeveloped land located at the end of a cul-de-sac on Barff View, Burn. It is on the edge of the settlement within the development limits and there are agricultural fields bordering the site to the north, west and east. The northwest side is bounded by part of a belt of hedgerow and trees which extends off site to the northwest. There is play equipment in the form of dilapidated swings located centrally. Existing adjacent properties comprise mostly two storey, red brick semi-detached dwellings, bungalows and terraces.

The Proposal

- 1.2 The proposed is a rural housing scheme for the construction of 10 affordable homes. These would include a two-storey block of six two-bedroom apartments on the southwest side. There would be 3 on the ground and 3 on the first floor. On the north section there would be four single-storey two-bedroom semi-detached properties with frontage facing southwest and rear windows orientated north over the fields. 7 of the 10 units would comprise ground floor sleeping accommodation. The houses would be constructed of red brick with dark grey roof tiles. An area of approximately 328 sqm within the centre of the site would be retained as public open space. The development also includes an offsite area of undeveloped land at the southern end of Barff View cul-de-sac approximately 100m south of the proposals site. This area would be enhanced with improvements to ecology to provide a 360 sqm area of public open space to offset the loss of recreational open space within the site due to the development. This area is identified in green on the Public Open Space Plan provided.

Relevant Planning History

- 1.3 The following historical applications are considered to be relevant to the determination of this application:
- CO/1988/0797 (8/21/77/PA): Outline application for residential development with area retained for recreational purposes in accordance with Regulation 5(1) of the Town and Country Planning Act on land at, Barff View, Burn, Selby. Permitted on 21 November 1988.
 - Condition 4 of this permission states that “land shall be reserved within the application site to such an extent and in such a location as may be approved in writing by the local planning authority for the purpose of providing communal open-air recreation (including children’s play area). No specific area was defined as part of the application details. The permission was not implemented and expired with no reserved matters being submitted.
 - NB: The site area for the above included the whole of the current application site plus an additional area to the east (later the subject of a full permission 9/21/77A/PA- see below).
 - 9/21/77A/PA- Yorkshire Metropolitan Housing Association for 3 x 2 bed bungalows and 4 x 2 bed terraced houses. Permitted 2/9/1993. This permission relates to the development at the north-eastern end of Barff View adjoining the application site and has been implemented.

2. CONSULTATION AND PUBLICITY

Consultation

2.1 NYCC Highways

The principal of a development in this location is acceptable to the highway authority. No objection to the proposed stopping up order but procedures and consultations need to be followed before a final decision is made on the stopping up

order. Initially raised some issues in relation to carriage way width, turning for fire attendants and refuse vehicles, bin collection and cycle provision.

Following further information and discussions, still had some concerns regarding the existing turning head and the fact it will remain to the northeast. The north-western part of the turning head will be removed and stopped up by Selby DC to facilitate additional car parking for the proposed dwellings. The Highway Authority would have no objections to the stopping up of this land. However, whilst the north-eastern part of the existing turning head would be better removed to show continuity of the carriageway and footway, it is noted that an existing property gains access from this point and therefore no objections are raised. Other previous concerns have been addressed. Therefore, no local Highway Authority objections and conditions are recommended.

2.2 Waste and Recycling Officer

No comments received.

2.3 Environment Agency

Initial Objections.

- (i) Most of the site lies within Flood Zone 3, with a high probability of flooding. The application is for the construction of 10 residential dwellings, which are classified as 'more vulnerable' land use in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance: Flood Risk and Coastal Change. It is therefore necessary for the application to be supported by a site-specific flood risk assessment (FRA), which can demonstrate that the 'development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall'.
- (ii) The submitted FRA, fails to comply with the requirements for site-specific flood risk assessments because it doesn't consider how a range of flooding events, including climate change scenarios, will affect people and property and does not therefore adequately assess the development's flood risks.
- (iii) In particular, the FRA fails to:
 - assess the predicted depths of flooding on site for a range of flood events including the 1% annual probability fluvial and 0.5% annual probability tidal design flood events
 - provide any assessment of breach and overtopping scenarios
 - take into consideration the impacts of climate change
 - exclude ground floor sleeping accommodation.
 - demonstrate that proposed mitigation measures are sufficient to ensure the development remains dry and safe for the lifetime of the development.
- (iv) Once the site-specific flood levels have been determined using the Selby Level 1 SFRA, the applicant should raise finished floor levels to exclude the predicted flood water depths. Where it can be demonstrated that finished floor levels cannot be sufficiently raised, other passive resistance measures may be considered to exclude water up to the predicted flood depth.

The FRA has not assessed or provided robust justification why finished floor levels are proposed to be raised 300mm and if the proposals are adequate to ensure the safety of occupants. Where water exclusion is required above 600mm, we draw the applicant's attention to the document titled "Improving the Flood Performance of New Buildings – Flood Resilient Construction". Further information can be found here. The applicant should ensure the building is structurally sound to withstand the depths and hazard of flooding predicted.

- (v) With respect to residential accommodation and in accordance with Tables 1, 2, and 3 of the PPG, ground floor sleeping accommodation should not be permitted, or allocated, in Flood Zone 3. Sleeping accommodation should be restricted to the first floor or above to offer the required 'safe places'. If the applicant intends to retain ground floor sleeping accommodation, they must demonstrate that the ground floor of all residential properties remain dry during the design flood events with an allowance for climate change and as assessment of breach and overtopping scenarios in line with the Selby Level 1 SFRA.

2.4 Objections maintained on further subsequent revised submitted information due to;

- With finished floor levels raised only 300mm above ground this could result in between 300 and 500mm of internal flooding affecting the development over it's lifetime.
- For a habitable use to be applied the safe maximum internal flood depth to allow safe internal access and egress is 300mm.
- Where ground floor sleeping is proposed it must be demonstrated to be dry for it's lifetime.
- In order to make the development safe and allow a habitable use on the ground floor for the lifetime of the development, finished floor levels could be raised further, or flood proof construction techniques could be used to ensure that the ground floor flats remain safe/dry.

2.5 Following further information on levels and a revised FRA the EA withdraw their objections subject to a condition to:

- (i) secure finished floor levels no lower than 7 metres above Ordnance Datum
- (ii) Mitigation measures incorporated

Para (i) of initial comments reiterated and reminder to LPA of the need to decide if the Sequential test and Exception Test has been satisfied.

2.6 Yorkshire Water Services

Recommends conditions in relation to drainage for foul and surface water, discharge of surface water, diversion of public sewerage infrastructure. Queries and concerns were raised regarding surface water to the public combined sewer. Following receipt of further information Yorkshire Water confirmed no objection to the proposed discharge rate of 3.5 (three point five) litres per second to the public surface water sewer crossing the site. Comments and recommended conditions from previous responses still apply.

2.7 NYCC Lead Local Flood Authority

- Agree the approach to discharge to Yorkshire water surface water sewer.
- Clarification of highway drainage needed.
- Flood Zone 3 therefore LPA should satisfy itself of sequential test and exception test.
- The EA should be consulted about the finished levels.

Recommends refusal because the submitted documents are limited and further information is needed on:

- a maintenance plan detailing the frequency of maintenance of the features for their lifetime has not been provided.
- Confirmation of the drainage arrangements for the highway surface water has not been provided.

(Information requested and an update will be given at Planning Committee)

2.8 Selby Area Internal Drainage Board

Comments made in relation to surface water options and conditions recommended and informatives should consent be required from the IDB.

2.9 Yorkshire Wildlife Trust

No comments received.

2.10 NYCC Ecologist

Most of the site is amenity grassland of low nature conservation value, but it also contains a belt of scrub along the western boundary and a narrow strip of tall-herb vegetation along the northern boundary. The scrub habitat is likely to be more significant for mammals, invertebrates and birds than is suggested in the PEA, which provides scant information on the fauna using this habitat.

Initial concerns raised:

- The PEA includes non-committal advice rather than expressions of intent of what the applicant will deliver. This is too open ended to secure by condition. Some of the measures don't appear on the plan.
- Biodiversity deficit will need to be made up by creating suitable habitat on other land in the applicant's ownership. Strongly encourage the creation of a similar habitat of thicket/woodland to replace what would be lost. Recommend the applicant uses DEFRA's Biodiversity Metric system to provide a clear and objective assessment of habitat loss and how this will be offset by compensation measures.
- Trees are earmarked for removal and at least one of these has the potential for bat roosts. Surveys for protected species cannot be conditioned and must be completed within the bat activity season.

Following receipt of further bat surveys and a revised PEA concludes that:

- Confirm the tree can be felled without constraint.

- Biodiversity – not resolved. Using the DEFRA Metric there would be a 24% loss. Recommend that other areas of land within the applicant's ownership should be used to provide biodiversity enhancement to offset the loss. Reiterate that the proposals do not comply with national planning policy. Further proposals needed to deliver this biodiversity gain.
- Recommend adherence to the guidance and mitigation measures contained in the revised ecological appraisal regarding species and implementing landscape proposals.

2.11 Designing Out Crime Officer

The overall design and layout of the proposed scheme is considered acceptable.

2.12 North Yorkshire Fire & Rescue Service

No objection to the proposed development. Will make further comment at the time when a statutory Building Regulations consultation to the Fire Authority.

2.13 Public Rights of Way Officer

No comments received.

2.14 Education Directorate North Yorkshire County Council

No comments received.

2.15 NYCC Heritage Officer

Archaeological Background: The proposal is within the historic settlement of Burn. However the small scale of the development is unlikely to have a significant impact on archaeological remains.

2.16 Burn Gliding Club Ltd.

No comments received.

2.17 Contaminated Land Consultant

The reports and the site investigation works are acceptable. Conditions recommended.

2.18 Environmental Health

No adverse effects on surrounding property and local amenities once operational. Potential adverse effects on residents of the existing residential properties near to the proposed development site during construction phases which are likely to create dust, noise and vibration which may cause disturbance.

Recommend a Construction and Environmental Management Plan (CEMP) condition.

2.19 Burn Parish Council

- The proposal differs significantly from the original proposal on which the Parish Council was consulted.
- The proposal constitutes excessive development.
- The access for emergency appliances is poor.
- There is a lack of turning provision to allow vehicles to drive onto the highway.
- The proposed development is in a level 3 flood risk area.
- The proposal will have an adverse effect on the amenity of adjacent properties.
- Burn village has no amenities other than the pub and the Methodist Chapel.

Publicity

2.20 The application was advertised by standard site notice and by press notice and site notice (as a departure) resulting in 2 letters of representation. These representations raised the following concerns:

- Appear to try to fit in as many properties as they can down the street.
- The drainage is poor and floods regularly, sewage work down the street will also required upgrading as it is struggling to cope at the moment.
- Powercuts are also frequent in the village.
- Only 1 access onto a busy main road which is poorly lit. The road and pathways are in a poor state of repair, the road has not been resurfaced, this is despite the rest of the village roads being repaired and fully resurfaced on at least 2 occasions within the last 4 years.
- The building work is to take place over a children's park, there is nowhere for them to play safely in the village and no provisions for them to use.
- Limited amenities in the village, no shops, bus service unreliable and non existent after 7pm daily and not on a Sunday. Question whether there are provisions in place for this to change or improve.
- There is a lack of parking available at the moment for the number of cars down the street, leaving residents and any visitors having to park on the streets, further development would see this increase. The provisions for 15 spaces would not be enough to cover future residents and visitors to the street.
- In an emergency the Emergency services would struggle to get down on occasions
- Why build on the only green space in the village when there is a disused airfield in the village.
- Question how many houses are planned for Brayton Green.
- Power transformer for the estate is in the middle of the site –future problems for maintenance by power companies.
- Access road not wide enough.

3 SITE CONSTRAINTS

Constraints

3.1 The site is within a low development risk (coal) area and the Burn Airfield Consultation Zone. It is within the settlement of Burn on the northwest side and is within the development limits as defined in the Local Plan. In the Selby District Core

Strategy Burn is a secondary village. The land is currently an undeveloped area of open space land part of which contains play equipment.

- 3.2 A small part of the site encompassing the northern most corner is designated Recreational Open Space within the adopted Selby District Local Plan (LP) and is protected under LP Policy RT1.
- 3.3 The majority of the site is within Flood Zone 3 and within an area benefiting from flood defences.
- 3.4 An electricity step down transformer is located on the west boundary of the site with overhead cables running over the site in approximately west to east direction.

4 POLICY CONSIDERATIONS

- 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 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. Consultation on preferred options took place in early 2021. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The National Planning Policy Framework (July 2021) (NPPF) replaced the February 2019 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 2021 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

"219...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 (CS)

4.6 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: The Scale and Distribution of Housing
SP8: Housing Mix
SP9: Affordable Housing
SP10: Rural Exception Sites
SP12: Access to services, community facilities and infrastructure
SP15: Sustainable Development and Climate Change
SP18: Protecting and Enhancing the Environment
SP19: Design Quality

Selby District Local Plan (LP)

4.7 The relevant Selby District Local Plan Policies are:

RT1: Recreation Open Space
ENV1: Control of Development
ENV2: Environmental Pollution and Contaminated Land
T1: Development in Relation to Highway
T2: Development including creation of a new access

Other Policies / Guidance

The following are considered to be relevant:

- Affordable Housing SPD (2014)
- Flood Risk Sequential Test Guidance Note (March 2019)

5 APPRAISAL

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

1) The principle of the development.

2) The impacts of the proposal on:

- Character and Appearance and Impact on the Locality
- Highway Safety
- Residential Amenity
- Flood Risk, Drainage and Climate Change
- Nature Conservation and Protected Species
- Affordable Housing
- Contamination
- Waste and Recycling
- CIL

The Principle of the Development

- 5.2 Policy SP1 of the Selby District Core Strategy Local Plan (2013) 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.
- 5.3 The application site is situated within the Development limits of Burn where SP2 and SP4 of the Core Strategy applies. Policy SP2A sets out the Spatial Development Strategy for the District and directs the majority of new development hierarchically first to the towns and service Centre's, then to Designated Service Villages. Burn is a Secondary Village where SP2 b) sets out that only limited amounts of residential development may be absorbed inside Development Limits where it will enhance or maintain the vitality of rural communities, and which conforms to the provisions of Policy SP4 and SP10 of the CS. The development of this site for 10 affordable units is a small-scale development which could enhance the vitality of the rural community due to the provision of much needed small social housing units for locals. It is therefore consistent with the aims of Policy SP2.
- 5.4 Policy SP4 of the CS relates to the management of residential development in settlements and sets out at SP4 a) bullet point 2 that in secondary villages the following types of development will be acceptable in principle within development limits: "...conversions, replacement dwellings, redevelopment of previously developed land, filling of small linear gaps in otherwise built-up residential frontages, and conversions/redevelopment of farmsteads." In all cases proposals will be expected to protect local character, to preserve and enhance the character of the local area, and to comply with normal planning considerations, with full regard to taken of the principles contained in Design codes where available.
- 5.5 The whole site is within the defined development limits. However, it is not the filling in of a small linear gap or a conversion. In terms of previously developed land in built up areas, recreation grounds and parks are specifically excluded from the definition of previously developed land. Although the majority of the site is not formal recreation open space or parkland, it is also not land which has been previously developed. In this respect the proposed development does not fall within any of the exceptions identified in SP4 as being acceptable in secondary villages. It does not therefore comply with SP4 of the CS.
- 5.6 However, Policy SP10 'Rural Exception Sites' sets out that within villages, including secondary villages, planning permission can be granted for small scale 'rural affordable housing schemes' as an exception to normal planning policy provided criteria are met. These are:
- (i) The site is within or adjoining Development Limits in the case of secondary villages.
 - (ii) A local need survey has been identified by a local housing needs survey, the nature of which is met by the proposed development.
 - (iii) The development is sympathetic to the form and character and landscape setting of the village and in accordance with normal development management criteria.
- 5.7 In this case the development complies with Policy SP10 criteria (i) since it is within the development limits.

- 5.8 In terms of criteria (ii) a formal rural housing needs survey by the rural housing enabler has not been undertaken. However, the mix of housing has been based on the HomeChoice register and providing a housing mix which is required in Selby DC stock. The scheme mix is to meet an identified specific affordable housing need for in the Selby District. In terms of 2-bed adapted accommodation, there are 35 active applicants who have self-identified as requiring adapted properties across the district, 1 of those has registered a specific interest in Brayton/Barlow. The scheme will provide 4no. x CAT 2, 2 bed bungalows and 3no. x 2 bed wheelchair accessible apartments.
- 5.9 These properties will contribute to the Council's stock ensuring that residents have access to fit for purpose housing. The 3no. First Floor 1-bedroom apartments will fulfil a chronic housing need due to the lack of access to good quality 1 bedroom accommodation and also the family compositions which do not qualify potential residents for a 2 bed need. Due to the location of the site and existing makeup of the surrounding properties, it is not the ideal location to accommodate a family housing scheme. This is due to the type of amenity available locally, a consideration of the pressure on local infrastructure and the proximity of family housing schemes which have been built in the surrounding locality of Brayton, Hambleton and Selby which under s106 agreement have built this type of housing. Due to the cost and specific nature of the housing mix proposed, if the property types are not built by registered providers, then this housing need will not be met.
- 5.10 As such Officer's consider that this development will meet a specific housing need which cannot be met elsewhere which is met by this development. The proposal is therefore consistent with the aims of SP10 criteria (ii).
- 5.11 In terms of SP10 criteria (iii), this is discussed in more detail in the relevant sections of this report. The development is generally sympathetic to the form and character of the surrounding development.
- 5.12 In relation to the northern tip of the site this would result in the loss of an area of designated recreation open space which must be considered in the context of Policy RT1 of the Local Plan.
- 5.13 Saved Policy RT1 of the LP states that: Proposals which would result in the loss of existing recreation open space and allotments will not be permitted unless:
- 1) The use has been abandoned and the site is not required to remedy an existing deficiency for recreation or allotment use elsewhere in the locality; or
 - 2) Alternative provision of at least the equivalent size, accessibility and quality is made within the locality to serve the needs of the existing community; or
 - 3) Sports and recreation facilities can best be retained and enhanced through the redevelopment of a small part of the site.
- 5.14 The extent of the whole site is regarded as open amenity area but is not formally designated as such. The designated portion of ROS lies beyond a group of trees and high hedges and is barely accessible so is clearly underused. There is a small set of swings in the amenity area but there is no equipment within the area of the ROS itself. The play equipment which exists consists of a single set of old swings provided is on a different part of the site and appears in a dilapidated condition.
- 5.15 The proposed layout plan would include the provision of an area of open space within the centre of the site roughly equivalent to the designated northern section. It

is considered that once laid out and landscaped and positioned in the centre of the new housing, it would provide a useful and accessible designated open space area which improves the existing overgrown area.

- 5.16 In addition to this a further area of land at the southern end of Barff View Cul de sac comprising 360 sqm is intended to be used as public open space with improvements to the ecology to offset the loss of recreational open space due to the development. This area is identified in green on the Public Open Space Plan provided with the application.
- 5.17 It is therefore considered that the loss of the designated area of designated northern recreation open space is adequately compensated for within the development itself and off site. Normally a legal agreement would be required to secure this provision but since it would be inappropriate for the Council to enter into a legal agreement with itself, a condition can be imposed requiring the open space areas to be secured for the long term. Subject to such a condition the development is therefore consistent with the approach advocated in RT1.
- 5.18 Overall although the development would not comply with SP4 it would comply with SP1, SP2, SP10 of the CS and with RT1 of the LP and can be supported in principle.

Character and appearance and impact on the locality

- 5.19 Policy ENV1 (1) and (4) of the Selby District Local Plan set out that proposals should consider the effect upon the character of the area as well as the standard of layout, design and materials in relation to the surrounding. Furthermore, Policy SP19 of the Core Strategy sets out key requirements developments should meet to ensure high quality design is achieved having regard to local character, identity and context of its surroundings.
- 5.20 ENV1 seeks to ensure a good quality of development taking account of, amongst other things, the effect on the character of the area and the standard of the layout, design and materials in relation to the site and its surroundings and associate landscaping. Relevant policies within the NPPF, which relate to design, include paragraphs 126 to 136. Para 130 of the NPPF states that planning decisions should, amongst other things be visually attractive because of good architecture, layout and appropriate and effective landscaping.
- 5.21 The proposed development would result in the loss of an informal undeveloped part of the area and replacement with a housing development. However, most of the site is undesignated open space and there is no requirement to retain it as such. A designated area of public open space would be laid out and landscaped within the centre of the site and would be accessible to residents. This would be an enhancing design feature which contributes positively to the overall streetscape and the design of the scheme.
- 5.22 In terms of the existing landscaping, a tree survey has been submitted categorising the quality of the trees. Only two trees of moderate quality have been identified as worth retaining and these are identified on a tree protection plan with hand excavation required around one tree. The remaining trees and hedgerow would be removed. The loss of these is discussed in ecological terms in the section on nature conservation in this report. However, these are not considered to contribute significantly to the visual quality of the area and the remaining woodland adjoining the northwest

of the site outside the application site boundary would screen the development from the north.

- 5.23 In terms of design the dwelling units are simply designed bungalows and two-storey units. The design, character and form reflect similar bungalows and terraces on Barff View. Materials are indicated to be red brick and dark grey roof tiles and the specific details of these materials can be secured by conditions to ensure they are sympathetic to the surrounding development. The design takes into account the constraints and appearance of the surrounding area and complements the local vernacular. The layout blends well with the existing layout of dwellings on Barff view and reads as a natural extension to it.
- 5.24 In addition to materials the details of the boundary treatments and landscaping planting should also be conditioned to ensure the setting and enhancement of the site and to soften the appearance of the new development within this open context. The plans provided show only indicative areas of planting and fully detailed landscape plan is needed to ensure the species and planting details are sufficient to enhance the development and appropriate for the locality. Boundary details are shown on the revised layout plan, and these are generally considered acceptable and appropriate for this location.
- 5.25 Overall, the scheme is considered to take account of the character of area, in terms of its height, scale, form and type. The proposals are consistent with the aims of Policies ENV1 of the Selby District Local Plan and SP19 of the Core Strategy.

Highway Safety

- 5.26 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. 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.
- 5.27 The layout plan provides for an access and turning area extending off the existing turning head at the end of Barff View. Part of the existing turning head is proposed to be stopped up and replaced with a turning head extending into the site. Seven parking spaces would be provided in front of the two-storey block to serve the six flats. The bungalows on plots 1-4 would each have 2 parking spaces. The spaces for plot 4 would be tandem parking arrangement.
- 5.28 Initially the Highway Authority had concerns with the retention of part of the existing turning head preferring removal and replacement with the new turning head. However, they note that an existing property gains access from this point and therefore agree it can be retained. Several conditions are recommended requiring engineering plans of roads and footpaths, the construction of adoptable roads and footpaths and conditions relating to the visibility, timing, parking, cycle parking, surface water drainage and construction management plans.
- 5.29 Subject to the recommended conditions the scheme is considered acceptable in terms of road safety standards and subject to compliance with the recommended

conditions, the development is considered acceptable in terms of road safety and would not conflict with Policies ENV1 (2) and T1 of the LP.

Residential Amenity

- 5.30 Policy ENV1 (1) of the Selby District Local Plan sets out the approach in respect of the impact of the proposal on residential amenity. Significant weight should be afforded to Policy ENV1 as it is broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved for all existing and future occupants. Policy ENV1 seeks to ensure that a good standard of amenity is achieved for all existing and future occupants of land and buildings.
- 5.31 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighboring properties, overshadowing/overbearing of neighboring properties and whether oppression would occur from the size, scale and massing of the development proposed.
- 5.32 It is noted that no objections have been received in relation to impacts on residential amenity particularly in terms of the relationship to the adjacent properties. Plots 1-4 are single-storey dwellings which would be positioned north of the existing bungalows on Barf View. Given their size form and position they would not result in an overbearing or overshadowing impact on other nearby dwellings. No windows are proposed on the side elevations and therefore no new overlooking would occur. Overall, although modest in size, they would provide a satisfactory level of amenity for future occupants with a small area of private amenity space for each occupant.
- 5.33 Plots 5-10 comprise a terrace with 3 ground floor and three first floor flats. Given their size form and position they would not result in an overbearing or overshadowing impact on other nearby dwellings. The principal room windows would be on the front and rear elevations facing east towards Barff View and west to the open fields. The nearest elevation to existing dwellings would be the south elevation which contains a ground floor door to the upstairs flat and a first-floor landing window. It is considered that the arrangement does not unacceptably reduce the privacy and amenity of the adjacent existing dwellings. Overall, although these are small flats there would be open space garden area to the rear of the dwellings and space and light around the building. They would provide a satisfactory level of amenity for future occupants.
- 5.34 Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. The 'Designing Out Crime Officer' considers the overall design and layout of the proposed scheme is considered acceptable.
- 5.35 Overall, it is considered that the proposed development would not result in a significant detrimental impact on the residential amenities of the area or surrounding properties and that an acceptable standard of residential amenity would be achieved within the development for future occupants in accordance with Policy ENV1(1) of the Local Plan and the NPPF.

Flood Risk and Drainage

- 5.36 Relevant policies in respect to flood risk and climate change include Policy ENV1 (3) of the Selby District Local Plan and Policies SP15 and SP19 of the Core Strategy and the advice in the NPPF.
- 5.37 The site lies within Flood Zone 3, benefitting from flood defences. Flood Zone 3 relates to land having a 1 in 100 or greater annual probability of river flooding or 1 in 200 or greater annual probability of sea flooding. The flood zones do not take account of the possible impacts of climate change and consequent changes in the future probability of flooding.
- 5.38 SP15 makes clear that development in areas of flood risk should be avoided wherever possible through the application of the sequential test and exception test and ensure that, where development must be located in areas of flood risk, it can be made safe without increasing flood risk elsewhere. Detailed guidance on dealing with applications in flood risk areas is set out in the NPPG.
- 5.39 In addition, paragraph 159 of the NPPF supports directing development away from areas of a higher probability of flooding. It advises that where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 5.40 Paragraph 161 of the NPPF makes clear that that development should not be permitted if there are reasonably available sites appropriate of the proposed development in areas with a lower risk of flooding. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.
- 5.41 Paragraph 162 sets out that if it is not possible for the development to be located in areas with lower risk of flooding the exception test may have to be applied. The need for the exception test will depend on the flood vulnerability of the site and the development proposed in line with the Flood Risk Vulnerability Classification set out in Annex 3.
- 5.42 The NPPF advises that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - d) any residual risk can be safely managed; and
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Sequential Test

- 5.43 Selby District Council have published a Sequential Test Guidance Note dated March 2019. This requires an assessment of reasonably available alternative sites within and immediately adjacent to the development limits of secondary villages district wide. However, for rural housing exception sites the area of the application sequential test is limited to within or adjacent to the development limits of the particular secondary village. This proposal is entirely for affordable housing units on land which would not normally be granted permission for housing within a secondary village being contrary to SP4 of the CS. The scheme is only acceptable because it is for affordable units and is consistent with SP10 'Rural Exception Sites' and will, if granted, be subject to a condition to secure the long-term future of the affordable housing in perpetuity. As such, as set out in the Councils Sequential Test Guidance Note, the search area for is limited to Burn village only. There are no other sites within or adjacent to the village of Burn which could accommodate 10 affordable units. The scheme therefore passes the sequential test.

Exception Test

- 5.44 The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 5.45 Both elements of the exception test should be satisfied for development to be allocated or permitted:
- a) *the development would provide wider sustainability benefits to the community that outweigh the flood risk.*
- 5.46 Wider sustainable benefit is achieved through the provision of 10 dwellings which much needed local affordable social housing which will also add vitality to the local community. There will be economic benefits during the construction phase of the development.
- b) *the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*
- 5.47 In terms of the vulnerability of the development, the classifications include: Highly Vulnerable; More vulnerable; Less Vulnerable; or Water Compatible. Buildings used for dwelling houses are classified as 'More Vulnerable' which is the second most vulnerable form of development. The development provides 10 units of living accommodation, 7 of which have ground floor sleeping accommodation.
- 5.48 A site specific flood risk assessment (FRA) has been submitted and the Environment Agency (EA) have been consulted. This also need to take account of the possible impacts of climate change. The EA have initially strongly objected to

this proposal on the grounds of lack of predictive information on the site-specific flood levels, no assessment of breach and overtopping, not taking into account possible impacts of climate change, and not providing mitigation measures to ensure the development is safe. Moreover, they make clear that in accordance with the NPPG, ground floor sleeping accommodation should not be provided in Flood Zone 3.

- 5.49 The EA state that if the applicant intends to retain ground floor sleeping accommodation, they must demonstrate that the ground floor of all residential properties remain dry during the design flood events with an allowance for climate change and as assessment of breach and overtopping scenarios in line with the Selby Level 1 SFRA. The provision of accurate site-specific flood levels was necessary to determine the extent to which floor levels need to be raised.
- 5.50 Following receipt of a revised FRA, it was then established that allowing for climate change the site could flood to depths of between 200 to 800mm. The scheme only proposed raising floor levels between 300-500 above ground level. With ground floor sleeping accommodation it is necessary to demonstrate the development to be dry for its lifetime. This was not achieved, and the EA maintain their objection due to ground floor sleeping accommodation being unacceptable and reliance on early warning and evacuation.
- 5.51 In order to make the development safe and allow a habitable ground floor use, finished floor levels need to raise or the development must have flood proof construction techniques to ensure the ground floor flats stay dry.
- 5.52 Discussions took place directly with the EA about the site levels and the required floor levels as there was some ambiguity on these. Following this a revised FRA has now been received which raises the finished floor levels to the required levels and includes appropriate mitigation measures to ensure the development stays dry and is safe for its lifetime. Subject to appropriate conditions to secure finished floor levels no lower than 7 metres above Ordnance Datum and to incorporate the Mitigation measures set out in the FRA, the EA confirm they withdraw their objection. However, the LPA must satisfy itself regarding the Sequential Test and the Exception Test. This has been discussed and concluded in the section of the report.
- 5.53 A further matter raised by the EA is a requirement for surface water details to be agreed with both the LLFA and the IDB. The IDB require conditions which are set out in section 7 of this report. The LLFA require further information and clarification regarding the drainage arrangements for the highway surface water. They also refer to the drainage system being maintained by Selby DC but are concerned no maintenance plan has been provided. *This information has been requested and an update will be given at the meeting.*
- 5.54 In terms of drainage Yorkshire water recommend conditions in relation to the discharge of foul and surface water and the diversion of public sewerage infrastructure. They require further survey work to determine the potential use of the drainage ditch for discharge of surface water at a specified rate. This can also be covered by condition. It is recommended that the advised conditions be imposed.
- 5.55 The Sequential test is satisfied for the reasons given above. Overall, subject to the additional information meeting the requirements of the LLFA and appropriate conditions relating to drainage, finished floor levels and mitigation measures, the

development is considered acceptable with respect to its impacts on flood risk, climate changes and drainage. The development can be safe for its lifetime taking into account the vulnerability of its users without increasing flood risk elsewhere and there are wider sustainability benefits in the provision of these affordable housing units. As such the Exception Test is satisfied and the development complies with Policies SP15, SP19 of the Core Strategy, Policy ENV1 of the Local Plan and with the advice in the NPPF.

Nature Conservation and Protected Species

- 5.56 Policy in respect to impacts on nature conservation interests and protected species is provided by Policy ENV1(5) of the Local Plan, Policy SP15 and SP18 of the Core Strategy and advise within the NPPF.
- 5.57 Protected Species are protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. The presence of a protected species is a material planning consideration. The presence of protected species is a material planning consideration.
- 5.58 Policy SP15 of the CS seeks to achieve sustainable development and sets a number of criteria to ensure development contribute towards reducing carbon emissions and is resilient to the effects of climate change which should be taken into consideration. SP15B criteria d) seeks to protect, enhance and create habitats to both improve biodiversity resilience and utilise biodiversity to contribute to climate change mitigation. SP18 seeks to protect and enhance the environment. Criterion SP18 c) requires development to seek a net gain in biodiversity by designing in wildlife and retaining natural interest of a site where appropriate.
- 5.59 The NPPF is a material consideration in making planning decisions. Paragraph 174 of the NPPF sets out that decisions should contribute to and enhance the natural; and local environment including sites of biodiversity. 174d) advises minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. In addition, paragraph 180 of the NPPF sets out the principles which should be followed when considering applications which may impact upon habitats and biodiversity. It advises that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 5.60 A Preliminary Ecological Appraisal (PEA) has been submitted. This was amended following comments from the County Ecologist together with the provision of a bat survey due to trees being identified with potential for roosting bats. The updated appraisal confirms the identified trees can be removed without constraint. No other protected species have been identified.
- 5.61 The site contains trees and unmanaged scrub on the west boundary which County Ecologist and the revised PEA consider has some conservation value as suitable habitat for breeding and roosting birds and small mammals. The majority is proposed for removal with a strip of scrub and 2 trees indicated to be retained where feasible. The PEA advises planting of native trees and shrubs within the areas of public open space, seeding with wildflower grassland, the protection of trees during development and a sympathetic lighting scheme during construction and withing the proposals which minimises illumination of trees and areas of

planting. Lighting details are not provided at this stage but could be required by condition. The Ecologist initially raised concerns about the scheme not reflecting the advice within the PEA. The PEA was updated and provided the development is carried out in accordance with the mitigation measures advised and advise with respect to lighting it is now considered acceptable. Officers have suggested conditions be imposed for landscaping details, lighting details, tree protection measures and for the development to be carried out in accordance with the recommendations, advise and mitigations measures set out in the PEA.

- 5.62 In terms of the impacts on protected species the scheme is acceptable. In terms of the ecological impacts, conditions can ensure the harmful impacts on adjacent woodland and surrounding countryside is minimised.
- 5.63 In terms of Biodiversity, Net Gain calculation was undertaken to provide an indication of the potential of the scheme to provide no net loss in biodiversity value using the DEFRA Biodiversity Metric. The value of the site post development due to the loss of trees and shrubs and their conservation/wildlife value equates to a biodiversity loss of 45% (assuming suitable landscaping proposals are incorporated post development). When the off- site area to the south is incorporated the calculations including suitable landscaping is reduced to 24%. The calculation is habitat based and does not take into account specific species features such as integral bat and bird boxes.
- 5.64 The PEA advised that options which can be considered to make up the deficit, if required, include compensation provided on additional areas of land within the client's ownership or payment into a relevant biodiversity off-setting scheme. However, the applicants have indicated it is not possible to provide other areas of land within the applicant's ownership to offset the loss.
- 5.65 The scheme is compliant with Policy ENV1(5) of the Local Plan and Policies SP15 and SP18 of the Core Strategy and advise within the NPPF in respect to impacts on nature conservation interests and protected species. However, it conflicts with the advice in Policy SP15 and SP18 and with the NPPF with respect to the net loss in Biodiversity.
- 5.66 Notwithstanding the above, the scheme provides other benefits which must be weighed in the balance. Moreover, some compensation is to be provided within an area of open space which lies approximately 100m to the south of the proposals site which has wider public benefits. Conditions can be imposed relating to the application site itself and to the site and to the additional area of open space to secure mitigation and enhancement as advised in the PEA.

Affordable Housing

- 5.67 Core Strategy Policy SP9 and the accompanying Affordable Housing SPD sets out the affordable housing policy context for the District.
- 5.68 This scheme is for 100% affordable housing units. Normally a Section 106 agreement would be required to ensure the dwellings are retained as affordable housing, but it would be inappropriate for the Local Authority to enter into a legal agreement with itself. Therefore, subject to condition to ensure that the units implemented and retained as 'Affordable' and remain in perpetuity as such, the proposal is considered acceptable in respect of affordable housing policy.

Land Contamination

- 5.69 Policies ENV2 of the Local Plan and SP19 of the Core Strategy relate to contamination. The application is supported by a contamination assessment that has been reviewed by then Council's contaminated land consultant.
- 5.70 The Council's Contaminated Land Consultant has confirmed that the report and proposed site investigation works are acceptable. The report shows the land has not previously been developed. The phase 2 investigation showed results within the limits of assessment criteria and therefore no further remediation works, or gas protection measures are required. A condition is only required in the event that unexpected contamination is found during the development.
- 5.71 Therefore, on the basis of the details set out in the report and the comments from the Contaminated Land Consultant it is considered that, subject to a suitably worded condition the development is acceptable with respect to contamination impacts.
- 5.67 The proposals are therefore acceptable with respect to contamination in accordance with Policy ENV2 of the Local Plan and Policy SP19 of the Core Strategy.

Waste and Recycling

- 5.68 In terms of the provision for waste and recycling a standard contribution will be sought requiring appropriate minimum provision of waste storage bins and recycling boxes, to be provided prior to the occupation of any dwelling.

6 CONCLUSION

- 6.1 It is noted that the scheme is intended to meet the demonstrable, objectively assessed housing needs of members of the local community. The proposed development would provide much needed small flats and single storey affordable housing within the community. The development is acceptable with respect to the impacts on the character and appearance of the area and would not be harmful to road safety, contamination, flood risk, drainage and nature conservation or protected species. On balance the benefits of the scheme outweigh the biodiversity loss due to the benefits of the housing provision and the useable areas of public open space. Subject to a condition to secure the houses are implemented and retained in perpetuity as affordable housing and subject to all the other conditions referred to in the report and listed below the proposed development is considered to acceptable having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations.

7 RECOMMENDATION

This application is recommended for APPROVAL subject to the following conditions;

TIME PERIOD

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.

PLANS

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

(Plans to be inserted)

Reason:

For the avoidance of doubt.

AFFORDABLE HOUSING

03. The affordable housing hereby permitted shall be meet the definition of affordable housing in the NPPF or any future guidance that replaces it and shall thereafter be so retained for the lifetime of the development.

Reason

The development of this site would otherwise be contrary to Policies SP4 of the Core Strategy and to Flood Risk Policy and it is therefore necessary to ensure that the dwellings provide affordable housing to meet a particular need for low-cost housing in the local area in perpetuity by secure arrangements.

MATERIALS

04. No development shall start above slab level until details of the details of the external materials have been submitted to and approved in writing by the Local Planning Authority, and only the approved materials shall be utilized.

Reason:

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

FLOOD RISK

- 05 The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) by ADEPT, dated 20 October 2021 and reference 00.18286, and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 7 metres above Ordnance Datum (AOD)
- The mitigation measures detailed on pages 5 & 6 of the FRA are to be incorporated into the development.

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 and the impact of flooding to the proposed development and future occupants.

WASTE AND RECYCLING

06. Before the dwellings are occupied, Waste and re-cycling bins shall be provided in accordance with the minimum requirement of 4 x 420 litre wheeled bins in total (1 x refuse, 1 x Green waste, 2 x recycling)

Reason

In the interests of providing adequate provisions for the collection and removal of waste for re-cycling

LANDSCAPING

07. Before the start of any works above slab levels on the dwellings, a detailed landscaping scheme shall be submitted for the written approval of the Local Planning Authority. The approved scheme shall be carried out no later than the first planting season following the date when the development hereby permitted is ready for occupation. All planted materials shall be maintained for five years and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced with others of similar size and species to those originally required to be planted.

Reason:

In the interests of visual amenity of the locality and to ensure that the appearance of the development is satisfactory and to comply with Policy ENV1 of the Local Plan.

TREE PROTECTION

08. Before any work commences on site, the tree protection measures indicated in the Tree Protection Plan (TPP01 Rev A) and Section 7 of the Arboricultural Survey Report (Revision A – August 2021) by Smeeden and Foreman shall be erected and shall be adhered to throughout the construction phase until the development is substantially complete.

Reason

To ensure the trees indicated for retention are safeguarded during the construction phase and retained to protect the character and appearance of the area.

ECOLOGY

09. The development shall be carried out in accordance with the recommendations, mitigation and enhancement measures set out in section 5 and 6 of the Smeeden Foreman Preliminary Ecological Appraisal Revision B

Reason

IN the ecological interests of the site and the surrounding area and to comply with policies SP15 and SP18 of the Core Strategy and ENV1 of the Local Plan.

PUBLIC OPEN SPACE PROVISION

10. A scheme for the layout, landscaping, management, maintenance and timing of implementation for the public open space areas indicated on the Public Open Space Plan shall be submitted for the written approval of the Local Planning Authority. The approved details shall be implemented in full in the first planting season following the substantial completion of the development and the public open space areas shall be retained for the lifetime of the development in accordance with the approved details.

Reason

To ensure the replacement of adequate areas of open space are provided and retained in perpetuity

HIGHWAYS

11. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. The development must only be carried out in compliance with the approved engineering drawings.

Reason:

To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.

12. No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation. The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

Reason:

To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

13. The development must not be brought into use until the access to the site at Barff View has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:
The crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail number E5 and the following requirements.

- a. Any gates or barriers must be erected a minimum distance of 6 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
- b. Provision should be made to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the specification of the Local Highway Authority.

All works must accord with the approved details.

Reason:

To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

14. There must be no access or egress by any vehicles between the highway and the application site at Barff View until visibility splays providing clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been provided. In measuring the splays the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In the interests of highway safety.

15. There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) at Barff View until full details of the cycle parking has been submitted to and approved in writing by the Local Planning Authority: No part of the development must be brought into use until the vehicle access, cycle parking, vehicle parking, manoeuvring and turning areas at Barff View have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

16. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

- i) wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- ii) the parking of contractors' site operatives and visitor's vehicles;
- iii) areas for storage of plant and materials used in constructing the development clear of the highway;
- iv) details of site working hours;
- v) contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason for Condition

In the interest of public safety and amenity.

CONTAMINATION

- I) In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and 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.

ENVIRONMENTAL HEALTH

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

Reason:

To protect the residential amenity of the locality and in order to comply with the NPPF and Selby District Council's Policy's SP19 and ENV2.

WATER/DRAINAGE

- II) The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason

In the interest of satisfactory and sustainable drainage

- III) There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:
 - i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
 - ii) the means of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.

Reason

To ensure that no surface water discharges take place until proper provision has been made for its disposal

- IV) No construction works in the relevant areas of the site shall commence until measures to divert the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. The developer shall submit evidence to the Local Planning Authority that the diversion has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.

Reason

In the interest of public health and maintaining the public sewer network

INFORMATIVES

It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local Highway Authority before a draft layout is produced and any detailed planning submission is made. To assist, the Local Highway Authority can provide a full list of information required to discharge this condition. It should be noted that approval to discharge the condition does not automatically confer approval for the purposes of entering any Agreement with the Local Highway Authority. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

Pedestrian Visibility Splays -An explanation of the terms used above is available from the Local Highway Authority.

The proposals should cater for all types of vehicles that will use the site. The parking standards are set out in North Yorkshire County Council's 'Interim guidance on transport issues, including parking standards' and subsequent amendments available at:

https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Interim_guidance_on_transport_issues_including_parking_standards.pdf

Other Permissions required from the Local Highway Authority Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire County Council as Local Highway Authority. These additional permissions can include but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Street works Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions). Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.

8 Legal Issues

8.1 Planning Acts

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

8.2 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.

8.3 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.

9 Financial Issues

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

10 Background Documents

Planning Application file reference 2020/0014/FULM and associated documents.

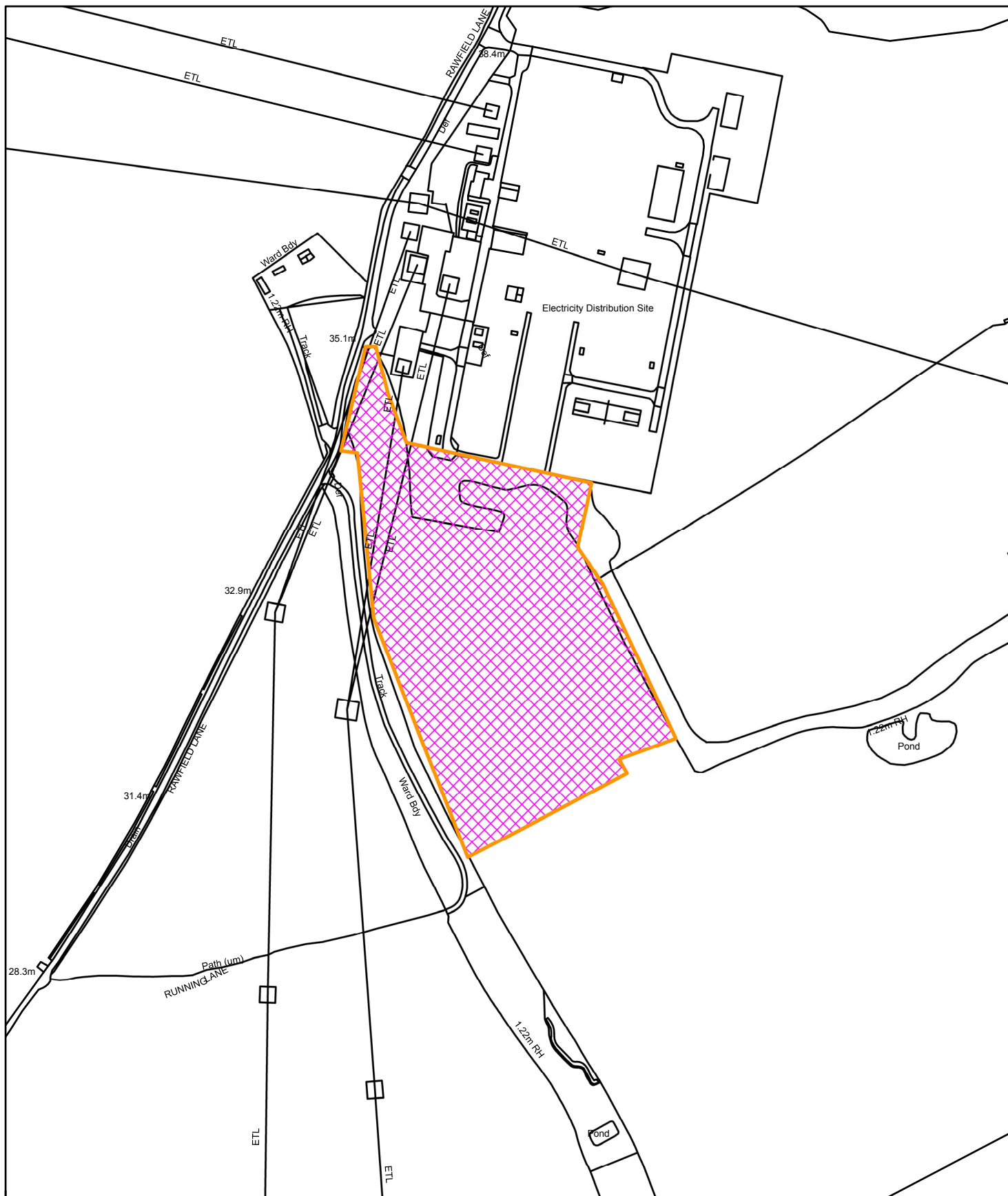
Contact Officer: Fiona Ellwood (Principal Planning Officer)
fellwood@selby.gov.uk

Appendices: None

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Agenda Item 5.2

Land south of Electricity Substation, Rawfield Lane, Fairburn
2021/0789/FULM



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**AMENDED
DRAWING**

NATIONAL GRID ELECTRICAL OVERHEAD LINE (DARK BLUE), APPROXIMATE MAXIMUM CABLE SWING (DASHED DARK BLUE) AND REQUIRED 5.3m OFFSET (ORANGE)

Page 49

KEY:

- PLANNING BOUNDARY
- 2.40m HIGH PALISADE FENCING PLUS 1m ADDITIONAL ELECTRIC FENCING
- BATTERY CONTAINER (16.17m x 4.5m x 2.63m)
- INVERTER & TRANSFORMER (9.01m x 2.06m x 3.75m)
- CABLING TRAYS
- ENERGY MANAGEMENT BUILDING (20.7m x 38.6m x 7.2m)
- INDICATIVE SUDS POND
- TRANSFORMER (3.0m x 3.0m)
- MAIN TRANSFORMER (20.0m x 10.9m x 10.0m)
- STORAGE CONTAINER (12.2m x 2.44m x 2.9m)
- HV INFRASTRUCTURE (10.8m HIGH)
- COMMS HOUSE (12.2m x 2.44m x 2.9m)
- 6m SECURITY COLUMN
- SWITCHGEAR CONTAINERS (12.2m X 2.44m x 2.9m)
- PLANTING & LANDSCAPING
- 5m HIGH ACOUSTIC WALL
- CRUSHED STONE
- UNBOUND AGGREGATE ACCESS TRACK
- TARMAC ACCESS

EXISTING YORKSHIRE WATER MAIN TO BE REROUTED UNDER SECTION 159 OF THE WATER INDUSTRY ACT PRIOR TO CONSTRUCTION

| | | | | |
|---|--|---|--|--|
| <p>Project Title</p> <p style="text-align: center;">MONK FRYSTON</p> | <p>Drawing Title</p> <p style="text-align: center;">PROPOSED SITE LAYOUT</p> | <p>Purpose of issue</p> <p style="text-align: center;">PRELIMINARY</p> | <p>THIS DOCUMENT HAS BEEN PREPARED IN ACCORDANCE WITH THE SCOPE OF ARCUS' APPOINTMENT WITH ITS CLIENT AND IS SUBJECT TO THE TERMS OF THAT APPOINTMENT. ARCUS ACCEPTS NO LIABILITY FOR ANY USE OF THIS DOCUMENT OTHER THAN BY ITS CLIENT AND ONLY FOR THE PURPOSES FOR WHICH IT WAS PREPARED AND PROVIDED</p> | <p>Arcus Consultancy Services</p> <p>7th Floor 144 West George Street Glasgow, G2 2HG Tel: +44 (0)141 221 9997 Fax: +44 (0)141 221 5610 www.arcusconsulting.co.uk</p> |
| <p>Client</p> <p style="text-align: center;">UKPA</p> | <p>Designed -</p> <p>Drawn SR</p> <p>Arcus Internal Project No. 3403</p> <p>Scale @ A3 1:500</p> | <p>Checked DB</p> <p>Approved DB</p> <p>Date 04/10/21</p> | <p>Drawing Number</p> <p>3403-DR-P-0001</p> | <p>Rev</p> <p style="text-align: center;">14</p> |

Plot Date : 04 October 2021 14:26:28
File Name P:\CAD\3403 MONK FRYSTON\3403-DR-P-0001-P14

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Report Reference Number: 2021/0789/FULM

To: Planning Committee
Date: 8 December 2021
Author: Fiona Ellwood (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

| | | | |
|---------------------|--|-----------------------------|---------------------------------------|
| APPLICATION NUMBER: | 2021/0789/FULM | PARISH: | Fairburn Parish Council |
| APPLICANT: | UKPA EnergyMF Ltd | VALID DATE: EXPIRY DATE: | 23rd June 2021 22nd September 2021 |
| PROPOSAL: | Construction of a zero-carbon energy storage and management facility including containerised batteries, synchronous condensers and associated infrastructure, access and landscaping | | |
| LOCATION: | Land South of Electricity Substation Rawfield Lane Fairburn Selby North Yorkshire | | |
| RECOMMENDATION: | GRANT SUBJECT TO REFERRAL TO THE SECRETARY OF STATE | | |

This application has been brought before Planning Committee as the scheme is inappropriate development in the Green Belt and Very Special Circumstances are required to approve it.

1.0 INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The site lies to the south of the existing Electricity Substation off Rawfield Lane, Fairburn to which this facility would be connected. It is a substantial site with the red line extending to 5.04 hectares of land and would be accessed from a new access and junction with Rawfield Lane. The A1M motorway is located approximately 0.5km (as the crow flies) to the west of the site. A substantial area of land to the south and east (approximately 53 hectares) is included within the blue line as being within the applicant's control.

The Proposal

- 1.2 The proposal is for the construction of a 320MW (maximum) Energy Management Facility for the storage of electricity to support the National Grid in balancing electricity supply and demand. This would be a battery storage facility, which would hold electricity already generated.
- 1.3 The development would comprise of:
- One Energy Management Building – 20.7 m x 38.6 m x 7.2 m;
 - 104 Battery Containers, in 5 blocks – 16.7 m x 4.5 m x 2.63 m;
 - 104 Inverters with Transformers – 9.01 m x 2.06 m x 3.75 m;
 - Two Main Transformers – 10 m x 6 m x 9 m;
 - Five additional transformers - 3 m x 3 m;
 - 7 Switchgear Containers (one per battery block and 275kV transformer) – 12.2 m x 2.44 m x 2.9 m;
 - One Communications House – 12.2 m x 2.44 m x 2.9 m;
 - High Voltage Infrastructure - 10.8 m high;
 - Three 5 m high acoustic walls;
 - Six 6 m high security columns;
 - 2.4 high palisade fencing with 1 m additional electric fencing;
 - One shallow surface water drainage swale (385 m²); and
 - Landscape proposals, summarised below.
- 1.4 Most components of the proposed development would be housed in steel container-style units, while the main energy management building would be constructed of pre-galvanised powder coated steel. The northern portion of the site adjacent to the Substation will be occupied primarily by grid stabilisation equipment, while the smaller-scale battery storage equipment will be located in the southern portion of the Site. The applicant has agreed to amend the steel palisade fencing to powder coated green colour and for green housing to the containerised battery units and green wall materials to the large energy management building.
- 1.5 The site would incorporate landscape screen planting around the outer edge with a belt of 10 metres deep. An additional area of planting would be provided to the southwest of the site incorporating a strip of land stretching east from the existing pond. This would retain the existing woodland area and provide a further area of native species shrub mix and an area of wildflower grassland.
- 1.6 The development would have an operational life of 40 years. There would be a one-year construction period and decommissioning period anticipated of approximately 3 months.

Relevant Planning History

- 1.7 The following historical application is considered to be relevant to the determination of this application.

2020/0594/FULM: Installation and operation of 11no. 4.5MW gas engines and ancillary development on land: Sub Station, Rawfield Lane, Fairburn, Knottingley, West Yorkshire. Decision: **Pending (on adjacent site)**

2021/0633/FULM: Installation and operation of a battery storage facility and ancillary development on: Land South of Electricity Substation, Rawfield Lane, Fairburn, Selby, North Yorkshire, Decision: **Pending and also on this Committee agenda for Member's consideration**

2019/0723/FUL: Proposed erection of an agricultural building: Land South of Electricity Substation, Rawfield Lane, Fairburn, Knottingley, West Yorkshire: Decision **Refused**: 06-OCT-20 (site to the south of this application)

2021/0453/SCN: EIA Screening opinion request for Zero-Carbon Energy Storage and Management Facility on land adjacent to Monk Fryston Substation, Rawfield Lane, Fairburn, Selby, North Yorkshire. Decision: **EIA Not required** 24-JUN-21

2.0 CONSULTATION AND PUBLICITY

2.1 Yorkshire Water Services Ltd

Initial objections due to public water supply infrastructure crossing the site. A 6-foot diameter main crosses the site. Following site meetings, the developer will divert it around the boundary within a 6metre corridor of the new units. Subject to agreements and the final design a condition is recommended. No trees or deep-rooted shrubs to be provided over the route.

Selby Area Internal Drainage Board

No comments received.

SuDS

No comments received.

The Environment Agency (Liaison Officer)

No comments received.

NYCC Highways

No objections and conditions recommended for a new and altered private access and verge crossing, visibility splays, a construction management plan in the interests of public safety.

National Grid

Request confirmation that 5.3m minimum clearance will be maintained to the proposed development as shown on the supplied profile drawing.

Contaminated Land Consultant

The Phase 1 report provides a good overview of the site's history, its setting and its potential to be affected by contamination. The proposed site investigation works are acceptable. Recommend 4 conditions in relation to investigation, remediation, verification and reporting of unexpected contamination.

Environmental Health

The assessment alleviates concerns relevant to operational noise impact and there are no objections so far as this department's interests are concerned.

Comments made and conditions recommended to ensure the development is carried out in accordance with the Noise Impact Assessment and for a construction plan to avoid impact on residential amenity

Landscape Consultant

A number of concerns raised with this application and the application on adjacent land. Comments relate to both and the cumulative effects:

- There are likely to be adverse effects on the green belt, spatially and visually. Alternative sites should be considered better suited for this type of development not in green belt.
- There are likely to be cumulative landscape and visual effects; other similar developments in proximity.
- There are likely to be adverse landscape and visual effects, particularly in the first 10-15 years until screen planting is established.
- The use of a dark recessive colour (such as dark green) should be considered as part of the design; to reduce visibility and visual clutter of all fencing, battery units and equipment. Important in the short-term until screen planting is effective. The design technology and cooling system choice should take colour into account. Some battery technology may only be available in white.
- Night-time light effects – this is an elevated countryside location. Control and minimised lighting is important.
- Woodland screen planting should take account of other utilities and easements crossing the site (eg water).
- Long-term maintenance and management of screen planting and other mitigation is important, secured for the life of the development. This could be a combined landscape and biodiversity management plan.
- Screen planting should be at least 10m depth for all- year-round screening using local occurring native species; to enable sufficient height and structure to planting.
- Dependence on off-site hedgerows and other screen planting outside the applicant's control which could be reduced by maintenance should be minimised/recognised i.e., roadside / field hedgerows are routinely cut to 1m high.
- If approved would expect a detailed landscaping scheme (hard and soft works).
- Restoration of the site back to agricultural use at the end of the project should be considered / conditioned.

Historic England

No comments or objections.

Conservation Officer

There is a potential impact on the setting of Monk Fryston Lodge, grade II listed. This is surrounded by rural fields, except that the existing substation is present with several pylons, set against the wider landscape context that also includes power stations. It seems that the location of the existing substation to the north of this site

will significantly reduce the impact of the presence of this facility in the land surrounding the listed building. Additionally, tree cover and topography is likely to screen from view the installations, or the installation will be seen in the context of the existing facility. Therefore, the impact on the setting of the listed building is likely to be minimal.

The desk-based assessment presented in the Cultural Heritage Report has sufficiently identified and assessed nearby heritage assets. The application is in accordance with the NPPF 2021, section 16 paragraph 194.

NYCC Heritage Officer

Following the archaeological geophysical survey some archaeological potential revealed. The level of ground disturbance minimal on parts where batteries would be. Other areas have more invasive groundwork and further works are advised to assess the depth of soils across the site and to trial trench archaeological features in the areas of higher disturbance could be carried out following planning consent. In this case, given the development impacts a reduced physical footprint this is a proportionate response to the anticipated significance of the archaeological remains. Comments made and condition is recommended to secure the archaeological recording.

Natural England

Natural England is not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the application. Advises checks made if the LPA consider there are significant risks to statutory nature conservation sites or protected landscapes. It is for the local authority to determine whether or not the proposal is consistent with national and local environmental policies. Other bodies and individuals may provide information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision-making process.

North Yorkshire Bat Group

No comments received.

Yorkshire Wildlife Trust

Supports the comments by NYCC Ecologist.

Encouraged to see the use of the Defra Biodiversity Metric to illustrate the Net Gains which can be achieved by the project. The metric should be treated as a live document and updated in line with any changes to the scheme. The management and maintenance of these habitats will need to be secured for at least 30 years in line with the requirements of net gain. We would also ensure that Natural England are consulted.

NYCC Ecologist

The site is mostly arable farmland or species-poor grassland of little intrinsic nature conservation value. Hedgerows and scattered scrub at the margins of the site would be retained except for a short section, which would need to be removed to provide

access. Breeding birds included several widespread species of conservation concern, primarily associated with the site boundaries or habitats adjoining the site.

- Great Crested Newts: A pond 135 m to the east of the site was found to support a small Great Crested Newt (GCN) population. Clarification of the applicant's approach to Great Crested Newt mitigation needed. Taking account of the distances involved, the small size of the nearest population and the disposition of terrestrial habitats, would not expect the proposed development to jeopardise the survival of local GCN populations provided appropriate mitigation measures were taken. Applicants approach uncertain and needs to be clarified prior to determination.
- Welcome the submission of a Biodiversity Metric Assessment based on the DEFRA Biodiversity Metric 2.0. Demonstrates how the proposed development would deliver net gains for biodiversity via on-site and off-site planting of native trees and shrubs and establishment of species-rich grassland. (Off-site works are set out in the Offsite Landscape Enhancement Plan and refer to 'blue line' land to the south-east of the application site). Overall, there would be a 15% net gain in Biodiversity Units with an 81% net increase in hedgerow.
- Landscape and Ecology Mitigation Plan and Offsite Landscape Enhancement Plan These plans should specify that all trees and shrubs must be of British native provenance. Planting of imported subspecies/forms of nominally native trees and shrubs (e.g. large-leaved forms of Field Maple) must be avoided as these are likely to have less value to wildlife. Off-the-shelf commercial seed mixtures are over-used in environmental enhancement. Would question whether the Emorsgate EM3 mixture (referred to in the Offsite plan) is appropriate to the location, as it contains a mixture of species unlikely to be found in Selby district except possibly on thin, low-nutrient soils on the magnesian limestone. Forbs (broad-leaved plants) contained in seed mixtures must be of British native provenance and appropriate for use in North Yorkshire; agricultural cultivars, forms or subspecies not native to Britain and geographically distinct genotypes such as the radiate form of Common Knapweed should be avoided.

SSSI consultation: The application site is within the Impact Risk Zone for Fairburn and Newton Ings Site of Special Scientific Interest (SSSI) and it will be necessary to consult Natural England. Would not expect any direct impacts on the SSSI due to lack of ecological connectivity; presumably there are no emissions (e.g., NOx) which could impact upon the SSSI?

Recommends conditions.

Designing Out Crime Officer

No objections.

North Yorkshire Fire & Rescue Service

Makes observations that:

It is assumed that the provision of water for firefighting will meet the requirements set out in National guidance document on the provision of water for firefighting, Appendix 5.

Public Rights of Way Officer

No comments received.

Waste And Recycling Officer

No comments received.

Parish Council

Fully endorsing national incentives to provide cleaner, efficient renewable energy but MFPC has several serious concerns and raise questions.

The PC Objects to the proposed development on the grounds of its impact on:

- the environment, irreversible effect on natural habitats of native species.
- the huge safety risk (explosion, fires and toxic gases) that runs with the battery storage and equipment involve and has not been assessed. Major incidents could occur and could impact on nearby settlements.
- Contrary to Green Belt Policy set out in the NPPF paras 133-147.
- Impact of construction traffic locally is of serious concern.

Additionally raise Q's if there any detailed plans to contain the storage batteries requiring further building construction and if so, what effect will this have on local landscaping? The amalgamation of several development in the area poses a serious threat to the urbanisation of the Green Belt.

Request all other possibilities of development on brownfield sites and decommissioned energy power plants are investigated before this application is considered.

Publicity

The application was advertised by site notice expiring on 12 July 2021 and an advert was placed in the local newspaper.

No letters of response have been received as a result.

3.0 SITE CONSTRAINTS

Constraints

- 3.1 The site is outside of development limits on land that is Green Belt. It is within Flood Zone 1. Public footpath runs east-west along the south boundary. The Fairburn and Newton Ings Site of Special Scientific Interest is located approximately 1.8 km to the southwest of the Site. There are no statutory or non-statutory heritage assets on or immediately adjacent to the site. However, Monk Fryston Lodge, a Grade II Listed Building is situated approximately 600m to the northeast. Pollums House Farm is located approximately 600m to the northwest of the site. A Public Right of Way (PROW) runs adjacent to the full extent of the southern boundary of the site.

4.0 POLICY CONSIDERATIONS

- 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 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. Consultation on preferred options took place in early 2021. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The National Planning Policy Framework (July 2021) (NPPF) replaced the February 2019 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 2021 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

"219...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

4.6 The relevant Core Strategy Policies are:

- SP1 Presumption in favour of Sustainable Development
- SP2 Spatial Development Strategy
- SP3 Green Belt
- SP13 Scale and Distribution of Economic Growth
- SP15 Sustainable Development and Climate Change
- SP17 Low Carbon and Renewable Energy
- SP18 Protecting and Enhancing the Environment
- SP19 Design Quality

4.7 The relevant Selby District Local Plan Policies are:

- ENV1 Control of Development
- ENV2 Environmental Pollution and Contaminated Land
- ENV3 Light Pollution
- T1 Development in relation to the Highways network
- T2 Access to Roads

5.0 APPRAISAL

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

- The Principle of the Development in the Green Belt.
- The Impacts of the Development on:

- The Openness of the Green Belt
- The Character and Appearance of the Open Countryside
- Heritage Assets
- Highway Safety
- Flood Risk and Drainage
- Residential Amenity
- Contamination

- Very Special Circumstances.

The Principle of the Development in the Green Belt

- 5.1 Paragraph 138 of the NPPF explains that the Government attach great importance to Green Belts. The fundamental aim is to prevent urban sprawl by keeping land permanently open. Their essential characteristics are their openness and their permanence. One of their five main purposes is to assist in safeguarding the countryside from encroachment.
- 5.2 Policy SP2 A (d) of the Selby District Core Strategy Local Plan (CS) advises that in the Green Belt, development must conform to Policy SP3. This is a general policy relating to the Green Belt covered in Selby District and sets out, at SP3 B, that in accordance with the NPPF planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify the development.
- 5.3 Paragraph 147 of the NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that substantial weight should be given to any harm to the Green Belt. 'Very Special Circumstances' (VSC) will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations.
- 5.4 Paragraph 149 (NPPF) states: "*A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.*" and sets out a number of limited exceptions which can be regarded as appropriate development. Paragraph 150 lists further exceptions subject to them preserving the openness.

5.5 Paragraph 151 of the NPPF states that:

“...when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.”

5.6 This proposal does fall within any of the exceptions referred to in paras 149 & 150 of the NPPF. The development would therefore be inappropriate development and is therefore harmful, by definition, to the Green Belt.

5.7 In relation to other policies of the development plan Policy SP17C of the Core Strategy specifically relates to ‘Low Carbon and Renewable Energy’ and states:

“All development proposals for new sources of renewable energy and low-carbon energy generation and supporting infrastructure must meet the following criteria:

- i. are designed and located to protect the environment and local amenity or;*
- ii. can demonstrate that the wider environmental, economic and social benefits outweigh any harm caused to the environment and local amenity; and*
- iii. impacts on local communities are minimised.”*

Policies SP18 and SP19 of the Core Strategy, together with Policy ENV1 of the Selby District Local Plan are also relevant in this context as they are concerned with environmental and design quality.

5.7 The National Planning Policy Framework is supportive of low carbon and renewable energy proposals in principle as is the Planning Practice Guidance which states:

“Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable”.

5.9 While national and local policies are broadly supportive of low carbon and renewable energy proposals in principle, the impacts of the proposals need to be given full and careful consideration and are discussed in more detail in further sections below.

5.10 Notwithstanding the positive approach in the NPPF to renewable energy projects, this does not outweigh the approach to inappropriate development within the Green Belt. This proposal is unacceptable in principle in the Green Belt since it does not meet any of the exceptions of appropriate development set out in the NPPF. The proposal should therefore be refused unless the harm by definition and any other harm arising from the impacts of the development are clearly outweighed by other considerations. These must, either collectively or individually amount to the ‘Very Special Circumstances’ (VSC) necessary to outweigh the harm and justify the development. The final section of this report makes this assessment.

Op

Openness of the Green Belt

- 5.11 The essential characteristic of the Green Belt is its openness (lack of development) and permanence (enduring in the long term).
- 5.12 The National Planning Practice Guidance (PPG), advises that assessments on the openness of Green Belts requires consideration of matters such as, but not limited to:
- *“...openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
 - *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
 - *the degree of activity likely to be generated, such as traffic generation.”*
- 5.13 The Applicants supporting Planning Statement suggests that in terms of impact on openness, the proposed development would be contained to a very small geographical area in relation to the Green Belt as a whole and the spatial impact of the development on the openness of the Green Belt is therefore considered to be negligible.
- 5.14 Their statement also suggests that there would be very limited visual effects seen within the Green Belt resulting from the development, due to existing vegetative screening, the Substation, the rolling landform and low-level nature of the proposed infrastructure within the majority of the development. Taller infrastructure will be located adjacent to existing taller infrastructure within the neighbouring substation in order to limit visual effects within the Green Belt. Cumulatively, an increase the amount of infrastructure would be seen from limited aspects of the Green Belt.
- 5.15 Officers fundamentally disagree with this assessment. The site would change from open undeveloped agricultural land to an expansive area of (majority) crushed stone and unbound aggregate surfacing with more than 100 battery containers (2.63m high) positioned closely together in 5 groups. Between the batteries there would be invertors and transformers projecting 3.75m high. Closest to the site entrance at the northeast side adjacent to the existing substation the largest structures would be positioned. These include the main energy management building with a footprint of nearly 800 sqm at 7.2m high, the invertors at 9m high and high voltage infrastructure of maximum 10.8m high.
- 5.16 Cumulatively these would significantly reduce the openness of this part of the Green Belt. The site is over 5 hectares (nearly 12.5 acres) which would be filled solidly with the batteries, infrastructure, equipment and buildings. Spatially there would be significant loss of openness due to the sheer presence of an immense array of batteries, buildings, roads, lighting columns, fencing enclosures and associated infrastructure.
- 5.17 In terms of the visual aspect (the visual element of the Green Belt is not an assessment of visual quality) the site is open agricultural land with hedgerow and trees to some boundaries. The development would impair the visual aspect of the Green Belt through the change in character and the solid industrialisation of the site. Structures and equipment would be introduced across a vast 5-hectare area where none exist at present. Due to the scale of the development, the change to the landscape which would ensue and its visual prominence, the views afforded from

the road and the public right of way, it is considered the development would severely impair the visual aspect of the openness of this part of the Green Belt.

- 5.18 In terms of the duration of the development, although the proposal is not permanent and includes the decommissioning of the site and its return to its current use, the development is intended to endure for 40 years. This is not a short-term temporary period and will during this long period of time impact harmfully on the Green Belt's openness both spatially and visually. In terms of remediability, the batteries would sit on the aggregate and would not have deep foundations. Much of the infrastructure could be removed and the land returned to its former state. Decommissioning could take place over a short period, although whether the land would be capable of returning to the same quality of agricultural land is not known given topsoil would be removed to lay the surfacing.
- 5.19 In terms of activity, there will be a great deal of activity during the one-year construction period with, at peak, approximately 32 two-way HGV movements per day, 8 two war car and van movements. However, during the operation period the site will be remotely operated with occasional visits for inspection and maintenance. Therefore, the impact on the Green Belt in terms of activity generated will be minimal.
- 5.20 The fundamental aim of Green Belts is to prevent urban sprawl and keep land permanently open; the essential characteristics of the Green Belts are their openness and permanence. It is concluded that in addition to the harm by reason of inappropriateness, the proposed development would lead to a significant reduction in the openness. Due to the scale and extent of the proposal and the solid filling of the site with batteries buildings and equipment, the development would severely impair the openness of the Green Belt both spatially and visually.
- 5.21 The development would therefore fail to preserve the openness of the Green Belt both spatially and visually and would be contrary to Policy SP3 of the Selby District Core Strategy and the NPPF.

The Character and Appearance of the Open Countryside

- 5.22 Relevant policies in respect of design and the impacts on the character of the area include policy ENV1 (1) (SDLP) and policies SP18 and SP19 (CS). Policy ENV1 requires good quality development which takes account of, amongst other things, the effect on the character of the area. Policy SP18 of the Core Strategy requires the high quality and natural distinctiveness of the natural and man-made environment to be sustained by, amongst other things "*...steering development to areas of least environmental and agricultural quality.*"
- 5.23 The land within the application site is classified as being Grade 2 (Best and Most Versatile (BMV)) in accordance with the Natural England Agricultural Land Classification. Thus, on the face of it, the proposed development would lead to the loss of approximately 5 hectares of BMV agricultural land.
- 5.24 An agricultural land classification report has been submitted by the Applicants by Soil Environmental Services Ltd. This confirms that grading on the MAFF maps shows the land as Grade 2. The report involves a desk top survey, a field survey and laboratory analysis. This concludes that a small part of the site (around the main access) is Grade 2, a small part on the northwest side is Grade 3a and the remainder of the site (more than half) is Grade 3b (moderate quality). Such land is

not the 'best and most versatile' quality therefore it is accepted that the loss of the agricultural land is not so significant.

- 5.25 In terms of the impact on the character of the countryside, the application has been supported by a Landscape and Visual Assessment (LVIA prepared by Arcus). The LVA comprises a description of existing baseline conditions, an assessment of potential landscape and visual effects (including cumulative effects with the proposed gas peaking plant to the east) and recommendations for mitigation measures. The LVA indicates that the site is of medium landscape sensitivity due to the absence of landscape designations, degraded boundary features together with the presence of landscape detractors such as the Substation, overhead power lines and pylons.
- 5.26 The report summarises that the main landscape effects would primarily be limited to the site itself due to the existing screening immediate adjacent to the site to the north, east, south and west and the retention of landscape features such as woodland and the majority of hedgerow and scrub planting on site. It states that the main landscape effects would be the change in land use and rural quality and reduction in tranquillity but that these qualities have already been compromised by surrounding infrastructure.
- 5.27 It is acknowledged that the existing substation is a substantial and prominent feature in the landscape. However, it is surrounded by open green fields which provide a rural pastoral tranquil setting to this essential existing national infrastructure site. The presence of the substation does not, in Officers' opinion, compromise the surrounding landscape nor does it provide a justification alone to allow further development in this Green Belt site. Substations and pylons are common and necessary infrastructure in the open countryside and land uses around them often remain undisturbed. Notwithstanding this, the siting of the development immediately adjacent to the existing substation with the taller fixtures being located in the closest proximity, it is agreed that these would be viewed in the landscape as an extension to the substation site. It would, however, significantly increase the amount of manmade infrastructure within the existing landscape setting.
- 5.28 Other Landscape designations within the Study Area of the LVIA are limited to the LILA and Monk Fryston Conservation Area which would not be affected as there is very little to no intervisibility between the site and designations and changes created by the Development would not impact or remove landscape features or qualities which define these designations. Therefore, the proposed development would not give rise to unacceptable effects on any landscape-related planning designations.
- 5.29 The visibility of the site is greatest to the west, with more limited visibility to the north, northeast and south. The extent of theoretical visibility reflects the higher topography south of the site, Woodland east of the Site and Monk Fryston Substation north of the Site limit views some from the wider area.
- 5.30 The LVIA report assesses the views from residential receptors with either a negligible or minor moderate effect from the outset and a negligible effect when the landscaping mitigation is established at Year 15.
- 5.31 Notwithstanding the above it is considered that the visual impact on the character and appearance of the area is not just limited to the views from the limited nearby residential receptors. The site is widely visible from the road to the west and south

and from the public footpath running across the south of the site from Rawfield Lane to the A162 to the east.

5.32 Overall the applicants LVIA concludes that:

“...the nature, scale and form of the development would result in some adverse effects on landscape character and on visual amenity but this would be at the localised level only, due to existing screening, landform and neighbouring substation. The limited height of the majority of the development and degree of containment afforded by screening vegetation, bunding and topography, limits the majority of any likely effects to within the immediate context of the Site and views of the Development from wider aspects of the Study Area are considered to be negligible. The tallest infrastructure (10.8 m) has been located adjacent to the existing substation and as such would be viewed within the landscape as an extension to the existing infrastructure however any visual effects would be filtered by existing and proposed woodland bands within the Application Site. Overall, there is no reason why the landscape and visual effects arising from the Development should be regarded as unacceptable, and in some circumstances embedded mitigation would provide landscape and visual enhancement, which would also deliver wider ecological and biodiversity gains.”

5.33 Notwithstanding the conclusion of the applicants LIVA, the Council's Principal Landscape Architect raises a number of concerns. A key issue relates to the cumulative effects in relation to other developments in the area. These are discussed in more detail in the final section of this appraisal when considering the locational need for the development. Notwithstanding this, at the present time neither the NSIP Yorkshire Green Project nor other projects have permission and therefore the impact of this site needs to be considered individually on its own merits. For information, at the time of writing this report a six-week statutory consultation period is underway on the Yorkshire Green NSIP. A further similar proposal but on a smaller area of land is under consideration under application reference 2021/0633/FUL and is also on this agenda. The cumulative effects of both proposals should be considered.

5.34 The Council's Principal Landscape Officer's concerns regarding the adverse landscape and visual effects in the first 10-15 years until screen planting is established are of significant concern. Until the planting is established there will be a harmful visual impact on the locality. It is advised that the minimum screening depth should be 10m for all year-round screening using locally occurring native species. The current layout plan does provide this. Moreover, the Applicants are prepared to provide more mature tree species so that the screening effect can be achieved in a shorter time. Generally native species needs to be a minimum depth of 10 metres to ensure views through are not afforded in winter when deciduous trees lose their leaf cover. The harmful impact of the development will be reduced with adequate established landscaping. Conditions can be imposed the detailed planting species, schedules and timing. However, it will still take some years to establish during which time the development will be visible and harmfully effect the visual amenity of the area.

5.35 Even with adequate screening, the development will be visible for a considerable time. When established there will still be some impact and change to the character and appearance of the area. For these reasons, Officers had concerns about the colour of the perimeter fencing, the colour of the battery casing and the colour materials for the buildings. The Applicants have now agreed to use green fencing,

green battery casing and green building materials. The contract for the batteries will specifically require green colours only and the applicants will accept a condition to this effect. Evidence has been provided to show the availability of green battery casings. The use of green materials described above would also help to reduce the visual harm impact until screening around the site perimeter is established.

- 5.36 Policy ENV3 of the Local Plan restricts outdoor lighting to the minimum level required for security and operational purposes whilst minimising glare, light spill. In terms of lighting for this development, 6 x 6 m columns are proposed in the corners of the site. Clarification has been sought on the basis that lighting on all the time would make the development far more visually intrusive in this rural location. Moreover, it could have a harmful impact on ecological interests and negate the benefits proposed by the mitigation landscape scheme. The Applicants have confirmed that the lighting would be off at all times unless required for checks and maintenance. A condition can be imposed to secure this and the details of the lighting.
- 5.37 Subject to the aforementioned revisions and appropriate conditions to secure the successful establishment of the screen landscaping it is considered the harm would be reduced. However, given the time period this would take to establish, Officers conclude that the scheme will have a materially adverse impact on the character and appearance of the area due to the significant scale of the proposal, the change in character of the rural landscape and the current open lack of screening to the site.
- 5.38 In this respect the development would be contrary to Policy ENV1 and ENV3 of the Selby District Local Plan and Policies SP18 and SP19 of the Core Strategy.

Nature Conservation and Protected Species

- 5.39 The application has been supported by an Ecological Impact Appraisal (EIA) prepared by Arcus June 21. The EIA incorporates the results of a Phase 1 Habitat Survey and breeding bird survey, as well as habitat assessments for bats, badgers, reptiles and great crested newts ('GCN').
- 5.40 The application site itself is not subject to any ecological designations. In terms of statutory designations, Fairburn and Newton Ings SSSI is located 1.7 km to the southwest of the Site. No European/International statutory designated sites are located within 5 km. There are 6 non-statutory sites within 2 km of the Site, the closest of which is the Field at Betteras Hill Road 1.4 km east of the Site. No designated sites will be directly impacted by the proposed development.
- 5.41 The EIA found that the grassland and scrub on site provide suitable habitat for reptiles and the pond to the east has good suitability to support GCN. An eDNA survey carried out in 2020 confirmed GCN presence at the pond and population surveys from April-June 2021 indicate that there is a low population of GCN at the pond. The Habitat Enhancement Area with its proposed native shrub and wildflower grassland to the east of the Site and around the pond will provide additional connectivity and enhance GCN and reptile habitat. With regard to birds, as all boundary habitats will be retained, direct habitat loss is not expected to impact breeding birds. The planned hedge and tree planting and enhancement measures such as bird boxes will improve and strengthen existing boundary habitats and offer long-term gains for some species.

- 5.42 No trees with potential roosting features suitable to support bats were identified at the site. While the existing vegetation could support foraging and/or commuting bats, habitat enhancements will increase areas of available habitat suitable for foraging and commuting bats, with only a small area of hedgerow at the entrance to be lost, such that the overall impact on bats will be negligible.
- 5.43 A Biodiversity Metric Assessment ('BMA') has been undertaken. The assessment makes use of the DEFRA Biodiversity Metric 2.0 Calculation Tool Beta Test (2019) to quantify the biodiversity units before and after construction to determine the impact of the Development on biodiversity.
- 5.54 The BMA calculations indicate that the Development will result in a 15% net gain in biodiversity compared to the existing situation. In addition, there will be a 81% net gain of hedgerow units following replacement and additional hedgerow planting.
- 5.55 As well as enhancing habitats for birds, bats and mammals, the woodland planting around the Site boundary will provide substantial screening to ensure that the Development is visually contained. The offsite shrub and grassland planting will provide enhanced opportunities for biodiversity around the existing pond and increase the connectivity with nearby hedges and woodland.
- 5.56 The NYCC Ecologist has been consulted and although they have no concerns about the jeopardy and survival of the GCN's, they commented that clarification is needed on the approach and mitigation measures. Further details were received, and the ecologists' comments now confirm these mitigation measures are acceptable. In terms of the impact on SSSI's no direct impacts are expected and the applicant confirmed that there will be no onsite emissions associated with the operation of the scheme. The ecologist is satisfied that there will be no adverse impact on the SSSI's.
- 5.57 In terms of landscaping in relation to the Landscape and Ecology Mitigation Plan and Offsite Landscape Enhancement Plan, queries were raised about the using the most appropriate species being of British native provenance as imported varieties or off the shelf commercial seed mixtures have less value to wildlife and are less suited to local conditions. A condition can be imposed to ensure appropriate species are used and the applicant has agreed to this.
- 5.58 Overall, the development will not result in harm to protected species, designated sites, watercourses or habitats and will result in a significant net gain for biodiversity. Subject to the County Ecologist confirming the GCN mitigation and protection measures are satisfactory, the scheme is considered acceptable with respect to nature conservation and protected species. Moreover, it will deliver a Biodiversity net gain which is of ecological benefit to the locality. It therefore complies with Policy ENV1 of the Selby District Local Plan, Policies SP17 and SP18 of the Core Strategy, national policy contained within the NPPF, the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017.

Heritage Assets

- 5.59 The development plan includes policy ENV1 of the Selby District Local Plan which accords broadly with the NPPF. Policy SP18 seeks to safeguard and enhance the historic and natural environment which includes the landscape character.

- 5.60 Paragraphs 194, 195, 199 and 200 of the NPPF requires applicants to describe the significance of heritage assets (including their setting) which might be affected by development. Paragraph 199 states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to its conservation. Paragraph 200 adds that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 5.61 The nearest identified Listed Buildings are the Grade II Monk Fryston Lodge 662m to the northeast and 2 Grade II milestones the nearest being situated 0.2 mile south of the junction with Betteras Hill Road within 858m of the site. A Heritage Impact Assessment has been submitted with the application and the development is not considered to affect the setting of these assets. The Council's Conservation Officer comments that the location of the existing substation to the north of this site will significantly reduce the impact of the presence of this facility in the land surrounding the listed building. Additionally, tree cover and topography are likely to screen from view the installations, or the installation will be seen in the context of the existing facility. If this is the case, the impact on the setting of the listed building is likely to be very low / low (and therefore the impact on significance of the listed building would be negligible).
- 5.62 An Archaeological Desk Based Assessment (DBA) has been submitted The DBA indicates that there is limited potential for subsurface archaeology to be encountered. A watching brief to be secured by planning conditions is recommended as mitigation for any potential impacts on archaeology.
- 5.63 The NYCC Archaeologist comments that the archaeological geophysical survey requested revealed a number of anomalies of archaeological potential including a number of boundary features and a possible enclosure. However, the level of ground disturbance in the battery storage areas is minimal and consists of a scrape to even the surface followed by stoning up. This is unlikely to have an impact on sub-surface archaeology which is expected to survive at a depth of approximately 200-300mm. This makes the ground-disturbing footprint of the development much smaller and avoids the area of the potential enclosure.
- 5.64 There are other areas of the proposal where more invasive groundwork is proposed further works are advised to assess the depth of soils across the site and to trial trench archaeological features in the areas of higher disturbance could be carried out following planning consent. In this case, given the reduced physical footprint this is a proportionate response to the anticipated significance of the archaeological remains. A Condition is recommended to secure the archaeological recording.
- 5.65 Subject to this condition the scheme is considered to be acceptable in terms of the impacts on Heritage Assets and would comply with Policy ENV1 of the Local Plan and SP19 of the Core Strategy and with the NPPF.

Highway Safety

- 5.66 The proposed development would be accessed via a new vehicular access onto Rawfield Lane to the north of the site. The application has been supported by a Transport Statement by Arcus June 2021 which provides an overview of the development.

- 5.67 Construction and operational access to the proposed development would be taken from Rawfield Lane, close to the existing access for the Monk Fryston substation. Rawfield Lane is a single carriageway road which is wide enough for opposing HGVs to pass one another. A visibility splay assessment has been undertaken. In addition, a swept path assessment has been undertaken which demonstrates that the Site can be successfully accessed in forward gear.
- 5.68 The construction of the proposed development is anticipated to run for approximately 12 months. During the peak period of construction (Month 2) approximately 32 two-way HGV movements per day are expected to occur, along with approximately 8 two-way car and van movements. This would represent an increase in HGVs of 29%, with an overall increase of 2% taking into account all types of vehicles.
- 5.69 Construction vehicles would approach the Site from the A1(M) via the A63 eastbound and Rawfield Lane southbound. They would use the same route in reverse when leaving the Site. There are no sensitive receptors along the construction route as the traffic will not go through a built-up area. It should be noted that these HGV movements will be distributed throughout the working day. Therefore, the increase in traffic generation due to construction is negligible and not significant.
- 5.70 The Applicants have assessed cumulative traffic with the proposed gas peaking plant to the east of the Site. The peak traffic volumes for both developments have been combined and assessed based on a worst-case scenario in the event that both developments are constructed at the same time. However, even if the peak construction periods were to coincide, the effect of the cumulative traffic levels is assessed as being negligible, due to the low number of vehicle movements associated with the gas peaking plant. The Yorkshire Green National Grid development is at an early stage in the DCO process with scoping recently completed. Cumulative effects with Yorkshire Green have been scoped out of this assessment as the construction timescales are extremely unlikely to overlap.
- 5.71 NYCC Highways have been consulted on the application and have advised they have no objections subject to three conditions relating to: (1) a new and altered private access or verge crossing; (2) visibility splays; and (3) a construction management plan.
- 5.72 Having regard to the above and subject to the aforementioned conditions, it is considered that the impact on highway safety would be acceptable in accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan, Policy SP17 of the Core Strategy and national policy contained within the NPPF.

Flood Risk and Drainage

- 5.73 Although the site is in Flood Zone 1, (low probability of flooding) a Flood Risk Assessment has been completed as the site area exceeds 1 ha. The report concludes the residual risk of the development flooding from all sources is negligible.
- 5.74 An outline sustainable Drainage Strategy has also been provided. The proposed development has been designed to minimise surface water runoff with internal access tracks mainly made up of unbound aggregate. Battery containers, inverters, transformers and the communications house will be mounted on plinths and

underlain by crushed stone which is a permeable surface. The total proposed impermeable area at the Site is stated to be only 0.12 ha of the total 5 ha.

- 5.75 An infiltration basin with native shrub planting is proposed in the northwest corner of the Site to dispose of surface water for up to 0.2 ha of impermeable areas. The Applicants state that the proposed SuDS system will therefore provide additional capacity which can result in betterment to the surrounding catchment during extreme rainfall events. The Drainage Strategy also recommends maintenance measures to ensure that the infiltration basin performs this function for the lifetime of the development. Overall, the drainage scheme will reduce the rate of runoff from the Site to the surrounding area and store more water in comparison with the current situation. The development is stated to be safe from flood risk and will not increase the risk of flooding elsewhere.
- 5.76 The report also provides advice and mitigation measures for the construction phase of the development. As the submitted drainage strategy is an outline one, a condition should be imposed requiring a fully detailed drainage strategy for the written approval prior to development commencing.
- 5.77 A 6-foot diameter water main crosses the site. Following site meetings, the developer has agreed to divert this around the boundary within a 6metre corridor of the new units. Yorkshire Water are satisfied with the revisions subject to conditions to ensure no buildings or landscape features (including deep rooted trees) are located within 3 metres either side of the public main. A condition is required to ensure this is adhered to.
- 5.78 No comments have been received from the IDB or the Suds officer and it must therefore be assumed they have no objections.
- 5.79 Having regard to the above and subject to the aforementioned conditions, it is considered that the proposed development would be acceptable in terms of flood risk and drainage, in accordance with national planning policy contained within the NPPF.

Residential Amenity

- 5.80 In terms of residential amenity, there are no existing dwellings in the immediate vicinity of the application site and the nearest residential property lies approximately 700 m to the northeast. Therefore, no adverse impacts would arise in terms of outlook, light or loss of privacy. A planning application for a single dwelling located approximately 250 m north of the Development (Ref: 2021/0075/FUL) was recently refused due to noise from traffic levels and this is currently at appeal. As such, the potential effects of the development on the amenity of the existing and proposed dwellings and cumulative effects with the adjacent developments have been considered.
- 5.81 A Noise Impact Assessment (NIA) has been undertaken to determine the existing acoustic climate, predict the sound levels as a result of the development and assess the potential impact on nearby receptors. The development has been designed to minimise noise emissions, with the synchronous condensers enclosed in a building and the batteries enclosed in containers, as well as three 5 m high acoustic barriers to mitigate any noise emissions in the northern part of the Site.

- 5.82 The Council's Environmental Health Officer (EHO) was consulted prior to undertaking the noise assessment and it was agreed that noise levels associated with the proposed development should be limited to no more than the prevailing daytime and night-time background noise level. The EHO are satisfied that the NIA assessment alleviates concerns relevant to operational noise impact and raise no objections subject to conditions that the scheme is carried out in accordance with the advice and mitigation measures proposed in the NIA.
- 5.83 Given the size, siting and design of the proposed development and its relationship to neighbouring residential properties (including separation distances and screening) it is not considered that the proposed development would have any adverse effects on residential amenity.
- 5.84 Having regard to the above and subject to the aforementioned conditions, it is considered that the impact on residential amenity would be acceptable in accordance with Policies ENV1, ENV2 and ENV3 of the Selby District Local Plan, Policy SP17 of the Core Strategy and national policy contained within the NPPF.

Land Contamination

- 5.85 Policies ENV2 of the Local Plan and SP19 of the Core Strategy relate to contamination. The application is supported by a contamination assessment that has been reviewed by then Council's contaminated land consultant. A Phase 1 Land Contamination Desk Study is included with this application. The Council's Contaminated Land Consultant has confirmed that The Phase 1 report provides a good overview of the site's history, its setting and its potential to be affected by contamination. The report concludes that there are some moderate risks at the site and recommends that further intrusive investigation is carried out to confirm ground conditions and refine the conceptual site model and risk assessment.
- 5.86 The proposed site investigation works are acceptable, and the consultant recommends 4 standard conditions in relation to investigation, remediation, verification and reporting of unexpected contamination
- 5.87 The proposals are therefore acceptable with respect to contamination in accordance with Policy ENV2 of the Local Plan and Policy SP19 of the Core Strategy.

Balancing whether the harm by reason of inappropriateness and any other harm is outweighed by Very Special Circumstances

What are Very Special Circumstances

- 5.88 What is proposed is inappropriate development in the Green Belt. The main issue to assess is whether any of the above matters taken individually or collectively, amount to the VSC necessary to outweigh the harm to the Green Belt through inappropriateness.
- 5.89 What constitutes VSC, will depend on the weight of each of the factors put forward and the degree of weight to be accorded to each is a matter for the decision taker. Firstly, it is to determine whether any individual factor taken by itself outweighs the harm. Secondly to consider whether, a number of factors combine to create VSC.
- 5.90 The weight to be given to any particular factor will be a matter of degree and planning judgement. There is no formula for providing a ready answer to any

development control question on the green belt. Neither is there any categorical way of deciding whether any particular factor is a 'VSC' but the case must be decided on the planning balance qualitatively rather than quantitatively.

- 5.91 In weighing up any of the circumstances put forward, the positive measures to mitigate the impacts of the development do not contribute collectively to VSC to be weighed up in the planning balance. These are simply to secure a satisfactory development.

Wider Environmental benefits

- 5.92 The development constitutes inappropriate development in the Green Belt as it does not fall within any of the list of exceptions of appropriate development set out in 149 and 150 of the NPPF. As stated earlier, paragraph 151 of the NPPF makes clear that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development.

“In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.”

- 5.93 Whilst this proposal is not a new renewable energy provider, it is designed to support and supplement renewable energy through the storage of energy produced. Renewable technologies are intermittent as the amount of energy generated is dependent on weather conditions. It is therefore necessary to balance demand and supply in order to prevent shortages and blackouts. The proposed development is designed to support the flexible operation of the National Grid and the decarbonisation of the electricity supply. Given the reduction in centralised coal-fired power and the increasing but intermittent renewable energy supply such as wind and solar power, it is increasingly likely there will be peaks and troughs in the UK energy supply and demand. The battery storage plant would respond in times of high demand and would assist in balancing the grid frequency at times of stress. This would support increasing reliance on renewable energy forms by providing a quick and flexible backup energy supply. 'Enhanced Frequency Response' (EFR) is relatively new technology which would work in conjunction with the adjacent National Grid sub-station to help it balance fluctuations on the grid system.
- 5.94 Energy management is cited as being the best solution for a clean, direct and immediate reduction of energy consumption through the storage of excess electricity. Substantial weight is afforded to the proposal's wider environmental objectives and benefits which contributes to meeting energy management, resource conservation, climate protection and cost savings.

Locational Justification

- 5.95 Due to the site being located within the Green Belt the applicant was asked to justify locationally why this site was chosen, and why other sites not in the Green Belt could not be utilised to the same benefit.
- 5.96 The applicant aims to provide a zero-carbon energy storage and management facility within a specific zone (B7a and B11 (Yorkshire) of the National Grid Network. This area extends to the north as far as Osbaldwick in York, Knaresborough. To the south as far as Chesterfield. To the east to the coast including the Humber to

Flamborough and to the west beyond Elland and Bradford. To be effective it must be located adjacent to an existing National Grid Substation. A comparison of 31 substation locations has been provided and a score given to each one.

- 5.97 Of these only 9 substations in the region have three or more 400kV connections. This is very important as it enables a large capacity connection (320 MW). Of these, only 3 400kV substations are central to the transmission zone (B7a/B11), thus providing greater regional support in Yorkshire. Direct access to the 275kV network is also important for the Site to support the National Grid, at both a Local and National level. The only substation which benefits from the connections required for the zero-carbon energy storage and management facility is Monk Fryston.
- 5.98 Monk Fryston Substation is interconnected by 3 x 400kV and 5 x 275kV circuits, which would enhance the effectiveness of a zero-carbon energy management facility in this location. Given that the Substation is strongly connected at both 275kV and 400kV, is central to the B7a/B11 boundaries, and is not an operational or closed power station, it is the most appropriate location for the facility within the Yorkshire B7a/B11 zone. These provide a functional justification for this site over and above 30 other sites in the search area zone and as such it has been demonstrated to be the most appropriate in the region to which substantial weight is afforded.
- 5.99 In addition other key criteria have contributed to the site being strategically chosen for its location adjacent to the Substation. Given the close proximity lengthy cables/overhead lines will not be required, ensuring an efficient and viable connection to the National Grid, minimising electrical losses, disturbance and costs. The Substation is capable of accommodating the transfer of large amounts of electricity to and from the Site at a viable cost, which will provide valuable support to the grid, protecting customers at times when high demand places stress on the local and national electricity network.
- 5.100 As a result of the close proximity to the Substation, underground cables will avoid any major infrastructure, minimising connection and transmission costs. The small scale of the underground grid connection required will also significantly minimise construction-related disruption.
- 5.101 The other key criteria in selecting a location for the Development include:
- Separation from residential properties and settlements;
 - Existing visual screening provided by trees and hedgerows around the perimeter of the Site;
 - Ease of access to the site for construction; and
 - Lack of environmental constraints (e.g., ecological/landscape designations, heritage assets, flood risk, etc.).
- 5.102 These are advantages of this location which would be hard to repeat all of them in many other locations and therefore substantial weight can be afforded for these circumstances.
- 5.103 The Applicants consider the Monk Fryston Substation is the most suitable location for the Development to maximise the benefits to the National Grid. The surrounding area is entirely within Green Belt and there are no other sites within 1 km of the Substation which are not within the Green Belt.

5.104 Notwithstanding the locational need for the proposed development to be within 1 km of the Substation, the applicant states there are no alternative viable and available locations for the Development outside of the Green Belt. It should be noted that as part of the justification consideration was given to former and existing power stations. For technical reasons Ferrybridge and Eggborough were excluded as unsuitable. It was stated that Drax is not available and is actively producing electricity. However, it should be noted that a similar substantial battery facility has recently been granted at Drax with 50 batteries on 3 hectares of land just to the southwest of Drax site with an intended energy storage capacity of 99MW. As such only limited weight can be afforded to the contention that no alternative viable sites are available. Moreover, a number of other battery applications within the district have been approved in recent years.

Yorkshire Green

- 5.105 An EIA Scoping Request for the proposed National Grid Energy Transmission Yorkshire Green Energy Enablement ('GREEN') Project was submitted to the Planning Inspectorate in April 2021. A Scoping Opinion was issued by the Planning Inspectorate in April 2021 (Ref: EN020024). At the time of writing this report a six-week statutory consultation period has just begun on the Yorkshire Green NSIP. As a guide, they will not be ready to submit the application until late 2022/early 2023. The GREEN Project incorporates the construction of two new substations, up to 4 km of overhead transmission lines and additional infrastructure to upgrade the grid network. One of the two proposed substations is to be located adjacent to the existing Substation at Monk Fryston. The red line site boundary for the Yorkshire Green Scoping request has been drawn wide and includes the northern part of this application site. However, the indicative location for the new substation does not overlap with the application site. It is anticipated that the DCO application for Yorkshire GREEN, which is anticipated in Q4 2022 will include consideration of cumulative effects with the proposed Development.
- 5.106 Since the NSIP application does not currently have permission it is not at this stage a firm proposal. Nevertheless, it does provide an indication of the strategic importance of the Monk Fryston Substation site as a location for future expansion relating to the renewable energy. As such moderate weight should be afforded to this circumstance.

Other harm

- 5.107 The development would therefore fail to preserve the openness of the Green Belt both spatially and visually and would be contrary to Policy SP3 of the Selby District Core Strategy and the NPPF. The harm arising from the development includes the harm to the character and appearance of the area. Whilst this can be mitigated in the longer term, in the short and medium term (0-15 years) the development will be visible from the surrounding countryside. Moreover, the industrial appearance of the development will detract from the green rural character of the site.

Balancing whether VSC exist.

- 5.108 Paragraph 151 of the NPPF states that the wider environmental benefits associated with increased production of energy from renewable sources may be included in very special circumstances. The Development comprises infrastructure which is essential for the storage and supply of renewable energy to the National Grid, and as such, the environmental benefits in terms of decarbonising the energy supply

and thereby mitigating climate change contribute to very special circumstances in accordance with Paragraph NPPF 151.

- 5.109 Substantial weight is afforded to the proposal which contributes to meeting these wider environmental main objectives of energy management, resource conservation, climate protection and cost savings.
- 5.110 Substantial weight is afforded to the functional and technical justification and evidence provided for this site over and above 30 other sites in the search area zone and as such it has been demonstrated to be the most appropriate in the region.
- 5.111 Substantial weight is afforded to the advantages of this location in relation to the proximity and ease of connection to the substation, the remoteness and separation from other property and the lack of environmental constraints. These would be hard to repeat collectively in many other locations.
- 5.112 Moderate weight only is afforded to the lack of alternative sites. It is clear that other sites can be available as evidenced by the recent permission granted at Drax and other sites in the district.
- 5.113 It is considered that, the above factors taken collectively do amount to the VSC and are sufficient to clearly outweigh the harm by reason of inappropriateness, the harm to the openness of the Green Belt and the harm to the character and appearance of the area.

6 CONCLUSION

- 6.1 The application proposes the construction of a zero-carbon energy storage and management facility including containerised batteries, synchronous condensers and associated infrastructure, access and landscaping. The development would be inappropriate development in the Green Belt resulting in harm by definition to which substantial weight is applied. In addition, there would be harm to the openness of the Green Belt both spatially and visually.
- 6.2 The development would also be harmful to the character and appearance of the locality. However, the proposed landscaping should adequately screen the development in the medium to long term.
- 6.3 The impacts of the development are acceptable (subject to the revisions and conditions referred to in the report) with respect to the Heritage Assets, Highway Safety, Flood Risk and Drainage, Residential Amenity and Land Contamination
- 6.4 Overall, it is concluded that there are very special circumstances which, taken collectively, are sufficient to clearly outweigh the harm by reason of inappropriateness, the harm to the openness of the Green Belt and the harm to the character and appearance of the area.
- 6.5 Under the Town and Country Planning (Consultation) (England) Direction 2021- the application requires referral to the Secretary of State on the basis that the site is Green Belt Development of more than 5 hectares and includes inappropriate development and would have a significant impact on the openness of the Green Belt.

7 RECOMMENDATION

That the application be referred to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2021 with the Planning Committees' resolution to support it.

In the event the application is not called in by the Secretary of State, authority be delegated to the Planning Development Manager to approve the application subject to the following conditions.

In the event the application was called in for the Secretary of States own determination, a further report would come to the Planning Committee.

Time limit

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.

Plans

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

(To be inserted)

Reason:

For the avoidance of doubt.

Discontinuance

03. The buildings, batteries and all associated equipment and infrastructure shall be removed, and the use of the land discontinued restored to its former condition on or before (date to be inserted- 40 years from date of approval) in accordance with a decommissioning programme and a scheme of work to be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of preserving the Green Belt in the longer term and in the interests of visual amenity to secure the restoration of the land upon removal/extinguishment of the buildings and use for which permission has been justified on the basis of a special temporary need and in order to comply with Policies SP3,SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

Discontinuance

04. Within six months of the development ceasing to be used for the storage of electricity, the battery energy storage containers; HVAC units; combined power conversion systems, transformers and associated switchgear; auxiliary transformer;

grid compliance equipment units; substation; security fencing; lighting and CCTV columns and any other associated infrastructure shall be permanently removed from the land and the site restored to its former agricultural use in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to these works being carried out.

Reason:

In the interests of preserving the Green Belt in the longer term and in the interests of visual amenity to secure the restoration of the land upon removal/extinguishment of the buildings and use for which permission has been justified on the basis of a special temporary need and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

Tree and hedge protection

05. Prior to the commencement of development, an Arboricultural Method Statement and tree protection measures, to BS5837, shall be submitted to and approved in writing by the Local Planning Authority. This should demonstrate how all existing boundary trees and hedgerows to be retained will be protected during the construction period. The development shall thereafter be carried out only in accordance with the approved details.

Reason:

To ensure protection during construction works of trees and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired, having had regard Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

Landscaping

06. Prior to the commencement of development, a detailed hard and soft landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include a detailed landscape management plan. The approved scheme shall be implemented in its entirety within the first available planting season following the construction of the development hereby permitted. All trees, shrubs and bushes which shall be of native indigenous species (of which X % of trees to be size (to be inserted)) shall be adequately maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary. The scheme shall be retained and managed in accordance with the approved landscape management plan for the lifetime of the development.

Reason:

In the interests of visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

Construction Management

07. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

- (i) the parking of contractors' site operatives and visitor's vehicles;
- (ii) areas for storage of plant and materials used in constructing the development clear of the highway;
- (iii) contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason

In the interest of public safety and amenity during the construction phase

Access

08. The development must not be brought into use until the access to the site at Rawfield Lane has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:

- The access must be formed to give a minimum carriageway width of 4.1 metres, and that part of the access road extending 6 metres into the site must be constructed in accordance with Standard Detail number E70 and the following requirements.
- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and must be maintained thereafter to prevent such discharges.

All works must be carried out in accordance with the above approved details.

Reason

To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

Visibility

09. There must be no access or egress by any vehicles between the highway and the application site at Rawfield Lane until splays are provided giving clear visibility of 130metres (north) and 129 metres (south) measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason

In the interests of highway safety

Drainage

10. Before development commences a fully detailed drainage strategy (based on the principles provided in the outline drainage strategy provided by Arcus) shall be submitted for the written approval of the Local Planning Authority and thereafter only the approved details shall be implemented and maintained for the lifetime of the development

Reason

To ensure the satisfactory sustainable drainage of the site and to comply with Policies ENV1 of the Local Plan.

Archaeology Condition:

11. No demolition/development shall commence until a Written Scheme of Investigation 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:

1. The programme and methodology of site investigation and recording
2. Community involvement and/or outreach proposals
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the approved Written Scheme of Investigation. The development shall not be brought in to use or the site 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 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason

To secure the archaeological interests of the site in accordance with Paragraph 204 of Section 16 of the NPPF as the site is of archaeological significance

Contamination Investigation

12. Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (iv) a survey of the extent, scale and nature of contamination (including ground gases where appropriate):
- (v) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

(vi) an appraisal of remedial options, and proposal of the preferred option(s).

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.

Contamination Remediation Scheme

13. Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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.

Verification of Remedial Works

14. Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and 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.

Reporting of Unexpected Contamination

15. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and 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.

Noise Impact

16. The development hereby approved shall be carried out in accordance with the supporting Noise Impact Assessment dated May 2021, or an alternative scheme agreed by the Local Planning Authority. The mitigation measures shall be retained for the life of the development hereby approved

Reason:

To protect the residential amenity of the locality during the operational phase and to comply with the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE) and Selby District Council's Policy's SP19 and ENV2.

Lighting

17. No external lighting shall be installed on site until the details of the lighting, columns, including their number, type and locations, the intensity of illumination and predicted lighting contours and the details of when the lighting would be operational have been first submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure the lighting remains off at all times unless necessary for access, service and maintenance. Any external lighting that is installed shall accord with the details so approved.

Reason:

In the interests of visual amenity and residential amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policies ENV1 and ENV3 of the Selby District Local Plan.

Materials

18. The battery containers, palisade fencing and energy management building shall be finished with green colour materials only and prior to their installation, the details of the colour and finish of the battery energy storage containers, transformers and associated switchgear; containers, communications house, energy management building, perimeter palisade fencing, acoustic walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason:

In the interests of visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

Ecology

19. The development shall be carried out in full accordance with the recommendations, advice and mitigations measures contained in the Landscape and Ecology Mitigation Plan and offsite Landscape Enhancement Plan and adherence to the measure set out in the Ecological Impact Assessment by Arcus

dated June 2021 and the additional mitigation measures for GCN dated (to be inserted).

In order to ensure that adverse impacts on wildlife are minimised and net gains for biodiversity are delivered in accordance with Policy ENV1 of the Local Plan and SP19 of the Core Strategy and the NPPF.:

Water Main

20. No building or other obstruction including landscape features shall be located over or within 3 (three) metres either side of the centre line of the public water main i.e., a protected strip width of 6 (six) metres, that crosses the site. If the required stand-off distance is to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

Reason

In order to allow sufficient access for maintenance and repair work at all times

National Grid

21. A 5.3m minimum clearance with National Grid Assets must be maintained as shown on the drawing number (to be inserted).

Reason

In order to ensure the National Grid Assets are protected.

INFORMATIVES

1. Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's website:

https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification_for_housing_ind_est_roads_street_works_2nd_edition.pdf

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in the above conditions:

2. Visibility Splays -(MHC-05) An explanation of the terms used above is available from the Local Highway Authority.MHC-15B

3. NATIONAL GRID -BEFORE carrying out any work you must:

- Refer to the attached cable profile drawings (if any) which provide details about the location of National Grid's high voltage underground cables.
- Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.

- Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 - 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

8 Legal Issues

8.1 Planning Acts

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

8.2 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.

8.3 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.

9 Financial Issues

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

10 Background Documents

Planning Application file reference 2021/0789/FULM and associated documents.

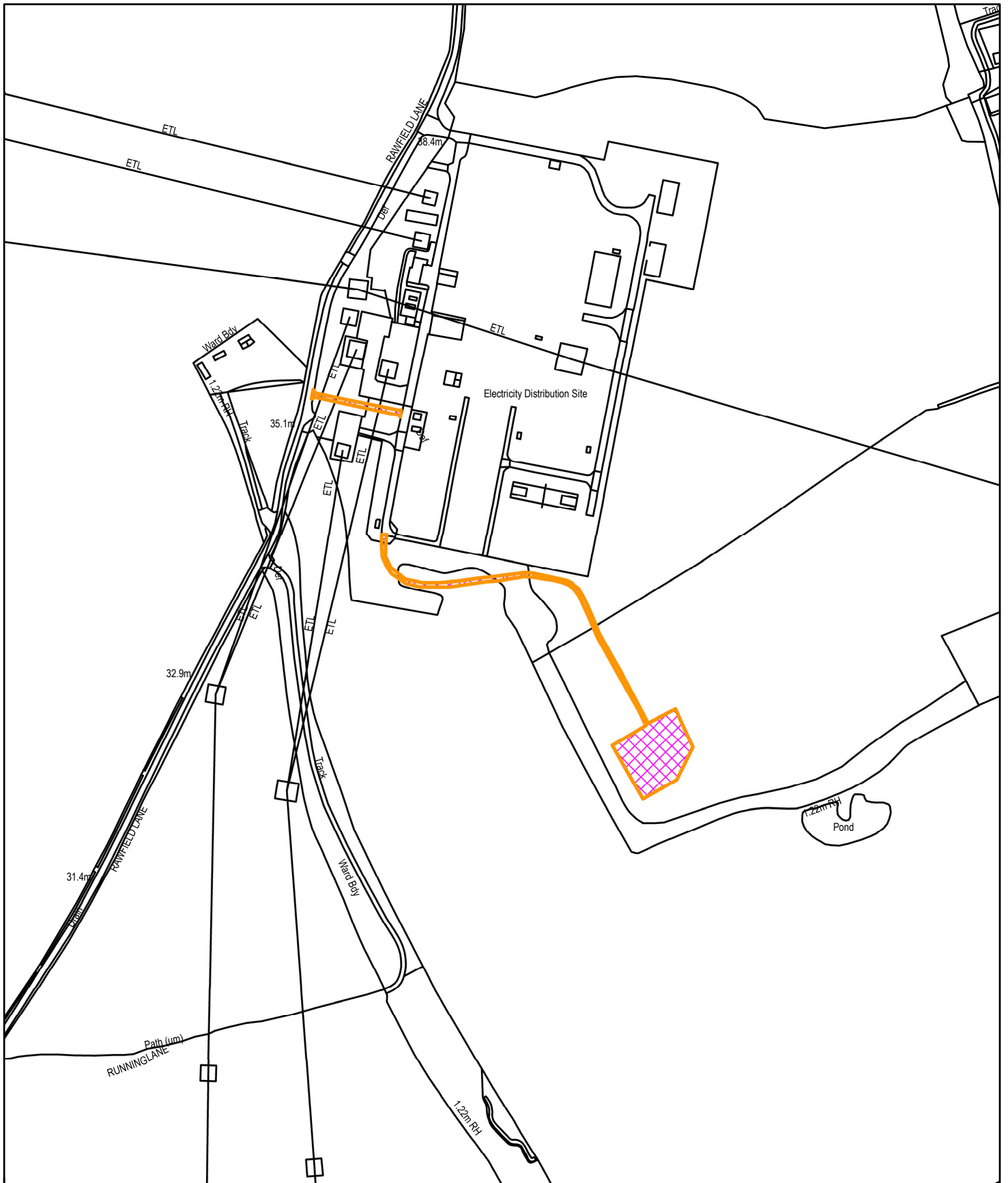
Contact Officer: Fiona Ellwood (Principal Planning Officer)
fellwood@selby.gov.uk

Appendices: None

Agenda Item 5.3

Land south of Electricity Substation, Rawfield Lane, Fairburn

2021/0633/FULM



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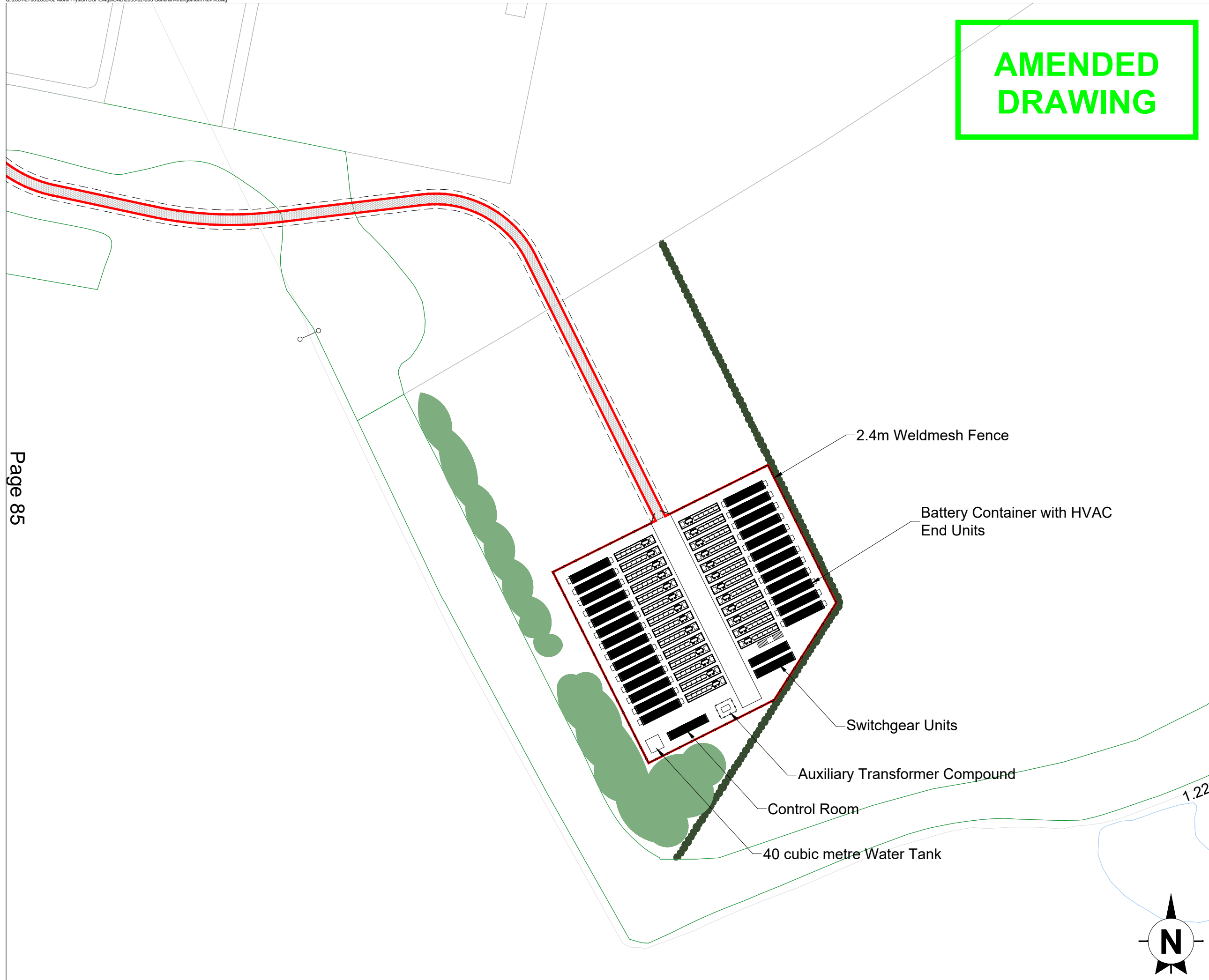
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**AMENDED
DRAWING**






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Follow any figured dimensions - do not scale. IF IN DOUBT ASK.

• Revision History • Date

| Revision History | Date |
|------------------|---|
| A | Gm Easement for water main diversion and reduction in cable track |

-  Application Boundary (4881m²)
-  Proposed Tree Planting
-  Proposed Hedge

| | | |
|--|---|--|
| Chester Office: Wolf House Farm Brimston Chester CH4 8DH | South Manchester Office: Canalside House 74 Water Lane Wilmslow SK9 5BB | axis 0844 8700 007 - www.axisped.co.uk |
| client: PELAGIC ENERGY | | |
| project: MONK FRYSTON BATTERY STORAGE | | |
| drawing title: GENERAL ARRANGEMENT | | |
| date: May 2021 | drawn by: SM | checked: PR |
| drawing number: 2655-02-003 | status: -- | |
| scale(s): 1:1000@A3 | rev: A | |
| planning environment design | | |

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Report Reference Number: 2021/0633/FULM

To: Planning Committee
Date: 8 December 2021
Author: Fiona Ellwood (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

| | | | |
|---------------------|--|--------------------------------|-----------------------------------|
| APPLICATION NUMBER: | 2021/0633/FULM | PARISH: | Fairburn Parish Council |
| APPLICANT: | HD777FRY Ltd | VALID DATE: EXPIRY DATE: | 19th May 2021 18th August 2021 |
| PROPOSAL: | Installation and operation of a battery storage facility and ancillary development on land off Rawfield Lane, Monk Fryston | | |
| LOCATION: | Land South of Electricity Substation Rawfield Lane Fairburn Selby North Yorkshire | | |
| RECOMMENDATION: | GRANT SUBJECT TO REFERRAL TO THE SECRETARY OF STATE | | |

This application has been brought before Planning Committee as the scheme is inappropriate development in the Green Belt and Very Special Circumstances are required to approve it.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The site is 0.48 hectares located on land off Rawfield Lane to the southwest of the Monk Fryston National Grid Substation. The A1M motorway is located approximately 0.5km (as the crow flies) to the west of the site. A further application (different applicant) on an adjacent parcel of land of 5 hectares for a similar battery storage facility (2021/0789/FULM) is also under consideration on this agenda. The site is undeveloped land within the Green Belt. The main Site is bound to the south by agricultural arable land and a strip of mature vegetation and trees located a further 50m south. Further south of this lies extensive agricultural fields, bordered

by semi mature / mature vegetation. Beyond which lies the A162 and the settlement of Burton Salmon.

The Proposal

- 1.2 The proposal is for the installation and operation of a battery storage facility (BSF) and ancillary equipment. The development would comprise:

The application has been amended from a scheme for 52 double stacked to a scheme for 26 single level Battery Energy Storage Systems ('BESS'). These would have the appearance of a standard metal shipping container of grey/green colour with ventilation units for cooling and would be arranged in two parallel blocks on the site.

- The containers would be supported by ancillary infrastructure including: 26 no. inverter/transformer stations, 2 no. external switchgear units, 1 no. auxiliary transformer compound, 1 no. control room and a 40 cubic metre water tank.
 - The containers and ancillary infrastructure would be located within a secure compound surrounded by a 2.4 m high weldmesh fence with CCTV security cameras.
 - Boundary treatments – 2.4m high weldmesh security fencing
 - Maintenance access track – permeable reinforced grass construction with compacted stone for batteries.
- 1.3 The Site would be accessed via a new access track from Rawfield Lane which would lead to the substation complex. Vehicles would then use an existing access track running through the substation complex and exit to the southwest corner. A new track would be constructed from this point leading to the main Site.
- 1.4 The proposed development would be capable of importing (storing) electricity from the grid at times of excess supply in the system and exporting it back to the grid at times of high demand/reduced generation capacity. The proposed development is referred to by National Grid as a 'balancing service'. It would assist in balancing grid frequency at times of system stress providing a flexible back-up power source to the grid and can respond rapidly to variations that result from local and national energy demand, alongside increasing fluctuations in generation resulting from an ever-greater use of intermittent renewable energy sources. The aim is to contribute towards ensuring that there is a reliable and constant supply of electricity across National Grid's transmission network.

Relevant Planning History

- 1.3 The following historical application is considered to be relevant to the determination of this application.

2021/0453/SCN: EIA Screening opinion request for Zero-Carbon Energy Storage and Management Facility on land adjacent to Monk Fryston, Substation, Rawfield Lane, Fairburn, Selby, North Yorkshire. Decision: **EIA Not required** 24-JUN-21 (relates to adjacent site- 2021/0789/FULM)

2020/0594/FULM: Installation and operation of 11no. 4.5MW gas engines and ancillary development on land: Sub Station, Rawfield Lane, Fairburn, Knottingley, West Yorkshire. Decision: **Pending (same site as this application)**

2021/0789/FULM- Construction of a zero-carbon energy storage and management facility including containerised batteries, synchronous condensers and associated infrastructure, access and landscaping on 5 hectares of land (**Pending – on this agenda**)

2019/0723/FUL: Proposed erection of an agricultural building: Land South Of Electricity Substation, Rawfield Lane, Fairburn, Knottingley, West Yorkshire: Decision **Refused**: 06-OCT-20 (site to the south of this application) (Adjacent Land to the south)

2. CONSULTATION AND PUBLICITY

2.1 National Grid

Initial objections removed following receipt of revised plans. Map provided showing location of overhead lines in the vicinity.

NYCC Highways

No Objections and conditions recommended in relation to a construction management plan, visibility splays and work in accordance with the plans.

Conservation Officer

There is no Heritage Statement and no reference to heritage assets within the Planning Statement. Monk Fryston Lodge (Grade II Listed) is located close to the site (540m away).

In terms of assessing the impact, Monk Fryston Lodge is surrounded by rural fields, tree cover and topography is likely to screen from view the new installations. If this is the case, the impact on the setting of the listed building is likely to be very low (and therefore the impact on significance of the listed building would be negligible), but in any case, appropriate landscaping and mitigation measures should be put in place.

Yorkshire Water Services

Initial objection withdrawn provided the 6ft water main is diverted at the developer's expense as per agreed route. 6m corridor too be maintained with no trees or deep-rooted shrubs planted within it so that access can be obtained if required.

Landscape Consultant

Comments were provided for the larger adjacent scheme 2021/0789/FULM.

Contaminated Land Consultant

The site is concluded to pose a negligible risk to human health with regards to contamination, however the report recommends that further investigations include the collection and testing of samples from foundation-bearing strata for pH and

soluble sulphate to allow determination of aggressive conditions. The Phase 1 report provides a good overview of the site's history, its setting and its potential to be affected by contamination. Recommend conditions.

Selby Area Internal Drainage Board

No comments received.

Environmental Health

In response to the Noise Impact Assessment dated 12th May 2021, report predicts the operational rating noise levels, but fails to account for cumulative noise impact from this and undetermined application ref: 2020/0594/FULM (installation and operation of 11 no. 4.5 MW gas engines), which predicts an operational rating noise level of 36dBLAr at 540 metres. Furthermore, the report identifies the nearest noise sensitive receptor at a distance of 540 metres, which fails to account for undetermined application ref: 2021/0075/FUL (conversion of a single storey stables to dwelling) at 400 metres. Significant cumulative operational noise disturbance at 400 metres is not envisaged. In order to ensure compliance with the report, and account for uncertainty regarding existing background sound levels at nearby sensitive receptors, a condition is recommended.

Natural England

No objections based on the plans submitted. Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
Generic advice given.

North Yorkshire Bat Group

No response received.

Yorkshire Wildlife Trust

Pleased to see that survey has been undertaken in accordance with best practice guidance and that a Biodiversity Net Gain (BNG) assessment has been completed which indicates a significant uplift in biodiversity units. YWT would like to see the full results of the BNG assessment submitted (for transparency), and a commitment to manage the habitats for a minimum of 30 years, as is required for habitats created as part of the BNG assessment.

County Ecologist

Agree with the assessment which concludes that there would be no impact upon statutory or non-statutory designated sites. With regards to habitats and species the assessment identifies potential constraints and makes recommendations for mitigation or enhancement measures which are acceptable.

Provided that these recommendations are followed, satisfied that ecological impacts can be avoided or mitigated in line with the NPPF if the recommendations are followed.

The Ecological Assessment has also provided a biodiversity net gain calculation which demonstrates that the landscape scheme can achieve a biodiversity net gain in excess of the Defra recommended 10%. Pleased to see this assessment being included and it is assumed that as there is likely to be a planning condition securing the landscape scheme, there is no need to duplicate this to secure the BNG.

Designing Out Crime Officer

Noted the battery containers and ancillary infrastructure are to be located within a secure compound consisting of a 2.4m high weldmesh fence, protected by alarm and CCTV systems. These measures are considered to be appropriate for this type of site.

North Yorkshire Fire & Rescue Service

No objection/observation to the proposed development at this stage. Will make further comment in relation to the suitability of proposed fire safety measures at the time when the building control body submit a statutory Building Regulations consultation to the Fire Authority.

Public Rights of Way Officer

No response received.

NYCC Heritage Officer

No objection to the proposal and no further comments make.

The Environment Agency

No response received.

Monk Fryston Parish Council

- Fully endorse national incentives to provide cleaner, efficient renewable energy but has several concerns regarding the above application.
- Location and visual impact -Plans show the proposed battery installation on land, to the south of the existing substation. Query if there any detailed plans to contain the storage batteries requiring further building construction and if so, what effect will this have on local landscaping?
- Cumulative Impact- several applications in the immediate vicinity regarding energy supply development. Ref 2021/0453/SCN Screening option, 2021/0373/CPO Construction of Additional Pylons. 2020/0594/FULM Development of Gas Energy Installation (Candent) and 2021/0373/CPO Yorkshire Green (37.5h) infrastructure development plans. There is also the intended Lorry Park development off the A1 Junction /A63. The amalgamation of all these developments would pose a serious threat to the urbanisation of the Greenbelt and with the expected increase in demand to support the import, export and storage of Green Energy what are the implications for future expansion and development of the Greenbelt once these plans are in situ.

- Access - Potential impact for construction traffic, hospitality for site contractors and the suitability of local roads to accommodate the increased demand on heavy vehicles. The impact on existing road networks, footpaths and to the environment of addition heavy plant vehicles around Rawfields Lane and the busy A63, particularly through Monk Fryston, is of particular concern.
- Environment Ecology - Concerns that survey not done correctly, and species missed. Objects to irreversible environmental impacts on the natural habitats of native species.
- Green Belt -Inappropriate development and Contrary to Green Belt objectives in NPPF.
- Other sites - requests all other possibilities of development on brown field sites and decommissioned energy providing power plants are investigated before permitting this application.

2.2 Publicity

The application was advertised by site notice and advertised in the local newspaper.

No letters of response have been received as a result.

3 **SITE CONSTRAINTS**

Constraints

- 3.1 The site is outside of development limits on land that is Green Belt. It is within Flood Zone 1. Public footpath runs east-west along the south boundary. The Fairburn and Newton Ings Site of Special Scientific Interest is located approximately 1.8 km to the southwest of the Site. There are no statutory or non-statutory heritage assets on or immediately adjacent to the site. However, Monk Fryston Lodge, a Grade II Listed Building is situated approximately 600m to the northeast. Pollums House Farm is located approximately 600m to the northwest of the site. A Public Right of Way (PROW) runs adjacent to the full extent of the southern boundary of the site

4 **POLICY CONSIDERATIONS**

- 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 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of

a new Local Plan in 2023. Consultation on issues and options took place early in 2020. Consultation on preferred options took place in early 2021. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.

4.4 The National Planning Policy Framework (July 2021) (NPPF) replaced the February 2019 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 2021 NPPF.

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

“219...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

4.6 The relevant Core Strategy Policies are:

SP1 Presumption in favour of Sustainable Development
SP2 Spatial Development Strategy
SP3 Green Belt
SP13 Scale and Distribution of Economic Growth
SP15 Sustainable Development and Climate Change
SP17 Low Carbon and Renewable Energy
SP18 Protecting and Enhancing the Environment
SP19 Design Quality

Selby District Local Plan

4.7 The relevant Selby District Local Plan Policies are:

ENV1 Control of Development
ENV2 Environmental Pollution and Contaminated Land
ENV3 Light Pollution
T1 Development in relation to the Highways network
T2 Access to Roads

5 APPRAISAL

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

The Principle of the Development in the Green Belt.

The Impacts of the Development on:

- The openness of the Green Belt
- The Character and Appearance of the Open Countryside

- Heritage Assets
- Highway Safety
- Flood Risk and Drainage
- Residential Amenity
- Contamination

Very Special Circumstances.

The Principle of the Development in the Green Belt

- 5.1 Paragraph 138 of the NPPF explains that the Government attach great importance to Green Belts. The fundamental aim is to prevent urban sprawl by keeping land permanently open. Their essential characteristics are their openness and their permanence. One of their five main purposes is to assist in safeguarding the countryside from encroachment.
- 5.2 Policy SP2 A (d) of the Selby District Core Strategy Local Plan (CS) advises that in the Green Belt, development must conform to Policy SP3. This is a general policy relating to the Green Belt covered in Selby District and sets out, at SP3 B, that in accordance with the NPPF planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify the development.
- 5.3 Paragraph 147 of the NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that substantial weight should be given to any harm to the Green Belt. 'Very Special Circumstances' (VSC) will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations.
- 5.4 Paragraph 149 (NPPF) states *"A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt"* and sets out a number of limited exceptions which can be regarded as appropriate development. Paragraph 150 lists further exceptions subject to them preserving the openness.
- 5.5 Paragraph 151 of the NPPF states that:
- "...when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources."*
- 5.6 This proposal does fall within any of the exceptions referred to in paras 149 & 150 of the NPPF. The development would therefore be inappropriate development and is therefore harmful, by definition, to the Green Belt.
- 5.7 In relation to other policies of the development plan Policy SP17C of the Core Strategy specifically relates to 'Low Carbon and Renewable Energy' and states:
- "All development proposals for new sources of renewable energy and low-carbon energy generation and supporting infrastructure must meet the following criteria:*

- i. are designed and located to protect the environment and local amenity or;
- ii. can demonstrate that the wider environmental, economic and social benefits outweigh any harm caused to the environment and local amenity; and
- iii. impacts on local communities are minimised”.

Policies SP18 and SP19 of the Core Strategy, together with Policy ENV1 of the Selby District Local Plan are also relevant in this context as they are concerned with environmental and design quality.

- 5.7 The National Planning Policy Framework is supportive of low carbon and renewable energy proposals in principle as is the Planning Practice Guidance which states:

“Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.”

- 5.9 While national and local policies are broadly supportive of low carbon and renewable energy proposals in principle, the impacts of the proposals need to be given full and careful consideration and are discussed in more detail in further sections below.

- 5.10 Notwithstanding the positive approach in the NPPF to renewable energy projects, this does not outweigh the approach to inappropriate development within the Green Belt. This proposal is unacceptable in principle in the Green Belt since it does not meet any of the exceptions of appropriate development set out in the NPPF. The proposal should therefore be refused unless the harm by definition and any other harm arising from the impacts of the development are clearly outweighed by other considerations. These must, either collectively or individually amount to the ‘Very Special Circumstances’ (VSC) necessary to outweigh the harm and justify the development. The final section of this report makes this assessment.

Openness of the Green Belt

- 5.11 The essential characteristic of the Green Belt is its openness (lack of development) and permanence (enduring in the long term).

- 5.12 The National Planning Practice Guidance (PPG), advises that assessments on the openness of Green Belts requires consideration of matters such as, but not limited to:

- *“...openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
- *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
- *the degree of activity likely to be generated, such as traffic generation.”*

- 5.13 In relation to openness the applicants supporting Planning Statement suggests the conclusions of the Landscape Visual Impact Assessment (LIVA) concludes that the proposed development would not result in any changes in the openness of the Green Belt due to the surrounding vegetation cover and the adjacent substation

infrastructure, which would effectively screen the development. This limits any effects on the openness of the Green Belt, against which planning decisions need to be balanced.

- 5.15 Officers fundamentally disagree with this assessment. The site would change from open undeveloped agricultural land to a large area of compacted stone with 26 battery containers (12m x 2.43m x 2.90m high) positioned closely together in 2 rows. Between the batteries there would be invertors/transformers projecting of similar dimensions. There would also be auxiliary transformers, a control room, switchgear units, water tanks (4m cubed), 5m high acoustic fencing and 2.4m perimeter weldmesh fencing.
- 5.16 Cumulatively these would significantly reduce the openness of this part of the Green Belt. Although this site is much smaller and a more modest development than the adjacent 5 hectare site, it would still result in a large area of land which would be filled solidly with the batteries, infrastructure, equipment and buildings. Spatially there would be significant loss of openness due to the presence of an array of batteries, buildings, roads, lighting columns, fencing enclosures and associated infrastructure.
- 5.17 In terms of the visual aspect (the visual element of the Green Belt is not an assessment of visual quality) the site is open agricultural land with hedgerow and trees to the southwest site. Beyond the site to the south is a belt of trees and hedgerow. Both of these would screen the site to some extent, but neither are within the application site boundaries. Notwithstanding this the development would impair the visual aspect of the Green Belt through the change in character and the solid industrialisation of the site. Structures and equipment would be introduced across a large area where none exist at present. Due to the scale of the development, the change to the landscape which would ensue and its visual prominence from the public right of way and wider area, it is considered the development would significantly impair the visual aspect of the openness of this part of the Green Belt.
- 5.18 In terms of the duration of the development, although the proposal is not permanent and includes the decommissioning of the site and its return to its current use, the development is intended to endure for 40 years. This is not a short-term temporary period and will during this long period of time impact harmfully on the Green Belts openness both spatially and visually. In terms of remediability, the batteries would sit on the aggregate and would not have deep foundations. Much of the infrastructure could be removed and the land returned to its former state. Decommissioning could take place over a short period, although whether the land would be capable of returning to the same quality of agricultural land is not known given topsoil would be removed to lay the surfacing.
- 5.19 In terms of activity, there will be activity during the construction period. However, during the operation period the site will be remotely operated with occasional visits for inspection and maintenance. Therefore, the impact on the Green Belt in terms of activity generated will be minimal.
- 5.20 The fundamental aim of Green Belts is to prevent urban sprawl and keep land permanently open; the essential characteristics of the Green Belts are their openness and permanence. It is concluded that in addition to the harm by reason of inappropriateness, the proposed development would lead to a significant reduction in the openness. Due to the scale and extent of the proposal and the solid filling of

the site with batteries buildings and equipment, the development would significantly impair the openness of the Green Belt both spatially and visually.

- 5.21 The development would therefore fail to preserve the openness of the Green Belt both spatially and visually and would be contrary to Policy SP3 of the Selby District Core Strategy and the NPPF.

The Character and Appearance of the Open Countryside

- 5.22 Relevant policies in respect of design and the impacts on the character of the area include policy ENV1 (1) (SDLP) and policies SP18 and SP19 (CS). Policy ENV1 requires good quality development which takes account of, amongst other things, the effect on the character of the area. Policy SP18 of the Core Strategy requires the high quality and natural distinctiveness of the natural and man-made environment to be sustained by, amongst other things, “...*steering development to areas of least environmental and agricultural quality.*”
- 5.23 The land within the application site is classified as being Grade 2 (Best and Most Versatile (BMV)) in accordance with the Natural England Agricultural Land Classification. Thus, on the face of it, the proposed development would lead to the loss of approximately 0.488 hectares of BMV agricultural land.
- 5.24 In terms of the impact on the character of the countryside, the application has been supported by a Landscape and Visual Assessment. This concludes that the proposed development would be very modest both in extent and in height, being contained largely by the adjacent Monk Fryston Substation and by tree cover and located close to a series of large electricity pylons. In this context, change resulting from the presence of the proposed development would be very limited. Existing features would remain far more prominent and the influence of the proposed development upon its surroundings would be small at worst. Proposed new planting would provide enhanced long-term screening, biodiversity and green infrastructure benefits. The LVIA concludes that the landscape and visual effects of the proposed development would not be significant.
- 5.25 The landscape proposals are illustrated. These would comprise new native woodland to the west of the Site, and a new native hedgerow to the east and south-east. The new hedgerow is stated would be maintained at a height of 5- 6m. Due to the topography of the Site and its surrounds, and the presence of intervening vegetation, the proposed development would be fully screened from sensitive receptors to the south. The Applicants accept that full details of the landscape proposals would need to be agreed via planning condition, should planning consent be granted.
- 5.26 The main landscape effects would be the change in land use and rural quality and reduction in tranquillity. The Applicants consider but these qualities have already been compromised by surrounding infrastructure. It is acknowledged that the existing substation is a substantial and prominent feature in the landscape. However, it is surrounded by open green fields which provide a rural pastoral tranquil setting to this essential existing national infrastructure site. The presence of the substation does not, in Officers’ opinion, compromise the surrounding landscape nor does it provide a justification alone to allow further development in this Green Belt site. Substations and pylons are common and necessary infrastructure in the open countryside and lands uses around them often remain undisturbed. Notwithstanding this, the siting of the development immediately

adjacent to the existing substation with the taller fixtures being located in the closest proximity, it is agreed that these would be viewed in the landscape as an extension to the substation site. It would, however, significantly increase the amount of manmade infrastructure within the existing landscape setting.

- 5.27 Other Landscape designations within the Study Area of the LVIA are limited to the LILA and Monk Fryston Conservation Area which would not be affected as there is very little to no intervisibility between the site and designations and changes created by the proposed development would not impact or remove landscape features or qualities which define these designations. Therefore, the proposed development would not give rise to unacceptable effects on any landscape-related planning designations.
- 5.28 The LIVA indicates that the introduction of the proposed development would not result in significant landscape and visual effects. It would be largely screened by the existing Substation structures or by existing tree cover. The proposed new planting that would envelop the Site to the east, south and west would provide further enclosure. However, this planting will take time to establish during which the development would be visible. Given the nature of the proposal, the change from an open field to the industrial appearance of the site will have a harmful visual impact on the character and appearance of the locality.
- 5.29 Notwithstanding the conclusion of the applicants LIVA, the Council's Landscape Officer raised a number of concerns relating to application 2021/0789/FULM which Officers consider are also applicable to this site. A key issue relates to the cumulative effects in relation to other developments in the area. These are discussed in more detail in the final section of this appraisal when considering the locational need for the development. Notwithstanding this, at the present time neither the NSIP Yorkshire Green Project nor other projects have permission and therefore the impact of this site needs to be considered individually on its own merits. For information, at the time of writing this report a six-week statutory consultation period is underway on the Yorkshire Green NSIP. A further similar proposal but on a substantially larger parcel of land amounting to 5 hectares is also under consideration under application reference 2021/0789/FULM and is also on this agenda. The cumulative effects of both proposals should be considered.
- 5.30 The Council's Landscape Officer's concerns related to the adverse landscape and visual effects in the first 10-15 years until screen planting is established are of significant concern. Until the planting is established there will be a harmful visual impact on the locality. It is advised that the minimum screening depth should be 10m for all year-round screening using locally occurring native species. The current layout plan does provide this on the southwest side and there is an existing established hedgerow belt to the south. The applicants are prepared to accept a landscaping condition to secure an appropriate scheme. Generally native species needs to be a minimum depth of 10 metres to ensure views through are not afforded in winter when deciduous trees lose their leaf cover. The harmful impact of the development will be reduced with adequate established landscaping. Conditions can be imposed the detailed planting species, schedules and timing. However, it will still take some years to establish during which time the development will be visible and harmfully effect the visual amenity of the area.
- 5.31 Even with adequate screening, the development will be visible for a considerable time. When established there will still be some impact and change to the character and appearance of the area. For these reasons, Officers had concerns about the

colour of the perimeter fencing and the colour of the battery casing and the use of green materials described above would also help to reduce the visual harm impact until screening around the site perimeter is established.

- 5.32 Policy ENV3 of the Local Plan restricts outdoor lighting to the minimum level required for security and operational purposes whilst minimising glare, light spill. In terms of lighting for this development the location and number of columns is not shown but the application makes clear that lighting and CCTV monitoring is proposed. The application details indicate the lighting will only be used for site when the site is visited for checking and maintenance. A condition can be imposed to secure this and the details of the lighting.
- 5.33 Subject to the aforementioned revisions and appropriate conditions to secure the successful establishment of the screen landscaping and confirmation regarding green fencing and battery casing, it is considered the harm would be reduced. However, given the time period this would take to establish, Officers conclude that the scheme will have a materially adverse impact on the character and appearance of the area due to the significant scale of the proposal, the change in character of the rural landscape and the current open lack of screening to the site.
- 5.34 In this respect the development would be contrary to Policy ENV1 and ENV3 of the Selby District Local Plan and Policies SP18 and SP19 of the Core Strategy.

Nature Conservation and Protected Species

- 5.35 The application has been supported by an Ecological Impact Appraisal (EIA) prepared by Avian Ecology. The EIA incorporates the results of a Phase 1 Habitat Survey and breeding bird survey, as well as habitat assessments for bats, badgers, reptiles and great crested newts ('GCN').
- 5.36 The Site itself is not subject to any ecological designations. In terms of statutory designations, Fairburn and Newton Ings SSSI is located 1.7 km to the southwest of the Site. No European/International statutory designated sites are located within 5 km. There are 6 non-statutory sites within 2 km of the Site, the closest of which is the Field at Betteras Hill Road 1.4 km east of the Site. No designated sites will be directly impacted by the Development.
- 5.37 The EIA describes the site with the proposed access track located off Rawfield Lane, passing through the substation and emerging to the south where it passes through woodland, scrub and grassland, and a grazed field of poor semi-improved grassland with a defunct hedgerow, before reaching the proposed BSF, which is sited entirely within a field currently in arable usage.
- 5.38 New tree and scrub planting will be undertaken along the southern and western boundaries of the Site, as shown on the General Arrangement Plan. This will create a linear woodland strip approximately 15m wide and will contain native species. This planting will help strengthen local habitat connectivity, widening and reinforcing the habitat corridor provided by the existing woodland and provide biodiversity benefits as the planting establishes. In addition to the tree and scrub creation, a new native species hedgerow with trees will be created along the southern and eastern boundaries of the Site as shown on the Landscape Plan. This will provide additional habitat connectivity and value for wildlife.

- 5.39 A Biodiversity Net Gain calculation has been undertaken based on the Phase 1 habitat plan, aerial imagery and the General Arrangement Plan and Landscape Plan utilising the Defra Calculation metric (Beta 2.0). The proposed development can achieve a clear net gain through planting and ongoing management of a native tree and scrub area at the western and southern site boundaries, along with a new native-species hedgerow along the southern and eastern boundaries. In addition, bat and bird box installation will provide further benefit but are not taken into account within the Defra Metric.
- 5.40 The adjacent pond was surveyed for GCN's and no evidence was found of any. However, it is noted that the adjacent application surveyed the same pond and although no GCN's were found, they did find DNA evidence of their presence when the water was tested. Notwithstanding this, the EIA for this application proposes a scheme of 'Reasonable Avoidance Measures' to protect an GCN's or other reptiles during the construction phase. The NYCC Ecologist raises no concerns and is satisfied with the recommendations and mitigation measures proposed in the appraisal. No evidence of other protected species was found.
- 5.41 Overall, the development will not result in harm to protected species, designated sites, watercourses or habitats and will result in a net gain for biodiversity. The GCN mitigation and protection measures are satisfactory, and the scheme is considered acceptable with respect to nature conservation and protected species. Moreover, it will deliver a Biodiversity net gain which is of ecological benefit to the locality. Subject to compliance with the recommendations of the EIA the development is considered to comply with Policy ENV1 of the Selby District Local Plan, Policies SP17 and SP18 of the Core Strategy, national policy contained within the NPPF, the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017.

Heritage Assets

- 5.59 The development plan includes policy ENV1 of the Selby District Local Plan which accords broadly with the NPPF. Policy SP18 seeks to safeguard and enhance the historic and natural environment which includes the landscape character.
- 5.60 Paragraphs 194, 195, 199 and 200 of the NPPF requires applicants to describe the significance of heritage assets (including their setting) which might be affected by development. Paragraph 199 states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to its conservation. Paragraph 200 adds that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 5.61 The NYCC Archaeologist has been consulted and raises no concerns or requirements for further surveys on this site. The nearest Listed Buildings are the Grade II Monk Fryston Lodge 662m to the northeast and 2 Grade II milestones the nearest being situated 0.2 mile south of the junction with Betteras Hill Road within 858m of the site. Although a separate Heritage Impact Assessment has not been submitted, the Heritage Assets have been considered within the Planning Statement with the application and the development is not considered to affect the setting of these assets. The Council's Conservation Officer comments that the location of the existing substation to the north of this site will significantly reduce the impact of the presence of this facility in the land surrounding the listed building.

Additionally, tree cover and topography is likely to screen from view the installations, or the installation will be seen in the context of the existing facility. If this is the case, the impact on the setting of the listed building is likely to be very low / low (and therefore the impact on significance of the listed building would be negligible).

- 5.62 The scheme is considered to be acceptable in terms of the impacts on Heritage Assets and would comply with Policy ENV1 of the Local Plan and SP19 of the Core Strategy and with the NPPF.

Highway Safety

- 5.63 The proposed development would be accessed via a new access track from Rawfield Lane. Vehicles would then use an existing access track running through the substation complex and exit to the southwest corner. A new track would be constructed from this point, running southeast through a scrub / grass / woodland area, to the main Site. The proposed new access tracks would be constructed using permeable surfacing. Construction traffic would also use the same access route, which would be temporarily widened during the construction phase. The access arrangements are considered in more detail in the Highways Technical Note provided by Axix. The areas of hardstanding on the site would provide sufficient parking space for the occasional maintenance engineer vehicle to park while carrying out activities within the compound.
- 5.64 It should be noted that, once operational, the traffic generation associated with the proposed development would be limited to the occasional LGV accessing the site for maintenance purposes. The proposed development is likely to generate in the region of just 1 to 2 light vehicle movements per week at most. This level of increase is minimal and will have a negligible effect on highway safety. The Highway Technical Note concludes there are no grounds for refusal from a transport perspective.
- 5.65 Cumulative traffic with other proposed developments has not been assessed. However, it is noted that this was considered on the adjacent scheme (2021/0789/FULM). The peak traffic volumes for both developments have been combined and assessed based on a worst-case scenario in the event that both developments are constructed at the same time. However, even if the peak construction periods were to coincide, the effect of the cumulative traffic levels is assessed as being negligible, due to the low number of vehicle movements associated with the gas peaking plant. The Yorkshire Green National Grid development is at an early stage in the DCO process with scoping recently completed. Cumulative effects with Yorkshire Green were scoped out of the assessment as the construction timescales are extremely unlikely to overlap.
- 5.66 NYCC Highways have been consulted on this and the adjoining application site and have advised they have no objections subject to three conditions relating to: (1) a new and altered private access or verge crossing; (2) visibility splays; and (3) a construction management plan.
- 5.67 Having regard to the above and subject to the aforementioned conditions, it is considered that the impact on highway safety would be acceptable in accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan, Policy SP17 of the Core Strategy and national policy contained within the NPPF.

Flood Risk and Drainage

- 5.68 The site is in Flood Zone 1, (low probability of flooding). A Flood Risk Assessment was not required for this site as the site area does not exceeds 1 ha.
- 5.69 As the site would not be permanently manned as such there is no requirement for foul drainage to serve the proposed development. The Site is not currently surfaced, and the proposed development would introduce areas of impermeable surfacing that could potentially increase surface water run-off rates from the Site. To mitigate this potential effect, a Sustainable Urban Drainage System ('SuDS') would be used and details have been provided in the applicants drainage strategy.
- 5.70 A review of geological, hydrogeological and soils data indicates that infiltration would provide inception storage, but disposal of significant volumes of runoff may not be appropriate. At this stage, it is proposed that the surface water runoff from the Site can be discharged partially via infiltration SuDS methods. A drainage ditch is located adjacent to the eastern boundary of the Site. This ditch has potential for the discharge of attenuated flows of surface water. The details of this can be approved through a suitably worded condition. Details of drainage in the construction phase would also need to be agreed.
- 5.71 A 6-foot diameter water main crosses the site. Following site meetings, the developer has agreed to divert this around the boundary within a 6metre corridor of the new units. Yorkshire Water are satisfied with the revisions subject to conditions to ensure no buildings or landscape features (including deep rooted trees) are located within 3 metres either side of the public main. A condition is required to ensure this is adhered to.
- 5.72 No comments have been received from the IDB or the Suds officer and therefore it is assumed they have no objections.
- 5.73 Having regard to the above and subject to the aforementioned conditions, it is considered that the proposed development would be acceptable in terms of flood risk and drainage, in accordance with national planning policy contained within the NPPF.

Residential Amenity

- 5.74 In terms of residential amenity, there are no existing dwellings in the immediate vicinity of the Site and the nearest residential property lies approximately 700 m to the northeast. Therefore, no adverse impacts would arise in terms of outlook, light or loss of privacy. A planning application for a single dwelling located approximately 250 m north of the proposed development (Ref: 2021/0075/FUL) was recently refused due to noise form traffic levels and this is currently at appeal. As such, consideration of this dwelling need not be included since it does not have planning permission at this time. The potential effects of the proposed development on the amenity of the existing and proposed dwellings and cumulative effects with the adjacent developments have been considered.
- 5.75 A Noise Impact Assessment (NIA) has been undertaken to determine the existing acoustic climate, predict the sound levels as a result of the proposed development and to assess the potential impact on nearby receptors. The report predicts noise levels but does not account for cumulative noise impact from this and other

undetermined applications in particular (2020/0594/FULM-gas peaking engines application). As there is uncertainty a condition is advised by the Council's Environmental Health Officer to ensure the cumulative level of sound does not exceed a specified level.

- 5.76 The Council's Environmental Health Officer (EHO) was consulted prior to undertaking the noise assessment and it was agreed that noise levels associated with the Development should be limited to no more than the prevailing daytime and night-time background noise level. The EHO are satisfied that the NIA assessment alleviates concerns relevant to operational noise impact and raise no objections subject to conditions that the scheme is carried out in accordance with the advice and mitigation measures proposed in the NIA.
- 5.77 Given the size, siting and design of the proposed development and its relationship to neighbouring residential properties (including separation distances and screening) it is not considered that the proposed development would have any adverse effects on residential amenity.
- 5.78 Having regard to the above and subject to the aforementioned conditions, it is considered that the impact on residential amenity would be acceptable in accordance with Policies ENV1, ENV2 and ENV3 of the Selby District Local Plan, Policy SP17 of the Core Strategy and national policy contained within the NPPF.

Land Contamination

- 5.79 Policies ENV2 of the Local Plan and SP19 of the Core Strategy relate to land contamination. The application is supported by a contamination assessment that has been reviewed by the Council's Contaminated Land Consultant. A Phase 1 Land Contamination Desk Study is included with this application. The Council's Contaminated Land Consultant has confirmed that the Phase 1 report provides a good overview of the site's history, its setting and its potential to be affected by contamination. The report concludes that there are some moderate risks at the site and recommends that further intrusive investigation is carried out to confirm ground conditions and refine the conceptual site model and risk assessment.
- 5.80 The proposed site investigation works are acceptable, and the consultant recommends 4 standard conditions in relation to investigation, remediation, verification and reporting of unexpected contamination.
- 5.81 The proposals are therefore acceptable with respect to contamination in accordance with Policy ENV2 of the Local Plan and Policy SP19 of the Core Strategy.

Balancing whether the harm by reason of inappropriateness and any other harm is outweighed by Very Special Circumstances

What are Very Special Circumstances

- 5.82 What is proposed is inappropriate development in the Green Belt. The main issue to assess is whether any of the above matters taken individually or collectively, amount to the VSC necessary to outweigh the harm to the Green Belt through inappropriateness.

- 5.83 What constitutes VSC, will depend on the weight of each of the factors put forward and the degree of weight to be accorded to each is a matter for the decision taker. Firstly, it is to determine whether any individual factor taken by itself outweighs the harm. Secondly to consider whether, a number of factors combine to create VSC.
- 5.84 The weight to be given to any particular factor will be a matter of degree and planning judgement. There is no formula for providing a ready answer to any development control question on the green belt. Neither is there any categorical way of deciding whether any particular factor is a 'VSC' but the case must be decided on the planning balance qualitatively rather than quantitatively.
- 5.85 In weighing up any of the circumstances put forward, the positive measures to mitigate the impacts of the development do not contribute collectively to VSC to be weighed up in the planning balance. These are simply to secure a satisfactory development.

Wider Environmental benefits

- 5.86 The development constitutes inappropriate development in the Green Belt as it does not fall within any of the list of exceptions of appropriate development set out in 149 and 150 of the NPPF. As stated earlier, paragraph 151 of the NPPF makes clear that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development.

“In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.”

- 5.87 Whilst this proposal is not a new renewable energy provider, it is designed to support and supplement renewable energy through the storage of energy produced. Renewable technologies are intermittent as the amount of energy generated is dependent on weather conditions. It is therefore necessary to balance demand and supply in order to prevent shortages and blackouts. The Development is designed to support the flexible operation of the National Grid and the decarbonisation of the electricity supply. Given the reduction in centralised coal-fired power and the increasing but intermittent renewable energy supply such as wind and solar power, it is increasingly likely there will be peaks and troughs in the UK energy supply and demand. The battery storage plant would respond in times of high demand and would assist in balancing the grid frequency at times of stress. This would support increasing reliance on renewable energy forms by providing a quick and flexible backup energy supply. 'Enhanced Frequency Response' (EFR) is relatively new technology which would work in conjunction with the adjacent National Grid sub-station to help it balance fluctuations on the grid system.
- 5.88 Energy management is cited as being the best solution for a clean, direct and immediate reduction of energy consumption through the storage of excess electricity. Substantial weight is afforded to the proposal's wider environmental objectives and benefits which contributes to meeting energy management, resource conservation, climate protection and cost savings.
- 5.89 The UK's energy sector is currently experiencing a rapid change in response to efforts to address commitments and policies on tackling climate change. This will inevitably see an increase in the development in renewable energy generation and

this will need to be mirrored by similar increases in balancing services, such as the Proposed Development. Two-thirds of existing traditional power stations in the UK are reaching the end of their operational lifespan and are anticipated to close by 2030.

- 5.90 In response to this requirement, the Government in the past 10 years has set out a clear policy framework for the delivery of facilities to meet the UK's future energy demands through a number of publications. More recently these include the '*Energy White Paper- Powering out our Net Zero Future*' (December 2020). The Paper sets out that:

"By 2050, we expect low-carbon options, such as clean hydrogen and long-duration storage, to satisfy the need for peaking capacity and ensure security of supply at low cost, likely eliminating the reliance on generation from unabated gas."

It is clear from this that the UK Government sees storage as the way forward for peaking facilities and to ensure energy security.

- 5.91 BSFs are considered to be a key component of the future energy mix in the UK under all scenarios considered in the FES. The existing storage provision will need to increase significantly by 2030 to be on track to achieve net zero by 2050. The Proposed Development would help deliver the flexible energy network envisaged by the white paper. Substantial weight is afforded to the proposal's wider environmental objectives and benefits which contributes to meeting energy management, resource conservation, climate protection and cost savings.

Locational Justification

- 5.89 Due to the site being located within the Green Belt the Applicant was asked to justify locationally why this site was chosen, and why other sites not in the Green Belt could not be utilised to the same benefit. The applicant has provided the following justification.
- 5.90 Battery storage facilities can only be delivered where site conditions are favourable and two main criteria are both satisfied. Firstly, and most importantly, battery storage facilities must be located proximate to an existing substation that has capacity to both export and import the requisite amount of electrical energy. There are a very limited number of sub-stations in the UK that are able to both import and export electricity from the grid. Secondly, in order to allow connection to the National Grid, there is a locational requirement for battery storage facilities to be sited proximate to existing electrical substations. This is due to the need to: minimise transmission losses; ensure that the facility is well located to provide rapid response to any dip in grid frequency; and to remain viable in terms of the cost of grid connection.
- 5.91 A considerable number of storage sites would be required across the UK to achieve this; if each facility delivered 50MW capacity, between 72-205 new sites would be required by 2030 and 394-734 new sites would be required by 2050. To put this in context of available sites, National Grid have a network of 298 no. Super Grid Transformer Substations across the UK and of these, only 168 no. currently have capacity to accommodate a battery storage facility of the size proposed. Therefore, even if all the existing Super Grid Transformer Substation sites with capacity were utilised, there would still be a considerable shortage of suitable sites required for storage facilities. This would require considerable investment in the transmission

system over the next 30 years. Other sites are constrained by other means such as separation distances to property or in flood zones.

- 5.92 The Monk Fryston Super Grid Transformer Substation is one of the 168 no. sites which are considered to be generally unconstrained in planning terms, other than being within the Green Belt. It should be noted that many of the other sites with potential to accommodate a BSF/balancing service are also located within the Green Belt. Within the search area of Selby District Council Monk Fryston is stated to be the only substation with sufficient capacity to accommodate the development.
- 5.93 A search was undertaken which considered commercially available land, sites extending beyond the Selby district and details are provided in the applicant's submission with the main constraint being no Grid Capacity. The Grid Network in the district is constrained and the Monk Fryston supergrid Substation is stated to have the capacity to connect the new batter storage infrastructure. All the currently available sites that would be sequentially more preferable than the proposed development are located well beyond the maximum 500m distance from the Monk Fryston Supergrid Substation. Making the cost of connection prohibitively expensive and as such, making a battery storage facility in these locations unviable financially.
- 5.94 All land within 500m of the Monk Fryston Supergrid Substation is located within the Green Belt. Therefore, any battery storage facility connecting to the Monk Fryston Supergrid Substation would be located within the Green Belt. The most suitable available site within 500m was therefore identified.
- 5.95 This lies adjacent to the substation compound and is suitably screened by existing landscaping and existing development at the substation. Other than its location within the Green Belt, it is not subject to any planning or environmental constraints. As such, it is concluded that site MF1 is the most suitable, viable, available site.
- 5.96 These are advantages of this location which would be hard to repeat all of them in many other locations and therefore substantial weight can be afforded for these circumstances.

Yorkshire Green

- 5.97 An EIA Scoping Request for the proposed National Grid Energy Transmission Yorkshire Green Energy Enablement ('GREEN') Project was submitted to the Planning Inspectorate in April 2021. A Scoping Opinion was issued by the Planning Inspectorate in April 2021 (Ref: EN020024). At the time of writing this report a six-week statutory consultation period has just begun on the Yorkshire Green NSIP. As a guide, they will not be ready to submit the application until late 2022/early 2023. The GREEN Project incorporates the construction of two new substations, up to 4 km of overhead transmission lines and additional infrastructure to upgrade the grid network. One of the two proposed substations is to be located adjacent to the existing Substation at Monk Fryston. The red line site boundary for the Yorkshire Green Scoping request has been drawn wide and includes the northern part of this application site. However, the indicative location for the new substation does not overlap with the application site. It is anticipated that the DCO application for Yorkshire GREEN, which is anticipated in Q4 2022 will include consideration of cumulative effects with the proposed development.
- 5.98 Since the NSIP application does not currently have permission it is not at this stage a firm proposal. Nevertheless, it does provide an indication of the strategic

importance of the Monk Fryston Substation site as a location for future expansion relating to the renewable energy. As such moderate weight should be afforded to this circumstance.

Other harm

- 5.99 The development would therefore fail to preserve the openness of the Green Belt both spatially and visually and would be contrary to Policy SP3 of the Selby District Core Strategy and the NPPF.
- 5.100 Other harm arising from the development includes the harm to the character and appearance of the area. Whilst this can be mitigated in the longer term, in the short and medium term (0-15 years) the development will be visible from the surrounding countryside. Moreover, the industrial appearance of the development will detract from the green rural character of the site.

Balancing whether VSC exist

- 5.101 Paragraph 151 of the NPPF states that the wider environmental benefits associated with increased production of energy from renewable sources may be included in very special circumstances. The proposed development comprises infrastructure which is essential for the storage and supply of renewable energy to the National Grid, and as such, the environmental benefits in terms of decarbonising the energy supply and thereby mitigating climate change contribute to very special circumstances in accordance with Paragraph NPPF 151.
- 5.102 Substantial weight is afforded to the proposal which contributes to meeting these wider environmental main objectives of energy management, resource conservation, climate protection and cost savings.
- 5.103 Substantial weight is afforded to the functional and technical justification and evidence provided for this site over and above 30 other sites in the search area zone and as such it has been demonstrated to be the most appropriate in the region.
- 5.104 Substantial weight is afforded to the advantages of this location in relation to the proximity and ease of connection to the substation, the remoteness and separation from other property and the lack of environmental constraints. These would be hard to repeat collectively in many other locations.
- 5.105 Moderate weight is afforded to the lack of alternative sites. It is clear that other sites can be available as evidenced by the recent permission granted at Drax and other sites in the district. It should be noted that a similar substantial battery facility has recently been granted at Drax with 50 batteries on 3 hectares of land just to the southwest of Drax site with an intended energy storage capacity of 99MW. As such only limited weight can be afforded to the contention that no alternative viable sites are available. Moreover, a number of other battery applications within the district have been approved in recent years.
- 5.106 It is considered that, the above factors taken collectively do amount to the VSC and are sufficient to clearly outweigh the harm by reason of inappropriateness, the harm to the openness of the Green Belt and the harm to the character and appearance of the area.

6 CONCLUSION

- 6.1 The application proposes the construction of a zero-carbon energy storage and management facility including containerised batteries, synchronous condensers and associated infrastructure, access and landscaping. The development would be inappropriate development in the Green Belt resulting in harm by definition to which substantial weight is applied. In addition, there would be harm to the openness of the Green Belt both spatially and visually.
- 6.2 The development would also be harmful to the character and appearance of the locality. However, the proposed landscaping should adequately screen the development in the medium to long term.
- 6.3 The impacts of the development are acceptable with respect to the Heritage Assets, Highway Safety, Flood Risk and Drainage, Residential Amenity and Land Contamination, subject to the revisions and conditions referred to in the report.
- 6.4 Overall, it is concluded that there are very special circumstances which, taken collectively, are sufficient to clearly outweigh the harm by reason of inappropriateness, the harm to the openness of the Green Belt and the harm to the character and appearance of the area.

6 RECOMMENDATION

The application be referred to the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2021 with the Planning Committees' resolution to support it.

In the event the application is not called in by the Secretary of State, authority be delegated to the Planning Development Manager to approve the application subject to the following conditions.

In the event the application was called in for the Secretary of States own determination, a further report would come to the Planning Committee.

Time limit

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.

Plans

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

(To be inserted)

Reason:

For the avoidance of doubt.

Discontinuance

03. The buildings, batteries and all associated equipment and infrastructure shall be removed, and the use of the land discontinued restored to its former condition on or before (date to be inserted- 40 years from date of approval) in accordance with a decommissioning programme and a scheme of work to be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of preserving the Green Belt in the longer term and in the interests of visual amenity to secure the restoration of the land upon removal/extinguishment of the buildings and use for which permission has been justified on the basis of a special temporary need and in order to comply with Policies SP3, SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

Discontinuance

04. Within six months of the development ceasing to be used for the storage of electricity, the battery energy storage containers; HVAC units; combined power conversion systems, transformers and associated switchgear; auxiliary transformer; grid compliance equipment units; substation; security fencing; lighting and CCTV columns and any other associated infrastructure shall be permanently removed from the land and the site restored to its former agricultural use in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to these works being carried out.

Reason:

In the interests of preserving the Green Belt in the longer term and in the interests of visual amenity to secure the restoration of the land upon removal/extinguishment of the buildings and use for which permission has been justified on the basis of a special temporary need and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

Tree and hedge protection

05. Prior to the commencement of development, an Arboricultural Method Statement and tree protection measures, to BS5837, shall be submitted to and approved in writing by the Local Planning Authority. This should demonstrate how all existing boundary trees and hedgerows to be retained will be protected during the construction period. The development shall thereafter be carried out only in accordance with the approved details.

Reason:

To ensure protection during construction works of trees and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired, having had regard Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

Landscaping

06. Prior to the commencement of development, a detailed hard and soft landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include a detailed landscape

management plan. The approved scheme shall be implemented in its entirety within the first available planting season following the construction of the development hereby permitted. All trees, shrubs and bushes which shall be of native indigenous species and shall be adequately maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary. The scheme shall be retained and managed in accordance with the approved landscape management plan for the lifetime of the development.

Reason:

In the interests of visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

Construction Management

07. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

- (i) the parking of contractors' site operatives and visitor's vehicles;
- (ii) areas for storage of plant and materials used in constructing the development clear of the highway;
- (iii) contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason

In the interests of public safety and amenity during the construction phase.

08. The development must not be brought into use until the access to the site at Rawfield Lane has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:

- The access must be formed to give a minimum carriageway width of 4.1 metres, and that part of the access road extending 6 metres into the site must be constructed in accordance with Standard Detail number E70 and the following requirements.
- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and must be maintained thereafter to prevent such discharges.

All works must accord with the approved details.

Reason for Condition

To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

09. There must be no access or egress by any vehicles between the highway and the application site at Rawfield Lane until splays are provided giving clear visibility of 130 metres (north) and 129 metres (south) measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object

height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason

In the interests of highway safety

Drainage

10. Before development commences a fully detailed drainage strategy shall be submitted for the written approval of the Local Planning Authority and thereafter only the approved details shall be implemented and maintained for the lifetime of the development

Reason

To ensure the satisfactory sustainable drainage of the site and to comply with Policies ENV1 of the Local Plan.

Noise

11. The cumulative level of sound associated with the proposed development, when determined externally under free-field conditions, shall not exceed the representative background sound level at nearby sensitive receptors. All noise measurement/predictions and assessments made to determine compliance shall be made in accordance with British Standard 4142: 2014: Methods for rating and assessing industrial and commercial sound, and/or its subsequent amendments.

Reason:

To protect the residential amenity of the locality during construction and to comply with the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE) and Selby District Council's Policy's SP19 and ENV2.

Contamination Investigation

12. Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
 - human health
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land
 - groundwaters and surface waters
 - ecological systems
 - archaeological sites and ancient monuments.
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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.

Contamination Remediation Scheme

13. Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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.

Verification of Remedial Works

14. Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and 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.

Reporting of Unexpected Contamination

15. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and 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.

Lighting

16. No external lighting shall be installed on site until the details of the lighting, columns, including their number, type and locations, the intensity of illumination and predicted lighting contours and the details of when the lighting would be operational have been first submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure the lighting remains off at all times unless necessary for access, service and maintenance. Any external lighting that is installed shall accord with the details so approved.

Reason:

In the interests of visual amenity and residential amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policies ENV1 and ENV3 of the Selby District Local Plan.

Materials

17. The battery containers, palisade fencing and energy management building shall be finished with green colour materials only and prior to their installation, the details of the colour and finish of the battery energy storage containers, transformers and associated switchgear; containers, communications house, energy management building, perimeter palisade fencing, acoustic walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason:

In the interests of visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

Ecology

18. The development shall be carried out in full accordance with the recommendations, advise and mitigations measures and biodiversity enhancements contained in the Ecological Assessment by Avian Ecology dated 17/05/2021 and adherence to the measure set out in the Ecological Impact Assessment by Arcus dated June 2021 and the additional mitigation measures for GCN dated (to be inserted).

In order to ensure that adverse impacts on wildlife are minimised and net gains for biodiversity are delivered in accordance with Policy ENV1 of the Local Plan and SP19 of the Core Strategy and the NPPF.:

Water Main

19. No building or other obstruction including landscape features shall be located over or within 3 (three) metres either side of the centre line of the public water main i.e., a protected strip width of 6 (six) metres, that crosses the site. If the required stand-off distance is to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

Reason

In order to allow sufficient access for maintenance and repair work at all times

National Grid

20. A 5.3m minimum clearance with National Grid Assets must be maintained as shown on the drawing number (to be inserted).

Reason

In order to ensure the National Grid Assets are protected.

INFORMATIVES

Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:

[https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification for housing in d est roads street works 2nd edi.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification%20for%20housing%20in%20industrial%20roads%20street%20works%202nd%20edi.pdf)

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

1. Visibility Splays - (MHC-05) An explanation of the terms used above is available from the Local Highway Authority.MHC-15B.
2. NATIONAL GRID - BEFORE carrying out any work you must:
 - refer to the attached cable profile drawings (if any) which provide details about the location of National Grid's high voltage underground cables.
 - carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.
 - contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e., easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
 - ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 - 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
 - in line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

8 Legal Issues

8.1 Planning Acts

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

8.2 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.

8.3 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.

9 Financial Issues

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

10 Background Documents

Planning Application file reference 2021/0633/FULM and associated documents.

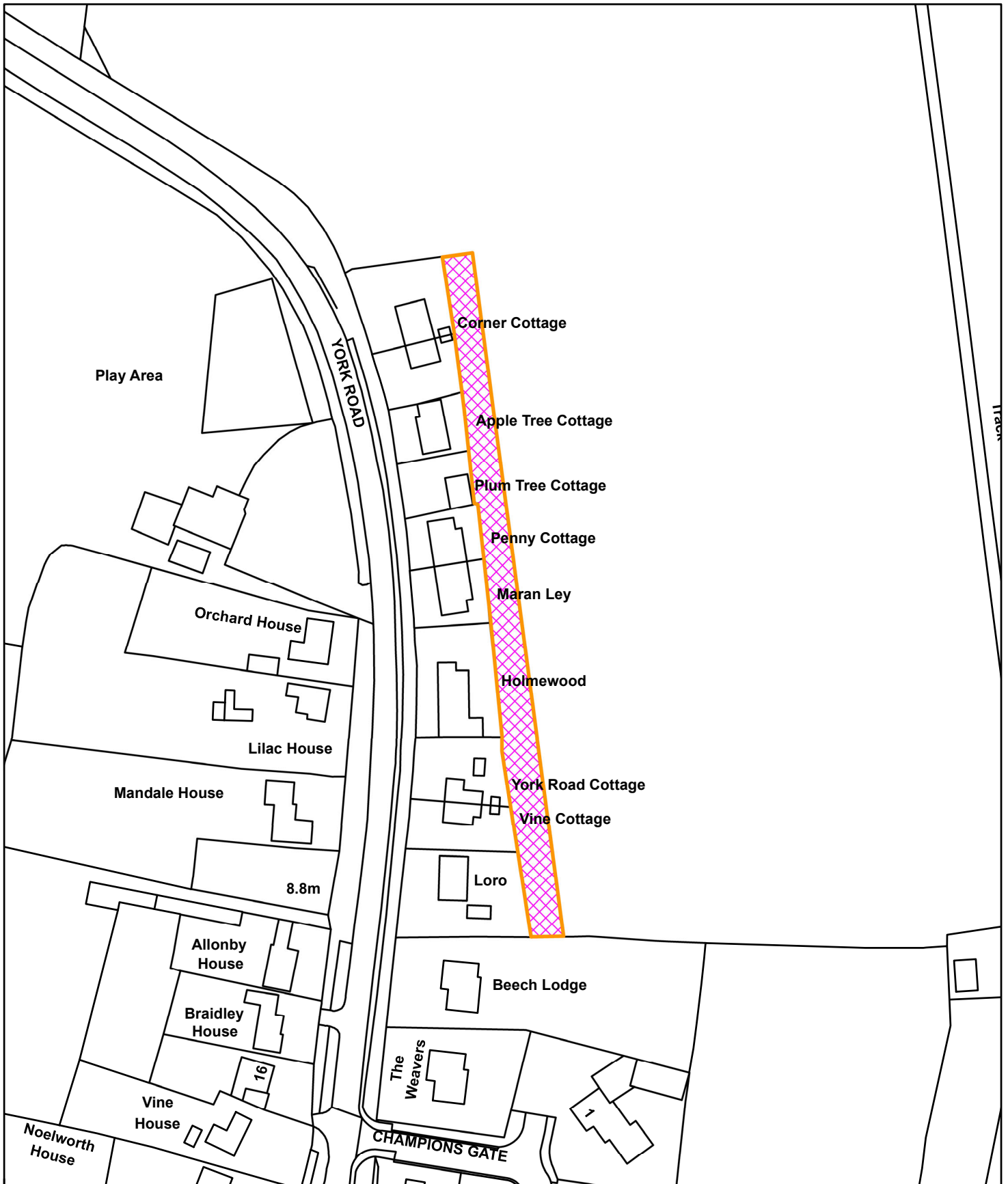
Contact Officer: Fiona Ellwood (Principal Planning Officer)
fellwood@selby.gov.uk

Appendices: None

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Agenda Item 5.4

Land off York Road, North Duffield
2020/1391/FUL



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Report Reference Number: 2020/1391/FUL

To: Planning Committee
Date: 8 December 2021
Author: Irma Sinkeviciene (Senior Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

| | | | |
|---------------------|---|-----------------------------|--|
| APPLICATION NUMBER: | 2020/1391/F UL | PARISH: | North Duffield Parish Council |
| APPLICANT: | Mr David Simpson | VALID DATE: EXPIRY DATE: | 17th December 2020 11th February 2021 |
| PROPOSAL: | Change of use of land from agriculture to domestic curtilage and formation of new field boundary (retrospective) | | |
| LOCATION: | Land Off York Road North Duffield Selby North Yorkshire | | |
| RECOMMENDATION: | GRANT | | |

This application has been brought before Planning Committee as it is a departure from the Selby District Core Strategy. However, Officers consider that there are material planning considerations therefore Officers are recommending approval of the application.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is a strip of agricultural land to the east of 10 properties located along York Road on the northern edge of North Duffield. It is noted that a number of properties have already incorporated parts of the application land area as their private garden areas without planning permission. There is agricultural land to the north and east of the site and residential properties to the west and south of it.
- 1.2 It is noted that there are no detailed plans provided to show the proposed boundary treatments and given that the development has already occurred without planning permission, the boundary treatments as proposed have therefore been identified by the Case Officer during site visit as follows:

- a) eastern boundary treatments of some of the properties, namely 2 York Road, Penny Cottage, Maran Ley and York Road Cottage have not been altered,
- b) retrospectively erected composite panels with arched timber trellis on top and concrete posts and base at Holmewood,
- c) close boarded timber fences of varying height adjoining the field at other properties, namely Corner Cottage and Plum Tree Cottage (1.8m) with Appletree Cottage (1-1.2m),
- d) mature established hedge along the eastern and northern boundaries at Vine Cottage,
- e) low height (approx. 1-1.2 metres) timber picket fence painted dark brown along the eastern boundary with close vertically boarded timber panels to the south at Loro.

The application has therefore been assessed on this basis.

- 1.3 It should be noted that an alternative solution was attempted to be negotiated with the applicants, however they did not wish to amend the scheme and as such, the application is determined on the basis of the information as originally submitted.
- 1.4 Three applications relating to a total of 5 properties to the west of the application site have been submitted for the change of use of agricultural land to domestic curtilage. One of the applications 2019/0639/COU, relating to one property, namely Holmewood, has been heard by the Planning Committee and was refused permission and the decision on other two applications, relating to the other 4 properties, namely Appletree Cottage, 2 York Road and Corner Cottage (2019/1272/COU) and Plum Tree Cottage (2019/1038/COU), have been postponed until this application is determined.

The Proposal

- 1.4 The application is for a change of use of a parcel of agricultural land adjacent to the eastern boundary of the curtilage of dwellings adjoining the field to use as a private garden area.

Relevant Planning History

- 1.3 The following historical application is considered to be relevant to the determination of this application.

Application Number CO/1982/01859 for the proposed extension to existing bungalow at Holmewood Bungalow, York Road, North Duffield was approved in May 1982.

Application Number CO/1993/0271 for the demolition of existing outbuildings and erection of side extension to bungalow with double and single garage to the rear of Holmewood, York Road, North Duffield was approved in May 1993.

Application Number: CO/2002/0540 for the proposed erection of a block of two stables and a store to the rear of Holmewood, York Road, North Duffield was refused in July 2002.

Application Number CO/2002/1251 for the proposed erection of stables and haystore at Holmewood, York Road, North Duffield was approved in February 2003.

Application Number 2015/1025/OUT - Outline planning application for up to 65 dwellings and a new community football pitch with parking, a changing room/clubhouse to include access (all other matters reserved) on land off York Road was refused in November 2015.

Application Number 2016/0644/OUT - Outline planning application for up to 57 dwellings and a new community football pitch with parking, a changing room/clubhouse to include access (all other matters reserved) at land off York Road was refused in March 2017 and was subsequently refused at appeal on 26 February 2018. This application encompassed the large field and the current application site forms the western strip of this field. The councils reason for refusal included the concerns that it would encroach into the countryside at the northern end of the vilage and cerate a harsh urban edge viewed from the north and east. The inspector when considering the appela also raised concerns that the proposal would create a protrusion of built development beyond the defined development limits of the village and into the open countryside and that the current rural appearance of the site would be lost with resultant urbanisation of this part of the rural landscape.

Application Number 2019/1272/COU for the change of use of agricultural land to garden land to rear of Appletree Cottage, 2 York Road and Corner Cottage (part retrospective) is pending consideration.

Application Number 2019/1038/COU - Retrospective change of use of agricultural land to garden land adjoining the rear at Plum Tree Cottage, York Road, North Duffield is pending consideration.

Application Number 2019/0639/COU - retrospective change of use of land from agricultural to garden for land adjoining the rear of Holmewood, York Road, North Duffield was heard at the Committee meeting in November 2020 and was refused due to the following reasons:

1. The development, which has already occurred, due to the nature, scale, design and location and boundary treatment, is not considered to improve the economic, social and environmental conditions in this area and the change of use of agricultural land to garden land doesn't fall within the exceptions to the forms of development allowed in the open countryside set out in Policy SP2 of the Core Strategy. As such, the proposal is contrary to Policy SP1 and SP2 of the Core Strategy and the NPPF.
2. The development due to its position and the boundary fencing significantly alters the clearly delineated north-eastern boundary to the settlement and results in a visually harmful urban spur projecting into the wider open field adversely altering its open rural character and the character and setting of this part of the edge of the village. The boundary treatments as currently installed are urban in character and are of a harsh obtrusive design which is considered inappropriate for this edge of settlement and rural location. The development therefore is considered to have a suburbanising effect on the natural landscape and would unacceptably alter the character and appearance of the open countryside and the setting of the village it therefore conflicts with the aims of Policy H15 of the Selby District Local Plan, Policies SP1, SP2 & SP19 of the Core Strategy and with the NPPF.

2. CONSULTATION AND PUBLICITY

- 2.1 **Parish Council** – At a meeting of North Duffield Parish Council held on Thursday 7th January 2021, councillors resolved to support the above application.
- 2.2 **NYCC Highways** – There are no local highway authority objections to the proposals.
- 2.3 **Public Consultations** – Site notice was posted on 29 January 2021. There were 11 letters of support received as a result of this advertisement stating following reasons for support:
- a) only affects the immediate houses concerned and makes the gardens a reasonable size with little, if any, effect to the fields.
 - b) there is currently a Hawthorne hedge which has been planted by the Farmer along the boundary. This hedge is rapidly growing and has superseded the fence panels which have been erected by most of the properties with gardens backing onto this boundary line.
 - c) does not affect anyone else in the community and makes the gardens appropriate to the size of housing concerned and has little effect on the field area.
 - d) sympathetic to the environment as will encourage wildlife with hedgerows, trees and plants being planted.
 - a) the land is at the rear of the properties on York Road it is not seen from the roadside.

3 SITE CONSTRAINTS

Constraints

- 3.1 The site is located outside the defined development limits of North Duffield and is therefore defined as open countryside. The site does not contain any protected trees and there are no statutory or local landscape designations.

4 POLICY CONSIDERATIONS

- 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 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of

a new Local Plan in 2023. Consultation on issues and options took place early in 2020. Consultation on preferred options took place in early 2021. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.

4.4 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.

4.5 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).”

Selby District Core Strategy Local Plan

4.6 The relevant Core Strategy Policies are:

SP1 - Presumption in Favour of Sustainable Development

SP2 - Spatial Development Strategy

SP15 - Sustainable Development and Climate Change

SP19 - Design Quality

Selby District Local Plan

4.7 The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development

H15 - Extensions to Curtilages in the Countryside

5 APPRAISAL

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

1) The Principle of the Development

2) Design and Impact on the Character and Appearance of the Open Countryside

3) Impact on residential amenity

The Principle of the Development

5.2 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", to secure development that improves the economic, social and environmental conditions in the area, and sets out how this will be undertaken. The development would not provide economic or wider social benefits. Whether the use

of agricultural land for extending urban residential curtilages is sustainable in terms of the environmental impacts is considered in subsequent sections of this report.

- 5.3 Core Strategy Local Plan Policy SP2(c) states that "Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the reuse 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."
- 5.4 The application is seeking consent for the retrospective change of use of land from agricultural to residential garden area, which lies to the rear of 10 existing dwellings located along the York Road at the northern part of North Duffield. In the light of the above policy context, Policy SP2A(c) is silent on changes of use of land and it is therefore considered that the proposal is contrary to Policy SP2A(c) of the Core Strategy. The proposal should therefore be refused unless material circumstances exist that would indicate otherwise. One such material consideration is the National Planning Policy Framework and the saved policies of the Selby District Plan.
- 5.5 Selby Local Plan Policy H15 allows garden extensions in principle subject to not causing a significant adverse effect on the character and appearance of the surrounding countryside and subject to the proposed means of enclosure being appropriate to the adjoining countryside. Those issues are considered in the next section of this report. Although Selby District Local Plan precedes the NPPF, it should be afforded substantial weight as it is consistent with the NPPF, particularly paragraphs 130 and 174. Therefore, taken as a whole Policies SP1 and H15 of the Development Plan do not exclude the extension of curtilages outside development limits provided it would be a sustainable form of development which improves the environmental conditions in the area, and which meets the requirements of Policy H15 in terms of the impact on the surrounding countryside in terms of the means of enclosure.

Design and Impact on the Character and Appearance of the Open Countryside

- 5.6 The row of properties adjacent to the application site on the west are set within the Development Limits of North Duffield as defined by the Selby District Council Local Plan. These all have small sized rear gardens abutting the open agricultural field to the east. The parcel of agricultural land, which is subject to this planning application, is outside the Development Limits and is therefore within the open countryside. The application site and the land to the east form a substantial agricultural field which is an important part of the open rural setting at this northern end of the village. The development is therefore subject to policies H15 and ENV1 of the Selby District Local Plan and Policy SP19 of the Core Strategy.
- 5.7 Policy SP19 requires that "Proposals for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside. Both residential and non-residential development should meet the following key requirements:
- A) Make the best, most efficient use of land without compromising local distinctiveness, character and form;

- B) Positively contribute to an area's identity and heritage in terms of scale, density and layout.
- 5.8 Selby District Local Plan Policy ENV1 (1) requires development to take account of the effect upon the character of the area, with ENV1 (4) requiring the standard of layout, design and materials to respect the site and its surroundings. Local Plan Policy ENV1 is broadly consistent with the aims of the NPPF and should therefore be given significant weight.
- 5.9 Policy H15 of the Selby District Local Plan specifies that proposals to extend the curtilage of properties outside defined Development Limits will only be permitted if there is no significant adverse effect on the character and appearance of the surrounding countryside, and the proposed means of enclosure would be appropriate to the adjoining countryside. It also states that any permission granted may be conditional upon the removal of permitted development rights in relation to that part of the curtilage outside Development Limits.
- 5.10 It is noted that a number of dwellings have extended curtilage without planning permission. One of them, namely 2019/0639/COU was refused, the other 2019/1272/COU is a collective application related to four properties and another application related to one property 2019/1038/COU which are still pending consideration. However, in determining this application, no favourable weight should be attributed to the fact that these other unauthorised developments have occurred. Moreover, this application must also be assessed as if it had not occurred already.
- 5.11 There is a clear delineated settlement boundary to this part of North Duffield. The existing established authorised rear garden boundaries of properties on York Road form a consistent clearly defined straight boundary edge between the built development at the northern edge of the village and large open field and wider open countryside to the east running. The development limits for the village follow this defined boundary line with existing gardens being within the development limits and extended gardens being outside development limits.
- 5.12 By the nature of extending the residential curtilage, the proposal causes some loss of the open countryside and the new boundary fencing as erected at some of the properties along the eastern boundary of the site is urban in character causing some harm to the open rural character of the locality. However, the proposal is for small scale garden extensions and the application site is a stretch of land which includes modest areas to the east of all the properties (10 in total) located along this edge of settlement. By applying collectively, the scheme would recreate a clear straight boundary line extending 6 metres beyond the existing edge of settlement. Although not all of the properties have purchased a parcel of land to the rear at this stage or extended their gardens, the new proposed eastern boundary of the site would be clearly defined and effective landscaping and screening reducing harmful impact on the rural setting of the village can be secured via a condition.
- 5.14 Also, it is noted that original rear garden areas of the properties along this settlement boundary are very limited in size with their rear boundary running along or close to the rear elevation of some of the dwellings at this location. The proposed change of use of a strip of agricultural land to garden land would form appropriate amenity space for the properties immediately adjacent to it, would be seen as a discrete domestic space against the backdrop of the row of houses they relate to and would be consistent with an overall pattern of development at this edge of village. Moreover, the amount of land proposed would result in only a modest size

increase to the gardens. The remaining field is of an extensive nature and the loss of this small strip would not compromise its agricultural use for the future.

- 5.15 The current application was submitted by the farmer who is a former owner of most of the strip of land which is subject to this application and this application is seeking permission for the change of use of a full strip of land to the east of the row of dwellings. In terms of hedge planting, it is outlined in the submitted supporting information that a double row of indigenous field hedge has been planted comprising traditional Yorkshire hedgerow whips (Blackthorn, Hawthorn, Dog Rose and Field Maple) along the eastern boundary of the site beyond the retrospectively erected boundary treatments. However, it is noted from a site visit that there are gaps in planting, particularly prominent ones being beyond the rear boundaries of Penny Cottage and Maran Ley. Also, the new hedge would need to provide effective screening for the installed and any new boundary fencing to soften its impact on the countryside and to improve environmental conditions of the area. As such, notwithstanding the submitted information and to ensure the continuity of the hedge planting along this boundary, it is considered reasonable and necessary to add a condition to any consent granted requiring a native double row hedge being planted continuously along the whole of the eastern boundary of the site as shown in green on the Drawing No 0001 in line with the requirements for planting new hedges.
- 5.16 No details have been provided relating to proposed boundary treatments for other properties which have not extended their gardens. Any new or replacement boundary treatments of urban character are considered to add to a suburbanising effect and as such it is considered reasonable and appropriate to add a condition requiring any new or replacement boundary fencing to be less urban in character and more sympathetic to the open countryside location.
- 5.17 There are no objections to the design of the internal fencing of up to 1.8-metre-high between the properties as those would be situated internally subdividing the plots and separating the plots from each other. Once the hedgerow is established along the field boundary, these should not be so visually intrusive provide the hedgerow thrives and is permanently retained.
- 5.18 The development is only acceptable if it can be demonstrated that it would not harm the character and appearance of the area and the surrounding open countryside. As a result of the proposal, in addition to urban fencing as installed, there is likelihood of construction of outbuildings and introduction of domestic paraphernalia which would be widely visible from the open countryside to the east. Although a double hedgerow as partially planted and shown of the submitted drawing is noted, it will take time to establish and to provide an appropriate level of screening. As such, any outbuildings, summerhouses, sheds or other structures, if built within the application site area, would therefore cause an unacceptable level of suburbanising effect on the open countryside. Therefore, it is considered reasonable and necessary to remove permitted development rights to construct outbuildings on the extended part of garden areas via a condition.
- 5.19 Given all of the above, it is therefore concluded that although the boundary fencing as erected at some of the properties along the eastern boundary of the site is urban in character and causes some harm to the open rural character of the locality at present. It is considered that the boundary treatments as installed are on balance acceptable due to the consistent length of linear hedgerow which has been planted

and the new clearly defined boundary which will be created, having taken into account all of the above and subject to aforementioned conditions.

- 5.20 The proposal is therefore on balance considered to not cause significant adverse impact on the character and appearance of the surrounding countryside, and the proposed means of enclosure would be on balance appropriate to the adjoining countryside subject to conditions. It would therefore not be contrary to Policies ENV1 and H15 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

Impact on Residential Amenity

- 5.21 Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1 (1) of the Selby District Local Plan. Significant weight should be attached to this Policy as it is broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved.
- 5.22 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.
- 5.23 Comments in support of this proposal made by the public are noted.
- 5.24 The properties to which this proposal relates have very limited private rear garden areas and it is considered that the proposed garden extensions would provide a reasonable private amenity space to those properties.
- 5.25 Given the nature of the proposal to change the use of parcel of agricultural land to residential gardens to the east of a number of properties situated along York Road in North Duffield and the proposed boundary treatments, it is considered that the proposal would not have any significant adverse impact on the amenities of the occupiers of any neighbouring residential properties.
- 5.26 The amenities of the adjacent residents would therefore be preserved in accordance with Policy ENV1 (1) of the Selby District Local Plan.

6 CONCLUSION

- 6.1 The application seeks planning permission for the change of use of land from agricultural to garden for land adjoining the rear of the properties situated to the east of York Road in North Duffield with associated works.
- 6.2 The proposal is on balance considered not to cause a significant adverse impact on the character and appearance of the surrounding countryside, and the proposed means of enclosure would be on balance appropriate to the adjoining countryside subject to conditions. It would therefore not be contrary to Policies ENV1 and H15 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.
- 6.3 It is considered that the proposed development would provide a reasonable private amenity space to associated properties and the proposal would not have any significant adverse impact on the amenities of the occupiers of any neighbouring

residential properties. It would therefore be in accordance with Policy ENV1 (1) of the Selby District Local Plan and the NPPF.

7 RECOMMENDATION

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

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

Drawing No. 0001 – Location Plan & Application Site Plan

Reason:

For the avoidance of doubt.

02. Notwithstanding the details provided within the submission, within 3 months (or in the first appropriate hedge planting season) from the date of this decision notice native species hedge shall be planted at the location indicated in green on the Drawing No 0001 (Location Plan & Application Site Plan). The hedgerow shall consist of Blackthorn, Hawthorn, Dog Rose and Field Maple species with no one species making up more than 70% of the total and shall be planted in a staggered double row 40 centimetres (cm) apart with a minimum of 6 plants per metre. Once planted, the growing hedgerow must be kept clear of weeds until they are established. and the established plants shall be regularly maintained as a hedgerow at a height not exceeding 2.5 metres and shall be retained as such for the lifetime of the development hereby approved.

Reason:

In order to provide an effective screening and landscaping to protect the character and appearance of the surrounding open countryside, having had regard to Policies ENV1 and H15 of the Selby District Local Plan.

03. Any plants which, within a period of 5 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.

Reason:

To ensure the successful establishment and retention of the boundary hedge to secure the landscaped setting of the site.

04. Any new or replacement boundary fencing adjoining the field along the eastern boundary of garden extensions hereby approved shall not exceed the height of 1.8 metres and the colour and specification shall be submitted to and agreed in writing by the Local Planning Authority. Only approved boundary fencing shall be installed and retained for the lifetime of the development.

Reason:

To protect the character and appearance of the surrounding open countryside, having had regard to Policies ENV1 and H15 of the Selby District Local Plan.

05. Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order (2015) (or any order revoking or re-enacting that Order) no garages, outbuildings or other

structures shall be erected within the extended garden areas hereby approved without the prior written consent of the Local Planning Authority.

Reason:

In order to safeguard the rights of control of the Local Planning Authority and in order to protect the character and appearance of the surrounding open countryside, having had regard to Policies ENV1 and H15 of the Selby District Local Plan.

8 Legal Issues

8.1 Planning Acts

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

8.2 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.

8.3 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.

9 Financial Issues

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

10 Background Documents

Planning Application file reference 2020/1391/FUL and associated documents.

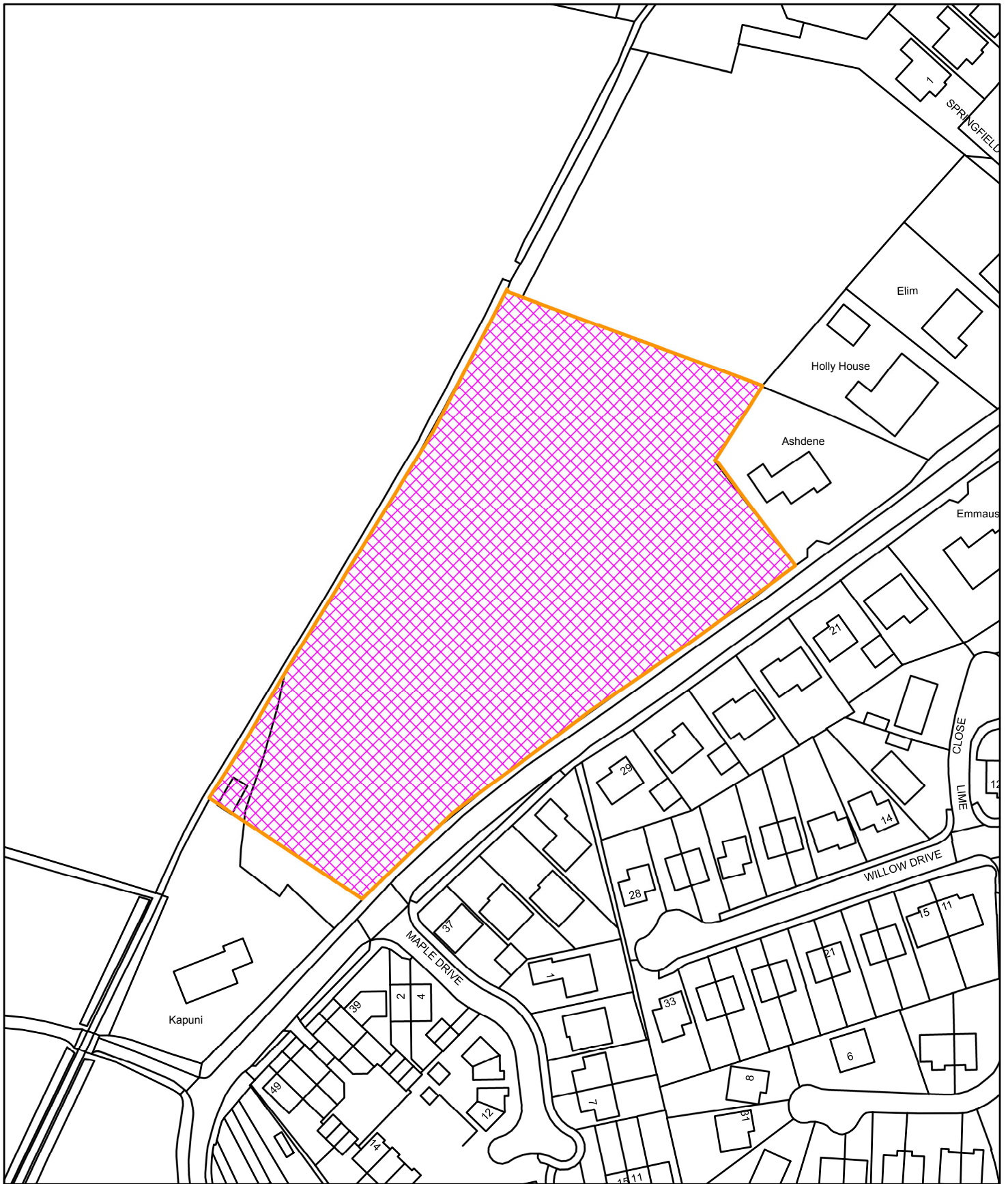
Contact Officer: Irma Sinkeviciene (Senior Planning Officer)
isinkeviciene@selby.gov.uk

Appendices: None

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Agenda Item 5.5

Green Lane, North Duffield
2021/0913/S73



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Report Reference Number: 2021/0913/S73

To: Planning Committee
Date: 8 December 2021
Author: Gareth Stent (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

| | | | |
|---------------------|---|--------------|-------------------------------|
| APPLICATION NUMBER: | 2021/0913/S73 | PARISH: | North Duffield Parish Council |
| APPLICANT: | Yorvik Homes Ltd | VALID DATE: | 23rd July 2021 |
| | | EXPIRY DATE: | 17th September 2021 |
| PROPOSAL: | Section 73 application to remove condition 07 (Highway Improvement Works) of approval 2018/0273/REM Reserved matters application relating to Reserved Matters approval appearance, landscaping, layout, scale and access of approval 2015/0520/OUT Outline application (with all matters reserved) for residential development (9 dwellings) granted on 13 March 2018 | | |
| LOCATION: | Green Lane North Duffield Selby North Yorkshire | | |
| RECOMMENDATION: | APPROVE | | |

This application has been brought before Planning Committee at the request of Cllr Karl Arthur. Also, 14 letters of representation have been received, which raise material planning considerations in objection to the scheme and Officers would otherwise determine the application contrary to these representations.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site consists of a 9-dwelling residential development to the west of North Duffield. The residential permission is developed out by virtue of the 2015 outline consent and 2018 reserved matters permission by Yorvik Homes. The dwellings are large, detached family homes that front Green Lane, with gardens extending west. The new houses are accessed from Green Lane via 2 private drives known as Walbut Close and Derwent Close.

- 1.2 Opposite the site is an established part of North Duffield, with dwellings fronting Green Lane and a small cul-de-sac known as Maple Drive. The site frontage spans from No.21 – No.37 Green Lane. Green Lane is an adopted highway with only partial footpaths on its southern side.

The Proposal

- 1.3 This 'section 73' application is to remove condition 07 of the reserved matters application 2018/0273/REM, which relates to off-site 'highway improvement works' i.e., the need to create a new footpath to serve the residential development.
- 1.4 The extent of the highway improvement works have previously been agreed and the condition discharged through application 2019/0658/DOC. This showed a new footpath on the south side of Green Lane, opposite the site in question and within the highway verge. This improvement work stretched from No 29 - No.21 and would involve some cutting back of the hedges of the residential dwellings on the south side of Green Lane that overhang the highway verge.
- 1.5 Following discussions between the applicants, NYCC Highways officers and residents on the south side of Green Lane, the applicants now do not wish to undertake the construction of a new footpath outside the site and are applying for the condition, which requires them to undertake these works to be removed.
- 1.6 The justification behind this is that the residents of the south side of Green Lane do not want any disruption to the hedgerow that exists along Green Lane and the NYCC highway officer does now not consider the footpath necessary, as it doesn't fully link to the east and no crossing is provided to the new residential development.

Relevant Planning History

- 1.7 The following historical application is considered to be relevant to the determination of this application.
- CO/1988/0377 - Outline application for residential development on 0.2ha of land at, Field 209, Frontage to Green Lane, North Duffield, Decision: Refused: 28-APR-88.
 - 2015/0520/OUT, Outline application (with all matters reserved) for residential development (9 dwellings) on land to the north-east of Kapuni Green Lane, North Duffield, (Permitted 08-OCT-15).
 - 2018/0273/REM - Reserved matters application relating to Reserved Matters approval appearance, landscaping, layout, scale and access of approval 2015/0520/OUT Outline application (with all matters reserved) for residential development (9 dwellings) on : Land To North-east Of Kapuni, Green Lane, North Duffield, Selby, North Yorkshire. Decision: (Permitted 17-MAY-18).
 - 2019/0658/DOC: Discharge of conditions 3 (Drainage), 4 (Archaeology), 6 (Drainage), 9 (Contamination), 10 (Contamination) and 11 (Contamination) of approval 2015/0520/OUT and conditions 2 (Materials), 3 (Floor Levels), 5 (Highways) and 7 (highways) of approval 2018/0273/REM. Land To North-east Of Kapuni, Green Lane, North Duffield, Selby, North Yorkshire, (Permitted Decision:16-DEC-19).

2. CONSULTATION AND PUBLICITY

- 2.1 North Duffield Parish Council – strongly object to the removal of the condition to install a footpath on part of Green Lane. No objections were received by any member of the public on the application made on 2018/0273/REM, which included the proposed new footpath as part of the consultation process for that application. The footpath was therefore a condition of the original plan and should be installed as soon as possible. At the very least it should be installed on the side where the new houses have been built if only to tidy up that side of the road. However, the Parish Council preference strongly remains for it to be built on the opposite side to join up existing footpaths.

The Chair and Vice Chair of North Duffield Parish Council met with a NYCC Highways Officer in 2020 and restated their desire as a Parish Council that North Duffield needed a footpath. The Officer even agreed that a 1.1-metre-wide path was a suitable option, if not ideal. The ‘agreed’ footpath is a necessity due to the increased traffic and proximity to the local primary school. It is essential to have a continuation of the footpath along the length of Green Lane and should not be removed as a condition of this application.

It was a Highway Authority requirement at the outline planning stage for the footpath to be on the opposite side of Green Lane to the development site to link up with existing lengths of footpath to the north east and south west.

Some but not all of the hedgerows in front of the houses opposite the development site are remnants of old field boundaries but these are only short lengths of older hedge which are low level and manicured. They are not continuous and interspersed with urban planting and driveways. In contrast, the hedge along the development site which is also an old field boundary hedge is largely intact, much more substantial and therefore of greater value for wildlife.

The hedges opposite the development site encroach on the highway verge and need to be cut back in any case. The Highway Authority has agreed to do this which will increase the width of the potential footpath.

It is understood that the Highway Authority considers the footpath cannot be justified and the planning condition requiring it can therefore be set-aside. The PC totally rejects this and can think of no reasons why there should not be a useable convenient footpath along Green Lane which is already a narrow road and there are no opportunities to widen it. It is already used by pedestrians from Maple Drive including school children accessing the school and pedestrians accessing the allotments. A footpath that is as near continuous as possible is essential. It makes no sense to make people cross Green Lane twice to move from footpaths on one side of the lane to the other and then back again. It would be easier to walk in the road as many people do at present which is unacceptable. If the requirement for a footpath is not honoured by the developer, then people will still need to walk in the road until a pathway is ultimately created - probably by Highways themselves - and then subject to further delays. It would seem that this merely delays the solution rather than prevents a path being created for the benefit of the Village.

- 2.2 NYCC Highways – (3.8.21) The Highway Authority has assessed the application and note the proposed footway does not link to the approved site, no crossing of

Green Lane has been agreed or approved and the footway provision does not fully extend between the existing footways along Green Lane, so the County Council supports the discharge the Section 73 application to remove condition 07 (Highway Improvement Works) of approval 2018/0273/REM Reserved matters application relating to Reserved Matters approval appearance, landscaping, layout, scale and access of approval 2015/0520/OUT Outline application (with all matters reserved) for residential development (9dwellings).

Publicity

- 2.3 The application has been publicised by means of a press notice (12.8.21) and a site notice.
- 2.4 The application was called to committee by Cllr K Arthur for the following reason: *“Footpath required on Green Lane as part of planning condition for housing development in this area to help improve residential amenity. Parish Council concerned that this will not be included.”*
- 2.5 14 letters of objection have been received. The concerns were as follows:
- Sold the land to Yorvik homes in 2018 after they acquired planning permission and this included the requirement to construct the footpath in the price.
 - The amount of traffic and pedestrians using the lane has increased and a footpath link to the village has been needed for some time.
 - The existing rough grass verge is causing injury to pedestrians as pedestrians use the verge to get out of the way of cars.
 - The application has been prompted by complaints from householders on the opposite side of Green Lane, saying the footpath would mean their frontage hedges would have to be cut back and these are ancient hedges. The fact that these hedges have encroached onto the highway means they should be cut back. The hedge on the Yorvik homes site is actually an ancient field boundary which is still largely intact and provides a wildlife habitat.
 - There is no reason why the footpath should not be constructed as it's a much-needed facility for the village particularly with regards to the safety of Green Lane. It would join up the existing footpath eradicating the missing elements to create a complete path along Green Lane.
 - As the installation of a continuous footpath along Green Lane was a condition of the original application, fail to understand how it can now be deemed as not necessary.
 - Following completion of the new development along Green Lane, the completion and usage of the allotments, as well as the further development now taking place along York Road there is an increased volume of traffic, both vehicular and pedestrian in Green Lane so surely for the safety of all the installation of a continuous footpath is more essential.
 - It will enhance pedestrian safety and makes sense to have it on the south side where the existing path joins.

- Families with children have to use this piece of road to get to school, the shop and the playing field, and many village residents regularly walk around the village, along here. The condition to put in a footpath was there for a purpose, and lives are surely more important than hedges.
- Often find driving down the road and having to avoid pedestrians. It's an accident waiting to happen.
- On the original application no objections were made or received to this footpath. Aware that there are some new residents who may be affected who are now complaining, however due diligence at the time of purchasing their properties would have highlighted the fact that this footpath was due to be installed.
- A 1.1m footway is better than no footway at all.
- Unfortunately, when the plans for the Maple Drive development at the top of Green Lane were granted, the footpath should have been included as a condition.
- As the developers were required to provide a footpath for this section of Green Lane - then this should be completed. This could be achieved by the developers adding a path to the frontage of their development which has been decimated and has not been protected as it should have been during the development.

2.6 5 letters of Support (2 from same household affected by the works)

- The pavement should be on the Yorvik Homes side of the road where the pavement can be made wider to enable people to pass safely. If it's put on the south side, it will not be suitable or safe for the residents to use. It also wouldn't be disturbing anyone's driveways as there are currently only grass edges there at present.
- All the hedges will die, causing destruction for the local wildlife. Also, the proposed width is not wide enough for 2 people which would mean the risk of potential trip hazard with the elderly having to go up and down the kerb. Also, not wide enough for electric wheelchairs.
- Fully support that the proposed footpath application is being removed as the damage to the residents' hedges would be irreparable, also the fact that there is not enough room on that side of the verge for a decent size footpath is ridiculous, especially when there is plenty of room on the other side of the road for a decent sized footpath without damaging anyone's property.
- The footpath would not join together and also wouldn't allow an adult and child to walk side by side as it isn't wide enough) the housing developer has already destroyed sections of hedge opposite. Removing or damaging the hedges would go against the VDS for North Duffield, it's called Green Lane for a reason.

2.7 A further letter was received objecting to the way in which land to the rear of the Yorvik homes development was being used. This doesn't relate to this application and therefore carries no weight.

3 SITE CONSTRAINTS

Constraints

- 3.1 The application site is now a developed out residential site within the open countryside, having previously been supported for residential development in 2015. There are no statutory national or local landscape or wildlife designations covering the site and there is no Conservation Area or nearby listed buildings that are affected. The majority of the site is located within Flood Zone 1, however parts of the rear of the dwellings are within Flood Zone 2, and therefore have a medium risk of flooding. The position of the footpath in question is within the development limits and within Flood Zone 1.

4 POLICY CONSIDERATIONS

- 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 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. Consultation on preferred options took place in early 2021. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The National Planning Policy Framework (July 2021) (NPPF) replaced the February 2019 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 2021 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

"219.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

4.6 The relevant Core Strategy Policies are:

SP1 - Presumption in Favour of Sustainable Development
SP2 - Spatial Development Strategy
SP18 - Protecting and Enhancing the Environment
SP19 - Design Quality

Selby District Local Plan

4.7 The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development
T1 - Development in Relation to Highway
T2 - Access to Roads

4.8 North Duffield Village Design Statement Feb 2012.

Highway and parking advice

“B13 Safety is paramount, but modern standardised road designs do not always sit comfortably within historic areas. When designing road layouts, it is important that a balance is achieved to allow safe access without detriment to the local character. This means that a bespoke design will be needed.”

“B15 New accesses should be designed to minimise the loss of boundary vegetation and achieve an appropriate balance between highway safety and amenity.”

The natural environment

“B19 Hedges and trees within the village are an essential part of the character. These should be conserved and reinforced through new planting in any new development whether small or large”

5 APPRAISAL

5.1 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 Highways safety
- Conditions

Principle of Development

5.2 The Town and Country Planning Act 1990 Section 73, allows for applications to be made to undertake development without complying with conditions attached to such an approval. Paragraph (2) of Section 73 states "On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and —

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was

granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application."

5.3 This particular section 73 application is for the removal of condition 7, which was attached to the reserved matters consent requiring the developer to undertake highway improvement works, which meant the provision of a footway outside the site on the southern part of Green Lane.

5.4 Condition 7 reads:

Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the approved development until a detailed specification for the highway improvement works shown on approved drawing number 1449.01 has been submitted to, and approved in writing by, the local planning authority. The specification shall include a programme for the completion of the works. Thereafter, the works shall be completed in accordance with the agreed specification.

Reason: In accordance with policy ENV1 of the Selby District Local Plan and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

5.5 Therefore whilst the issuing of a section 73 forms a new permission, this doesn't not revisit the principle of allowing dwellings within the countryside, as this has already been established within the outline and the dwellings have been built out. The application therefore only considers if the condition is still reasonable and necessary to make the development acceptable in planning terms and assesses the impact of not providing the footpath.

5.6 It is clear that footpath improvement works were a condition suggested by NYCC Highways team at the reserved matter stage and this was in response to a drawing provided by Paragon Highways consultants drawing number 1449.01. This clearly showed the improvement works to be undertaken on the south side of Green Lane i.e., opposite the application site and stretched approximately 74m. The works included 4 sections of footpath to be created starting outside No.29 Green Lane and linking with the existing footpath to the west that serves Maple Drive. The last section of improvement terminated outside No.21 opposite where the site finishes.

5.7 Having assessed the reserved matters application, this does not discuss this footway within the delegation report, however, simply adds the condition suggested by the highway officer. The condition at the time, was considered to meet the six tests in that the proposal was increasing the number of dwellings using the lane, and therefore enhancement was required. There were no third-party representations made in respect of this on the reserved matters submission, however it may have been that the residents opposite hadn't appreciated that the new footway was to go on the south side of Green Lane.

Design and Impact on the Character and Appearance of the Area

- 5.8 The installation of the footpath (1.1m) on the south side of Green Lane, will create a more engineered surface than currently exists. The current section where the improvement works are suggested are grass verges leading onto the metalled part of the highway and hedges, which partially overhang the verge. Green Lane is characterised for its hedges and the rural lane feel, therefore the introduction of a footpath will undoubtedly cause some harm to this character.
- 5.9 It is unclear if the improvement works would lead to the total loss of some of the boundary hedging, as it may be that the root systems would be disturbed/cut and compacted to provide the engineered surface. Some hedging would however have to be cut back to facilitate this and each species may react differently. Therefore, it is envisaged that there would be some harm to the character and appearance of the area to facilitate the construction of the footpath. The issues concerning hedge removal have been commented on by those residents directly affected, who do not wish to see the footpath installed. These residents however did not object to the reserved matters approval, however it is unclear if the residents were actually aware of the footpath being proposed on the south section of Green Lane, as this wasn't shown on the original plans.
- 5.10 The recent development to the east of the proposed footway of the dwelling known as Emmaus (2018/1428/FUL) involved the demolition of a bungalow and the erection of 3 dwellings. This had a similar hedge on the frontage and the developer removed this, created the footpath and replanted a laurel hedge stepped back from the highway to recreate the green frontage. This demonstrates that the green feel of the lane could perhaps be recreated. Finally, as denoted in the representations, many comments feel that the hedge on the northern side of Green Lane is of more historical value and therefore this is the one that should be retained.

Impact on Highways

- 5.11 The condition was imposed on the reserved matters scheme "*in the interests of the safety and convenience of highway users*". The additional 9 dwellings will inevitably mean more vehicle and pedestrian movements on the lane and any pedestrians heading into the centre of the village would have to walk on the road for short distance until they can join the footpath outside No.1 Green Lane.
- 5.12 Therefore the provision of a new footpath would stretch the length of the site frontage (74m) and link with the footpath outside No.29 and extend east. The works terminate outside No.21. This previously did not link directly with the footpath to the east as this formally terminated outside No.1, however the recent building of 3 dwellings under 2018/1428/FUL, means that this area of the highway now has a footpath and terminates at the telegraph pole adjacent to No.19. This means that there would be a short 5-6m gap of no footpath outside the frontage of No.19 that doesn't provide the linkage.
- 5.13 The Highway Authority has assessed the application and noted that the proposed footway does not link to the approved site, as no crossing of Green Lane has been agreed or approved and the footway provision does not fully extend between the existing footways along Green Lane, so the County Council supports the condition removal.

- 5.14 The comments from the Highway Officer are noted, however Officers feel the lack of a crossing shouldn't be a determining factor as to remove the condition, as the south side of Green Lane has many dropped kerbs where accesses to drives exist and crossing can be achieved, albeit this are not up to modern day standard. Also, it was within the gift of NYCC Highways to include a crossing point had they so wished when they agreed the extent of the works and when the condition was discharged.
- 5.15 There is no direct highway safety implication, as the dwellings are built and the current situation exists, however a footpath would provide a safer environment for the small stretch of the lane. Members will have to consider if the footpath is absolutely necessary, or whether the development would have been permitted without any highway improvement works. Officers consider that had the condition not been imposed, it's unlikely that refusal could have been substantiated, as paragraph 11 of the NPPF states:
- “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*
- 5.16 As such it is considered that the proposal to remove the need to create the footway would not lead to adverse highway conditions in this locality and the proposal is considered to accord with Policies ENV1 (2), T1 and T2 of the Local Plan and Paragraphs 110 -112 of the NPPF.

Conditions

- 5.17 When considering section 73 applications it is necessary to assess what conditions have been discharged and those that need to be reimposed. In this case the outline and reserved matters provide the framework for the decision. Discharge of Condition application 2019/0658/DOC dealt with the following:

Outline

Conditions 3 (Drainage), 4 (Archaeology), 6 (Drainage), 9 (Contamination), 10 (Contamination) and 11 (Contamination) of approval 2015/0520/OUT.

Reserved Matters

Conditions 2 (Materials), 3 (Floor Levels), 5 (Highways) and 7 (highways) of approval 2018/0273/REM.

Condition 1 - relates to the list of approved plans. Reference to Plan 1449.01, Section 287 Footway Design; and 1449.02 Green Lane, North Duffield, Footway Plan needs to be omitted.

Condition 2 - relates to materials and has been discharged and the scheme built out so is no longer necessary.

Condition 3 - relates to floor levels and has been discharged and the scheme built out so is no longer necessary.

Condition 4 - relates to landscaping and convers 5 year tree loss so is therefore retained.

Condition 5 - concerns the vehicular accesses to the site and is now complete and has been discharged. It is however retained due to its wording.

Condition 6 - relates to visibility splay and again is retained due to its wording.

Condition 7 - is the condition in question so is deleted within the recommendation.

Condition 8 - relates to parking and manoeuvring areas to be constructed. This can be deleted as the site is developed out.

6 CONCLUSION

- 6.1 The application seeks to remove the need to install a footpath on a recently completed 9 dwelling residential scheme granted in 2018.
- 6.2 The wider application site lies within open countryside; however, the scheme is now fully developed out. The off-site highways works were imposed at the request of the Highways Officer, however, have not been completed. This is because residents on the south side of Green Lane are concerned about their frontage hedges which would have to be cut back to facilitate the development. This is likely to have some visual impact on Green Lane, however the advantages to the scheme are that 70m of pathway would be created and link from the west, however it would not link to the east due to a small section which isn't included.
- 6.3 The application has received significant representations in objection to the loss of the potential footway, however the need for it is no longer supported by NYCC Highways Officer due to the path not fully linking with the current footpath and the lack of suitable crossing to the new development.
- 6.4 Whilst Officers appreciate the advantages the footway would bring to parts of Green Lane, its lack of provision is not considered to significant harm highway safety and given the comments from the highway officer a refusal could not be substantiated. Therefore, the removal of the need to provide a footway is recommended to be removed.

7 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:

- 2286_PL_002A, Application Site Plan and Location Plan (9 units)
- P18:5157:01, Planning layout;
- P18:5157:11, FISHERGATE - AS PROPOSED PLANS AND ELEVATIONS
- P18:5157:12, FISHERGATE - OP PROPOSED PLANS AND ELEVATIONS
- P18:5157:13, CHURCHILL - AS PROPOSED PLANS
- P18:5157:14, CHURCHILL - AS PROPOSED ELEVATIONS
- P18:5157:15, SPURRIERGATE - AS PROPOSED PLANS AND ELEVATIONS
- P18:5157:16, SPURRIERGATE - OP PROPOSED PLANS AND ELEVATIONS
- P18:5157:17, TYPE G - AS, PROPOSED PLANS
- P18:5157:18, TYPE G - AS PROPOSED ELEVATIONS
- P18:5157:19, CHURCHILL - OP PROPOSED PLANS

- P18:5157:20, CHURCHILL - OP PROPOSED ELEVATIONS
- P18:5157:21, BOUNDARY TREATMENTS 1800mm HIGH BRICK WALL
- P18:5157:22, BOUNDARY TREATMENTS 1800mm HIGH TIMBER FENCE
- P18:5157:23, BOUNDARY TREATMENTS 900mm HIGH METAL RAILINGS
- P18:5157:24, PROPOSED GARAGE DETAILS
- P18 5157 100, LANDSCAPE PROPOSALS

Reason:

To ensure that no departure is made from the details approved and that the whole of the development is carried out, in order to ensure the development accords with Selby District Local Plan Policy ENV1

02. All planting, seeding or turfing comprised in the details of landscaping shown on approved drawing P18 5157 100 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:

To ensure that the proposed landscaping is implemented and becomes established in order to comply with Policy ENV1 of the Selby District Local Plan.

03. No other development shall take place until the vehicular accesses to the site have been set out and constructed in accordance with a specification that shall first have been submitted to, and approved in writing by, the local planning authority. The specification shall include the following:

- 6 metre radius kerbs,
- a minimum carriageway width of 4.5m;
- provision to ensure that any gates or barriers shall not be able to swing over the existing or proposed highway; and
- measures to prevent surface water from the site/plot discharging onto the existing or proposed highway.

Once created, the vehicular access shall be maintained clear of any obstruction to its proper use and retained for its intended purpose at all times.

Reason:

In accordance with policy ENV1 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.

04. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site accesses) until splays to the proposed vehicular accesses have been provided giving clear visibility of 45m measured along both channel lines of the major road (Green Lane) from a point measured 2m down the centre line of the access road. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In accordance with policy ENV1 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.

8 Legal Issues

8.1 Planning Acts

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

8.2 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.

8.3 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.

9 Financial Issues

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

10 Background Documents

Planning Application file reference 2021/0913/S73 and associated documents.

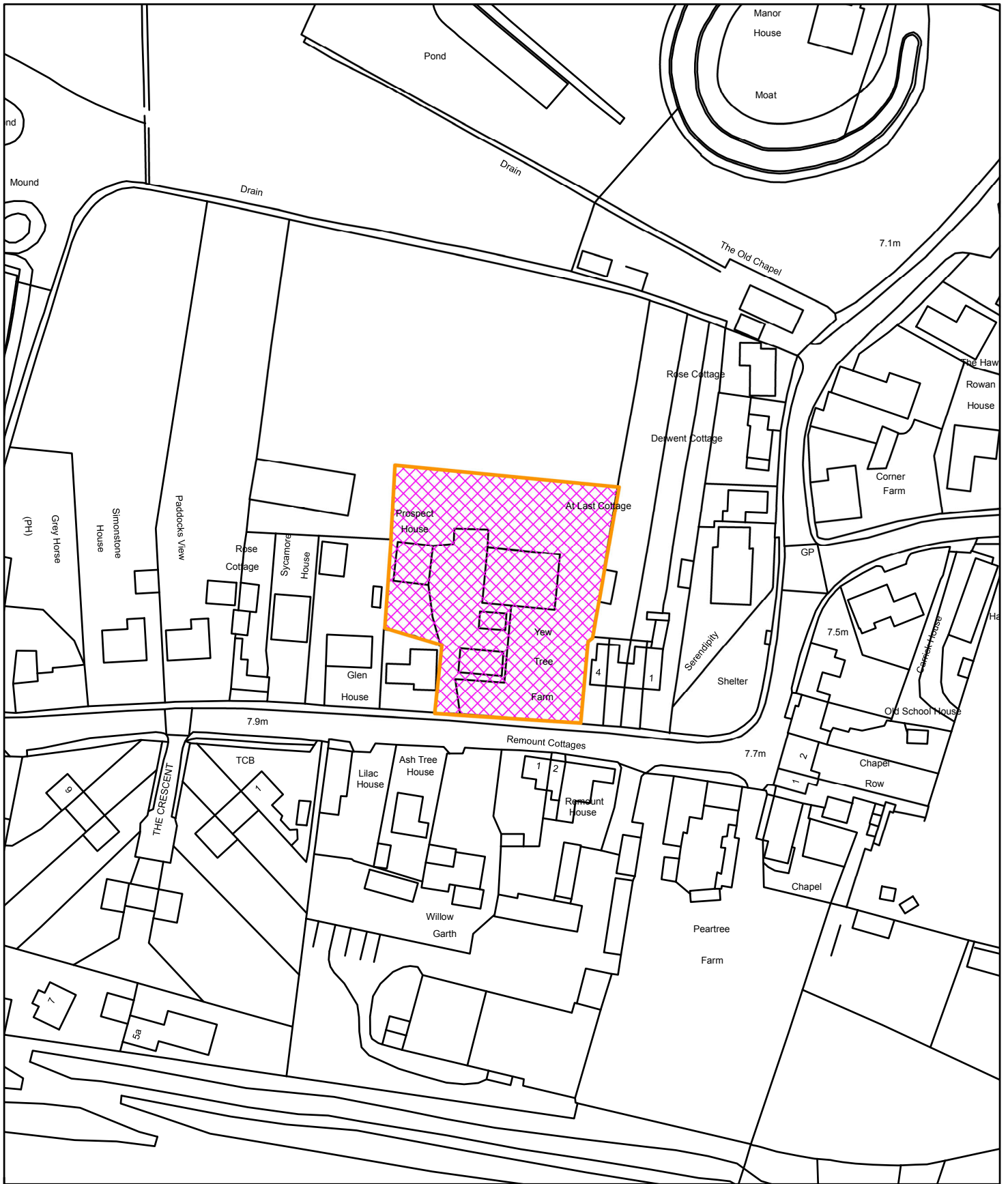
Contact Officer: Gareth Stent (Principal Planning Officer)
gstent@selby.gov.uk

Appendices: None

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Agenda Item 5.6

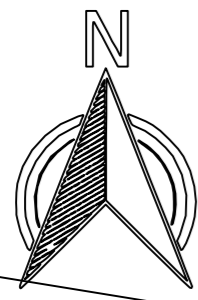
Yew Tree House, Main Street, Kelfield
2021/1295/REM



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Greenhouse

LINE OF OVERHEAD POWER CABLES

1.2m post and rail timber fencing

PLOT 6

1.5m boarded fence

PLOT 5

REVISED DEVELOPMENT LIMIT

3.000 3.000

375mm Yorkshire Water Sewer

PLOT 4

1.5m brick wall

GARAGE

Apple

silver birch

silver birch

1.8m timber fencing

electricity posts

PLOT 1

1.5m timber fencing

1.2m metal railings

1.2m metal railings

permeable block paving to driveway

permeable block paving to driveway

PLOT 3

375mm Yorkshire Water Sewer

375mm Yorkshire Water Sewer

1.8m timber fencing

0.6m brick wall

TREE TYPE A

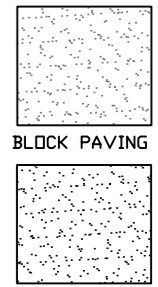
0.6m brick wall

1.5m timber fencing

existing 2.4m brick wall

3.000 3.000

57700



BLOCK PAVING

20mm GRAVEL SURFACING

PERMEABLE BLOCK PAVING

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FRONT LAWN OF PLOT 1

1.5m timber fencing

0.6m brick wall

0.6m brick wall

1.5m timber fencing

3.000

3.000

1.5m timber fencing

1.5m timber fencing

1.5m brick wall

YEW TREE HOUSE REAR GARDEN

1.5m brick wall

1.5m brick wall

refuse bin collection point for 6 bins

4.5m

1.5m brick wall

1.5m timber fencing

1.8m timber fencing

Yew Tree House (EXISTING)

4.0m

PLOT 2

4

0m 5m 10m 15m 20m SCALE BAR

YEW TREE HOUSE KELFIELD PROPOSED SITE LAYOUT 14/10/2021 Drawn PW Scale 1:200@A2 Drawing 031

1.8m timber fencing

EXISTING DRIVEWAY

0.9m brick wall

NEW DRIVEWAY

3.000 3.000

existing YW manhole

1.2m brick wall

0.9m brick wall

NEW DRIVEWAY

VISIBILITY SPLAY 68m

7.9m

MAIN STREET

VISIBILITY SPLAY 38m

375mm YW Sewer

6m access to be constructed to NY Highways specification

6m access to be constructed to NY Highways specification

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Report Reference Number: 2021/1295/REM

To: Planning Committee
Date: 8 December 2021
Author: Gareth Stent (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

| | | | |
|---------------------|---|-----------------------------|---|
| APPLICATION NUMBER: | 2021/1295/REM | PARISH: | Kelfield Parish Council |
| APPLICANT: | Mr Richard Atkinson | VALID DATE: EXPIRY DATE: | 18th October 2021 13th December 2021 |
| PROPOSAL: | Reserved matters application (following the 2017/0701/OUT) including access, appearance, landscaping, layout and scale for the erection of 6 No dwellings | | |
| LOCATION: | Yew Tree House Main Street Kelfield Selby North Yorkshire YO19 6RG | | |
| RECOMMENDATION: | GRANT | | |

This application has been brought before Planning Committee as 11 letters of representation have been received, which raise material planning considerations in objection to the scheme and officers would otherwise determine the application contrary to these representations.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The proposal is a reserved matters submission, for 6 dwellings following approval in outline under application 2017/0701/OUT.
- 1.2 The outline included an indicative site plan and allowed for the demolition of the garage, farm buildings and glass house, however all matters were reserved. This submission therefore provides the outstanding detail in respect of the access, appearance, landscaping, layout and scale of the 6 dwellings proposed.

- 1.3 A similar reserved matters application was recently submitted under reference 2021/0842/REM, however during the consideration of this application, it was found that the application site (depicted by the red line) was larger than that approved under the outline, as it extended further north. The application was therefore invalidated. The application was resubmitted with the red line application site now matching that of the outline and the dwellings (plots 4-6) having to be shunted further south.
- 1.4 The development limit boundary runs through the application site, such that the application site is located part within the defined development limits and partly within the countryside. Kelfield is a secondary village as identified within the Core Strategy. The outline was originally recommended for refusal by Officers (10th Jan 2017), however Members gave the applicants the opportunity to submit a revised plan to the site boundaries that that better reflected the development limits and address the other matters. The scheme then was reported to the 5 December 2018 Committee where Officers again recommended refusal, but Members of the Committee were minded to approve the application. It was then brought back to the 16 January 2019 Committee, with a list of appropriate conditions and approved (Decision issued 17.1.2019). This established the principle of developing the site.
- 1.5 The application site comprises part of Yew Tree Farm, including the existing farmhouse (Yew Tree House), and the adjoining farmyard area, including four buildings: a glass and timber framed greenhouse; a single storey shed; an agricultural building; and a single storey garage.
- 1.6 To the north of the application site is agricultural land associated with Yew Tree Farm and within the same ownership as the application site. Beyond this is the Scheduled Ancient Monument of Kelfield moated site and fishpond. To the east and west of the application site is residential development to the north side of Main Street, while to the south of the application site is Main Street, with residential development to the south side of Main Street beyond.

The Proposal

- 1.7 This is a reserved matters application seeking approval for the access, appearance, landscaping, layout and scale of 6 dwellings. These are all detached 4-bed properties with garages, with the exception of plot 3 having no garage. The existing farmhouse (Yew Tree House) would be retained as part of the proposals. The existing driveway would serve Yew Tree House and Plot 1. A new private drive would be created to serve the rear plots 3,4,5 & 6, and a new driveway created off Main Street to serve the frontage plot No.2.

Relevant Planning History

- 1.8 The following historical application is considered to be relevant to the determination of this application.
- 2021/0842/REM - Reserved matters application including access, appearance, landscaping, layout and scale for the erection of 6 No dwellings. Invalid.
 - 2017/0701/OUT - Outline application for demolition of garage, farm buildings and glasshouse and erection of residential development (all matters reserved), Decision: PER, Decision Date: 17-JAN-19

- 2016/0597/OUT - Outline application with all matters reserved for the demolition of existing dwelling, garage, farm buildings and glasshouse and erection of residential development, Decision: REF, Decision Date: 30-AUG-16. Dismissed at appeal.
- CO/1987/0339 – Outline application for residential development on 0.05ha of land. Permitted 09-MAR-87.

2. CONSULTATION AND PUBLICITY

2.1 NYCC Highways

No objections subject to conditions covering the need for the detailed plans of road and footway layout, also a condition to ensure the roads and footways are constructed prior to the occupation of the dwellings. Conditions covering the discharge of surface water, private access/verge crossings, visibility splays, pedestrian visibility, access and turning, conversion of garage spaces, on-site parking, storage are also included.

2.2 Yorkshire Water

No objection to the reserved matters. 'Proposed site Layout 031 (dated 14/10/2021) shows required stand-off distance for on-site public sewer.

2.3 The Ouse & Derwent Internal Drainage Board

No objection subject to a condition covering the need for full drainage details:

2.4 Landscape Consultant

No response received.

2.5 Waste and Recycling Officer

No Objection: Collection vehicles will not access private drives or use them for turning and it is noted that a bin presentation point has been identified although preference would be to move this closer to the junction with the main road. The presentation point should be large enough to accommodate two bins per property each collection day.

The existing property of Yew Tree House will already present their bins at the main road, and this should be maintained. Plot 1 should present with Yew Tree House and plot 4 will also present at the main road and so a presentation point will only be required for plots 3 to 6. In terms of distance from the highway as close as possible is always the preference because it's much more efficient in terms of collection times.

External bin storage at each new property should be large enough to accommodate 4 x wheeled bins (refuse, green waste and 2 x recycling). Care should also be taken to ensure that internal storage facilities are included for residents to store materials for recycling separately from their residual / non-recyclable waste prior to disposal.

2.6 Parish Council

No response received.

2.7 National Grid

This application falls outside of Cadent's distribution network. Please contact your local Gas distributor and/or National Grid for comments on this application.

2.8 Natural England

Natural England has no comments to make on this application.

2.9 Yorkshire Wildlife Trust

No response received.

2.10 County Ecologist

The only comment made is that the biodiversity value of the new hedge planting would be improved:

(a) If additional native species such as holly, field maple or hazel were included in addition to hawthorn and blackthorn.

(b) If British-provenance plants are used (imported hedging plants often flower out of synch with local insect populations).

2.11 National Grid - Asset Protection

Response awaited, and Members will be updated at Committee.

2.12 Northern Powergrid

Response awaited and Members will be updated at Committee.

2.13 Conservation Officer

Response awaited and Members will be updated at Committee.

2.14 Neighbour Summary

The application has been publicised by site notice and an advert placed in the local press. 11 letters of objection have been received as a result of this advertisement. The concerns raised were as follows:

- Concerns over the number of new accesses. This could be limited to 2. Access to Plot 2 isn't necessary and could be made off the private drive. This will reduce the ability for existing residents to park on the street and increase traffic in the village. Specifically impacting on Remount cottages opposite, which have no driveways.
- This section of the street is referred to as a "choke point". There are already cars regularly parked on the carriageway from properties without parking space.

There are many vehicles using Kelfield as a short cut. There are many wide items of farm equipment passing through which often struggle to negotiate this part of the street. Heavy lorries collecting farm produce face similar issues. Any possibility of more vehicles parking on the carriageway would have a very negative effect on the flow of traffic and road safety.

- Kelfield is a 'Smaller Village': a 'Secondary Village' (Selby District Council Core Strategy Local Plan, 2013) and inappropriate for this scale of development. The development will encroach into the open countryside.
- Kelfield is not a sustainable location as it has no shop and no school. It has a public house (open three nights a week), a village hall, a cricket ground and a bus shelter. The bus service is very limited. Future residents of the proposed development would likely be dependent upon the private car.
- The plans for 6 No four-bedroomed, three-storey detached dwellings would not follow the existing linear pattern of building to the north side of Main Street. They would also dwarf the row of 4 No two-storey terraced cottages alongside them and opposite. Smaller sized 'affordable' homes using the existing drive would be a preferable plan. Plot 1 should be single storey and not a 3-storey town house.
- The new drive for access to Plots 3, 4, 5 and 6 and the drive for access to Plot 2 are at the narrowest point of Main Street, approaching a right-angled bend, and would have highway safety implications.
- All the dwellings on the south side of Main Street are in a higher risk flood zone than those on the north side and some, including ours, are built below the current level of the road, so there are concerns about drainage on the proposed site. The agricultural land around Yew Tree House, as it is now, soaks up any surplus surface water.
- Plots 4, 5 and 6 of the proposed development are part of the wider setting of the former Manor House, a Moated Site and Fishpond which is a Scheduled Ancient Monument of archaeological interest and potentially a habitat for great crested newts.
- The development will have a harmful impact on the character and appearance of the area and inappropriate relationship to the existing village and street scene.
- The development will have a harmful impact on privacy, loss of light and overshadowing to neighbouring properties.
- Light pollution by vehicles exiting the site.
- Impact on electricity cables in and around the site serving Kelfield. Concerns over the capacity of the sewerage system.
- Construction noise and disturbance.
- The plans are no resemblance to the plans approved in 2017. The 2017 indicative layout was much more considered.

- The plans should include details of a playground for children.

3 SITE CONSTRAINTS

Constraints

- 3.1 The site lies partly within the countryside and partly within the development limits of Kelfield. The site lies within Flood Zone 1. Scheduled Ancient Monument of Kelfield moated site lies to the north.

4 POLICY CONSIDERATIONS

- 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 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. Consultation on preferred options took place in early 2021. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The National Planning Policy Framework (July 2021) (NPPF) replaced the February 2019 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 2021 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

"219...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

- 4.6 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 – The Scale and Distribution of Housing
SP9 – Affordable Housing
SP15 – Sustainable Development and Climate Change
SP16 – Improving Resource Efficiency
SP18 – Protecting and Enhancing the Environment
SP19 – Design Quality

Selby District Local Plan

4.7 The relevant Selby District Local Plan Policies are:

ENV1 – Control of Development
ENV2 – Environmental Pollution and Contaminated Land
ENV27 – Scheduled Monuments and Important Archaeological Sites
T1 – Development in Relation to the Highway Network
T2 – Access to Roads
RT2 – Open Space Requirements for New Residential Development
CS6 – Developer Contributions to Infrastructure and Community Facilities

5 APPRAISAL

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

- The Principle of the Development
- Impact on Heritage Assets
- Design, layout and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Impact on Highway Safety
- Impact on Archaeology
- Flood Risk and Drainage
- Nature Conservation and Protected Species
- Land Contamination
- Affordable Housing and Public Open Space
- Waste and Recycling
- Other

The Principle of the Development

5.2 The principle of developing the site for residential purposes has already been set via the outline consent 2017/0701/OUT. This was for the demolition of garage, farm buildings and glasshouse and erection of residential development granted on the 17th of January 2019. This was a blanket outline permission and reserved full details of the access, appearance, landscaping, layout and scale of the residential development. The approval was subject to a number of planning conditions, which the developer will be required to address in implementing any reserved matters consent.

5.3 The principle of proposed residential development has therefore been established through the granting of outline planning permission. This dealt with issues concerning the secondary nature of the village in the settlement hierarchy, backland development and issues surrounding part of the site being beyond settlement limits

and within the countryside. The outline also showed an indicative layout plan, which showed a pair of semi-detached dwellings on the frontage then a linked courtyard of smaller dwellings to the rear with garaging. This is specially commented on in the objections, however, was only indicative and wasn't tied to the outline, as all matters were reserved.

- 5.4 Therefore whilst being acceptable in principle, the reserved matters proposal will be assessed in terms of the considerations below.

Impact on Heritage Assets

- 5.5 The application site is located within the historic village of Kelfield and within the setting of the Scheduled Ancient Monument of Kelfield moated site and fishpond to the north.
- 5.6 It is noted that the original outline permission was supported by a Design and Access Statement, which incorporated a Heritage Statement. This was reviewed by the Conservation Officer who raised no objections to the scheme. It is noted that comments were made at the time in relation to the proposals and the potential impacts on the non-designated heritage asset of the existing farmhouse (Yew Tree House) and the designated heritage asset of the Scheduled Ancient Monument of Kelfield moated site and fishpond to the north. Following discussions with the Conservation Officer and Planning Agent amendments were sought and agreed in order to make the proposals acceptable.
- 5.7 The previous Officers report for the outline states: *"Furthermore, the Council's Conservation Officer notes that the revised indicative layout is more reflective of the agricultural and rural character of Kelfield and would blend in with the existing townscape. Going forward, the Council's Conservation Officer advises that any proposed new properties at the site should be constructed using materials to match those found in the local area and the scale, form and proportions of any new properties should reflect traditional buildings."* Therefore, concluding that the proposals were acceptable.
- 5.8 The proposed scheme moves away from the linked courtyard type arrangement to the rear of the site in favour of larger detached dwellings. The position of the dwellings does however align with the form previously indicated and the dwellings are a good distance from the ancient monument. Also, whilst Yew Tree House is regarded as a non-designated asset, the site is not within a Conservation Area and Officers consider it would be difficult to sustain a reason for refusal based on the form of the current scheme.
- 5.9 The Conservation Officer was consulted late on in the process and these views will be provided via an officer update to committee.
- 5.10 Notwithstanding any forthcoming Conservation Officer's views, Officers consider that whilst a scheme that aligns with the indicative plan shown at outline would better reflect the character of the village, the scheme as proposed would not result in any substantial harm to any designated or non-designated heritage assets in accordance with Policy ENV27 of the Selby District Local Plan, Policies SP18 and SP19 of the Core Strategy and the advice contained within the NPPF.

Design, layout, landscaping and Impact on the Character and Appearance of the Area

- 5.11 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.
- 5.12 As described in the introduction, the development limit boundary runs through the application site, such that the application site is located part within the defined development limits of Kelfield (southern part) and part within the countryside (the northern part).
- 5.13 To the north of the application site is agricultural land associated with Yew Tree Farm and within the same ownership as the application site. The area's character is mainly frontage development within Kelfield, particularly on the northern side of Main Street. This is interrupted by farmsteads and commercial uses that stretch further north from Main Street. To the south of Main Street, the character differs slightly with more in-depth type development. The architectural styles and material used on residential properties within the vicinity of the application site vary, but predominantly consist of a mixture of red brick and rendered properties with pantile roof tiles of varying colours.
- 5.14 This submission shows 6 detached 2 storey dwellings, with the existing Yew Tree House being retained. These are served from three access, 2 of which are new. This arrangement is broadly similar to the indicative layout, which showed frontage development then a linked mews/agricultural type development within the rear of the plot. This will undoubtedly have some impact on the character of the area, as the amount of development over and above the existing buildings on the site will increase. Plots 4-6 will also extend beyond the location of the current agricultural buildings. With the inclusion of the farmhouse, the density is 26 dwellings per hectare.
- 5.15 In terms of the layout, plot 2 is the frontage property which has its own new access from Main Street. This is set back from road on a similar position to Prospect House to the west. The siting of plot 2 does project forward of the cottages to the east, however, is not considered to cause harm to the streetscene. Plot 1 is accessed from the current driveway that serves Yew Tree House with a garage and turning provided. The remaining plots i.e., 3-6 are all accessed from a private drive. The wall on the frontage of Main Street is to be reconstructed at a height of 0.9m as parts have since fallen away.
- 5.16 In terms of the scale of the dwellings, Plots 1-3 would measure approximately 8.6 metres in width, 8.41 metres in depth, 5.3 metres to the eaves and 8 metres to the ridge. Their design would be traditional, with a simple frontage and sash windows either side of the central doorway. To rear is less traditional, with a 'lean to' design and rooflights. The attic space is also utilised to provide a bedroom within the roofspace and a chimney is added for additional form. The materials are shown on the elevation plans; however, they lack detail and are therefore conditioned for samples to be submitted. These are shown as follows:
- Walls: red blended multi facing brickwork
 - Roofing: red concrete or clay pantiles (probably need to be clay pantiles only)
 - Windows: timber or PVCU
 - Doors: timber or composite or aluminium

- Stone faced concrete cills
- 5.17 In respect of Plot 4-6, these would measure approximately 10 metres in width, 6.8 metres in depth, 5.57 metres to the eaves and 8 metres to the ridge. These would all be accessed from a new access to the eastern side of Yew Tree House and partially visible from Main Street. Again, the design is simple and reflects that of plots 1-3. These would be set back from the highway and would only be partially visible from the public highway. Materials to be used for Plots 4-6 are:
- Walls: unknown
 - Roofing: Sandtoft or similar concrete or clay terracotta pantile
 - Windows: timber or PVCU
 - Doors: timber or composite or aluminium
 - Stone faced concrete cills
- 5.18 Whilst concrete tiles were mentioned in the submission, natural clay tiles are more characteristic and therefore a condition is added covering the need to agree the specific materials.
- 5.19 In respect of landscaping, these details are shown on the submitted landscape drawing 041. A number of new hedgerows and tree planting are proposed with a number of existing trees on the site boundary to be retained. The new hedging is to be a mixture of hawthorn and blackthorn and essentially lines the private drive and forms the northern boundary to differentiate the gardens of plots 4-6. The hedge row specie mix will be varied in line with the ecologists comments and amended plans are expected prior to committee. 6 new trees are shown and are a mix of Rowan, Acer, Crab apple and Amelanchler (service berry). A condition is added in respect of the need to implement the landscaping scheme and covers replacement planting.
- 5.20 In terms of boundary treatments, there are a mixture of treatments proposed. These include 0.9 metres brick walls to the front of the site, 1.5 metre and 0.6 metre brick walls internal to the site along the private driveway, 1.2 metre metal railings on the frontages of plots 4-6 and 1.2 metre post and rail fence to the rear of the site.
- 5.21 In terms of the design and overall layout, careful attention has been given to the design and siting of the dwellings. The span of the dwellings and their overall form are relatively large in size and scale. However, given the size of the plots there would still be appropriate separation distances and prevent the site from feeling over developed. Plots 1-3 have good sized private amenity areas, with plots 4-6 less so on account of the dwellings needing to shift south to stay within the original application site.
- 5.22 Overall, although this is a in depth development and dwellings are relatively large in size and scale, the careful design, siting, boundary treatments, use of materials and landscaping will ensure the scheme will not have a significant or detrimental impact on the character and appearance of the area. Therefore, having had regard to Policies ENV1 of the Selby District Local Plan, and Policies SP18 and SP19 of the Core Strategy and NPPF.

Impact on Residential Amenity

- 5.23 Relevant policies in respect of the impact of the proposal on residential amenity include Policy ENV1 (1) of the Selby District Local Plan. This is consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved for all existing and future occupants of land and buildings.
- 5.24 The key considerations in respect of residential amenity are 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.
- 5.25 The application has received several objections in respect of privacy, overshadowing and general amenity from the dwellings to the west, where plot 1 is close to the shared boundaries.
- 5.26 To the north of the application site are open fields, to the east is 4 Main Street and its rear garden, to the south is the highway, Main Street and to the west is Prospect House and Glen House. Plot 1 is closest to the western boundary with the main dwelling located 5.5 metres from the common boundary with Glen House and between 7.3 and 10.5 metres from the common boundary with Prospect House. Plot 3 is closest to the eastern boundary of the site with the main dwelling located 8.6 m from the common boundary with 4 Main Street.
- 5.27 In considering the proposed development, in particular plots 1 and 3, these face the rear gardens of current neighbouring dwellings. From the elevations members will see that the design has taken account of this, with first floor windows being replaced with rooflights to limit overlooking. The only first floor window in the main elevation will be an ensuite window, so obscure glazed. Likewise, the room in the roofspace will have rear facing rooflights, which are positioned high up within the roof plane and therefore remove the opportunity for overlooking.
- 5.28 Plot 2 faces Main Street and is set sufficiently back so as not to overlook the dwellings opposite. This too has the rear elevation rooflight arrangement to ensure privacy is maintained between the plots in particular plot 3. Plots 4-6 represent less of a concern, as these face fields to the north and all front facing windows face the internal private drive.
- 5.29 Plot 1 sits directly to the rear of Prospect House, which has a very small and irregular shaped rear garden. This means the rear windows of Prospect House will face the side gable of Plot 1. This distance is 11.8m away, which is just above the recommended distances to safeguard outlook. Plot 1 replaces a much smaller agricultural building in this location and with its 8m ridge will undoubtedly have more of an impact than currently exists. The dwelling however is north so will cause no loss of sunlight however will be visible from the rear windows of Prospect House. This cannot really be repositioned any further north as it would impact on plot 6. Also, a single garage is proposed to the southern boundary of Plot 1. This was contemplated being moved to the opposite side of the plot, however officers considered the benefit of this to be very little given the shallowness of the garage roof.
- 5.30 An issue has also been raised within the objections over the proximity of an electricity pole with equipment on it in the north-western corner of the site near plot 1 and 6. The objector believes in sufficient separation exists between the plots. A

response from asset protection is awaited. If it is too close, then the scheme will have to be amended or the infrastructure moved at the developers cost.

- 5.31 Finally in respect of any noise and nuisance generated from the development, this is expected whilst construction occurs and condition 5 of the outline seeks to control this and states “No construction works shall take place on site outside the hours of 8am-6pm Monday to Friday, 9am to 1pm Saturday, or at all on Sundays and Bank Holidays.”
- 5.32 Therefore, given the orientation of the plots and the separation distances involved, it is not considered that the proposals would cause sufficient harm in respect of overshadowing, overlooking, oppression or loss of light justify refusal of the submission. It is therefore concluded that the proposal would be acceptable in respect to its impacts on residential amenity and would therefore be in accordance with Policy ENV1(1) of the Local Plan and policies contained within the NPPF.

Impact on Highway Safety

- 5.33 Policy in respect of highway safety and capacity is provided by Policies ENV1 (2), T1 and T2 of the Selby District Local Plan, Policy SP19 of the Core Strategy.
- 5.34 The application site currently has one existing access that serves the farm. This would be utilised by Plot 1 and the existing Farmhouse. Further to this, two new accesses would be created, one separate access for plot 2 and one in the form of a private drive for Plots 3-6. Each plot would have on-site parking and access to garages. The application has received considerable objection in respect of highways and parking, as this section of the Main Street is narrow and used for on-street parking. Residents were concerned that the additional flows will harm highway safety and remove the ability of residents opposite to park on street. Residents were also concerned that the 2 additional accesses were not all necessary, (in particular the access to plot 2) despite the indicative plan on the outline showing 2 additional accesses.
- 5.35 NYCC Highways have assessed the application in respect of the parking levels, visibility and the number of proposed access points and raise no objection. Conditions have been suggested covering the need for the detailed plans of road and footway layout, also a condition to ensure the roads and footways are constructed prior to the occupation of the dwellings. Conditions covering the discharge of surface water, private access/verge crossings, visibility splays, pedestrian visibility, access and turning, conversion of garage spaces are also included. Condition 6 of the outline already covers the need for onsite parking and storage.
- 5.36 It is therefore considered that the scheme is acceptable and in accordance with policies ENV1(2), T1 and T2 of the Local Plan, Policy SP19 of the Core Strategy with respect to the impacts on the highway network subject to conditions.

Impact on Archaeology

- 5.37 NYCC Heritage Services were consulted on the original outline permission. In summary, the Principal Archaeologist raised no objections to the proposals in terms of their impact on archaeology, subject to a condition (No.4) requiring a scheme of archaeological mitigation recording is undertaken in response to the ground disturbing works associated with the proposal. This condition will need full

discharge prior to development commencing and therefore safeguards the archaeological potential of this historic village.

Flood Risk and Drainage

- 5.38 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.
- 5.39 The site is confirmed to lie within Flood Zone 1, which has a low probability of flooding. Therefore, the Sequential Test and Exceptions Tests do not need to be applied and would have been necessary at the outline stage. Nor does any flood resilience need incorporating into the scheme.
- 5.40 In terms of drainage, the submission was accompanied by a drainage layout plan, which showed the surface water would be disposed of via a soakaway on the owner's adjacent land and foul water would be disposed of via Yorkshire Water Mains. Whilst the plan shows the routing of the drainage, the plan lacks detail in terms of flow rates.
- 5.41 Yorkshire Water and the Ouse and Derwent Internal Drainage Board and have been consulted on the proposals. Yorkshire Water have raised no objections to the proposal as the 6m easement is maintained on the eastern side of the site for the 400m surface water sewer that runs through the site. This is also protected by condition 7 on the outline. The Ouse and Derwent Drainage Board have raised no objections to the proposals subject to a condition requiring a detailed scheme of drainage to be agreed. This however is already a condition of the outline (No.8) and therefore does not need repeating. The proposal is therefore acceptable in respect of drainage and flood risk and therefore accord with Policies SP15, SP16, SP19 of the Core Strategy, and the NPPF.

Nature Conservation and Protected Species

- 5.42 Policy in respect to impacts on nature conservation interests and protected species is provided by Policy ENV1(5) of the Local Plan, Policy SP18 of the Core Strategy and paragraphs 179 to 182 of the NPPF. The presence of a protected species is a material planning consideration.
- 5.43 The application site is not within an area designated for nature conservation. However, the application site is located within proximity to a pond known to have great crested newts. Whilst it is noted that no information regarding ecology has been provided with this application, Nature Conservation and Protected Species ecology was considered under the outline application. It is noted that an Extended Phase 1 Habitat Survey dated, January 2017 was submitted along with a great crested newts presence/ absence survey was undertaken dated June 2018. NYCC Ecology reviewed the application at the time and overall raised no objections to the proposed development. Subject to conditions requiring (1) the development to be carried out in accordance with the recommendations of the Extended Phase 1 Habitat Survey undertaken by Wold Ecology Ltd, dated January 2017 and the Great Crested Newt Presence/Absence Survey undertaken by Astute Ecology ecological Consultants, dated June 2018 and (2) the proposed future management of the proposed receptor area and wildlife corridor. These were conditioned as part of the outline consent under conditions 09 and 10. Also the landscape plan was amended to increase the hedgerow species as per the ecologists comments.

- 5.44 Overall, it is considered that the proposal would not harm any acknowledged nature conservation interests and is therefore in accordance with Policy ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and the advice contained within the NPPF.

Land Contamination

- 5.45 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. This matter was again considered within the outline where a contamination statement was submitted which addressed the site former agricultural use. This was reviewed by the Council’s consultants and deemed acceptable subject to more thorough assessment being undertaken i.e. a Phase 1 Desk Based Assessment. Several conditions were recommended in respect of land contamination within the outline (No.11-14) and therefore do not need to be reattached to any permission granted by this application.
- 5.46 As such, having had regard to all relevant information, 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.

Affordable Housing and Public open space contributions

- 5.47 Core Strategy Policy SP9 and the accompanying Affordable Housing SPD sets out the affordable housing policy context for the district. Policy SP9 outlines that for schemes of less than 10 units or less than 0.3ha a fixed sum will be sought to provide affordable housing within the district. The Policy notes that the target contribution will be equivalent to the provision of up to 10% affordable units. The calculation of the extent of this contribution is set out within the Affordable Housing Supplementary Planning Document which was adopted on 25 February 2014.
- 5.48 Given this is a reserved matters application, Affordable Housing is not a matter for consideration as this would have been controlled at the outline stage.
- 5.49 Similarly in respect of public open space contributions, whilst the Council agreed in 2020 the CIL/S106 Infrastructure Funding Statement which gives the ability of schemes with more than 4 dwellings to be liable for contributions in line with Policy RT2 of the Selby District Local Plan, in this instance no contributions are necessary, as this is a reserved matters submission and wasn’t requested at the outline stage.

Waste and Recycling

- 5.50 For developments of 4 or more dwellings developers must provide waste and recycling provision at their own cost and as such should the application be approved.
- 5.51 The layout shows provision for a bin collection point at the rear of the garage to plot 2. This shows space for 6 bins. Comments were sought from the Waste and Recycling Officer, who stated that collection vehicles will not access private drives or use them for turning. The bin collection point was noted; however, the preference was to have this closer to the road and should be large enough to accommodate two bins per property each collection day. The existing property of Yew Tree House will already present their bins at the main road, and this should be maintained. Plot 1 should present with Yew Tree House and plot 2 will also present

at the main road and so a presentation point will only be required for plots 3 to 6. The collection point initially shown only showed space for 6 bins and therefore this was amended to 8.

- 5.52 In terms of distance from the highway the agent was asked to address this, however declined as they consider the current 21m distance is within the 25m recommended distance within the SPD (March 2007) and is acceptable. In this instance whilst it makes the collection service less efficient, the position was agreed. Condition 15 of the outline permission secures the provision of bins etc at developer's expense so there is no need to repeat that condition.

6 CONCLUSION

- 6.1 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 this reserved matters aligns with the principle of the proposed development agreed at the outline stage. The proposed 6 dwellings are appropriately landscaped and are of an appropriate scale, appearance that will ensure no adverse impact on the character and appearance of the area and living conditions of neighbouring occupiers.
- 6.2 Furthermore, the proposals are considered to be acceptable in respect of highway safety, flood risk, drainage, nature conservation and protected species, land contamination, affordable housing and waste and recycling. The proposal is therefore considered to be acceptable in accordance with Policies SP1, SP2, SP4, SP18 and SP19 of the Core Strategy, Policies ENV1, ENV 2, T1 and T2 of the Core Strategy and the advice contained within the NPPF.

7 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:
- Atkinson 01 - Location Plan
 - 031a – Proposed Site Layout
 - 041a – Landscaping Layout
 - 051 – Proposed Drainage Layout
 - 061 – Plot 4, 5 & 6 floor plans and elevations
 - 071 – Plot 1,2 & 3 Floor plans and elevations
 - 081 – Garage layout and elevations

Reason:

For the avoidance of doubt.

02. Notwithstanding the submitted plans and drawings, the materials to be used in the construction of the exterior walls, roof(s) and boundary walls of the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before above ground construction of the dwellings commences. The development shall then be carried out in accordance with the approved details.

Reason:

In the interests of visual amenity and in order to comply with Policy ENV1 and ENV25 of the Selby District Local Plan.

03. There shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority, or alternatively details of a management company for the site have been submitted for consideration:

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

- the proposed highway layout including the highway boundary
- dimensions of any carriageway, cycleway, footway, and verges
- visibility splays
- the proposed buildings and site layout, including levels
- accesses and driveways
- drainage and sewerage system
- lining and signing- traffic calming measures
- all types of surfacing (including tactiles), kerbing and edging.

b. Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:

- the existing ground level
- the proposed road channel and centre line levels
- full details of surface water drainage proposals.

c. Full highway construction details including:

- 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
- when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
- kerb and edging construction details
- typical drainage construction details.

d. Details of the method and means of surface water disposal.

e. Details of all proposed street lighting.

f. Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.

g. Full working drawings for any structures which affect or form part of the highway network.

h. A programme for completing the works.

The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

Reason:

In accordance with policies 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.

04. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.

The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied.

Reason:

In accordance with policies T1 and T2 of the Local Plan and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

05. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

REASON

In accordance with policies T1 and T2 of the Local Plan and in the interests of highway safety.

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 details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
 - d. The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number A1.
 - e. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
 - g. Provision should be made to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the specification of the Local Highway Authority.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In accordance with policies T1 and T2 of the 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. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road Main Street from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In accordance with policy number and in the interests of road safety.

08. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until visibility splays providing clear visibility of 2 metres x 2 metres measured down each side of the access and the back edge of the footway of the major road have been provided. The eye height will be 1.05 metre and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In accordance with policies T1 and T2 of the Local Plan and the interests of road safety to provide drivers of vehicles using the access and other users of the public highway with adequate inter-visibility commensurate with the traffic flows and road conditions.

09. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

- b. vehicular, cycle, and pedestrian accesses
- c. vehicular and cycle parking
- d. vehicular turning arrangements
- e. manoeuvring arrangements
- f. loading and unloading arrangements.

Reason:

In accordance with policies T1 & T2 of the Local Plan and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

10. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 9:

- b. are available for use unless otherwise approved in writing by the Local Planning Authority.

Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In accordance with policies T1 & T2 of the Local Plan and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

11. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason:

In accordance with policies T1 & T2 of the Local Plan and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.

12. All tree planting, hedgerow planting and turfing shown on Landscaping Layout dated 14/10/21 shall be carried out in the first planting seasons following the first occupation of the dwellings or the substantial completion of the development, whichever is the sooner.

Reason:

To ensure the landscaping is carried out in accordance with Local Plan Policy ENV1 and Core Strategy Policy SP18.

13. If within a period of five years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season.

Reason:

To ensure maintenance of a healthy landscape scheme, in accordance with Local Plan Policies ENV1 and Core Strategy Policy SP18.

Informatives:

Under the Board's Byelaws, the written consent of the Board is required prior to any discharge, or increase in the rate of discharge, into any watercourse (directly or indirectly) within the Board's District.

HI-01 INFORMATIVE

In imposing condition number above it is recommended that before a detailed planning submission is made a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

HI-07 INFORMATIVE

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.

HI-14 INFORMATIVE

The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North Yorkshire County Council publication 'Transport Issues and Development - A Guide' available at www.northyorks.gov.uk

HI-17 INFORMATIVE- Mud on the Highway

You are advised that any activity on the development site that results in the deposit of soil, mud or other debris onto the highway will leave you liable for a range of offences under the Highways Act 1980 and Road Traffic Act 1988. Precautions should be taken to prevent such occurrences.

8 Legal Issues

8.1 Planning Acts

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

8.2 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.

8.3 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.

9 Financial Issues

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

10 Background Documents

Planning Application file reference 2021/1295/REM and associated documents.

Contact Officer: Gareth Stent (Principal Planning Officer)
gstent@selby.gov.uk

Appendices: None

Agenda Item 5.7

New Coates Farm, Hirst Road, Carlton
2020/0718/FUL



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LOC/LAY01

BUSINESS SUPPORT
 18 NOV 2020
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BUSINESS SUPPORT
 14 SEP 2021
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Report Reference Number: 2020/0718/FUL

To: Planning Committee
Date: 8 December 2021
Author: David Coates (Senior Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

| | | | |
|---------------------|---|--------------|------------------------|
| APPLICATION NUMBER: | 2020/0718/FUL | PARISH: | Carlton Parish Council |
| APPLICANT: | Mr David Leek | VALID DATE: | 14th September 2020 |
| | | EXPIRY DATE: | 9th November 2020 |
| PROPOSAL: | Creation of a bund/bank to protect properties from flooding (retrospective) | | |
| LOCATION: | New Coates Farm Hirst Road Carlton Goole East Yorkshire DN14 9PX | | |
| RECOMMENDATION: | GRANT | | |

This application has been brought before Planning Committee as 16 letters of representation have been received, which raise material planning considerations in objection to the scheme and officers would otherwise determine the application contrary to these representations.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site forms part of a group of buildings adjacent to Hirst Road, Carton.
- 1.2 The area of the bank/bund covers 516sq metres and it measures 198 metres to the north and 120 metres to the west.
- 1.3 This application is being considered at the same time as 2020/0719/FUL because cumulatively they would form a single entity.

The Proposal

- 1.7 The proposal seeks retrospective consent to replace sandbags to protect Newcoates Farm bungalow, L & L Equestrian, New Coates Farm bungalow, Shepstyle Cottage, Coates Marsh Grange bungalows from flooding. The bund/bank has been made with from soil.

Relevant Planning History

- 1.8 The following historical application is considered to be relevant to the determination of this application.
- CO/1992/0672 for the proposed removal of planning condition 02 restricting the occupancy of the dwelling attached to permission 8/29/141A/PA at Coates Hall Farm which refused on 7 January 1993.
 - CO/1986/0721 for the use of existing stables for the establishment of riding stables at Coates Hall Farm which was permitted on 8 September 1986.
 - CO/1989/0870 for the proposed change of use of existing agricultural outbuildings into a granny flat at Coates Hall Farm which was permitted on 28 December 1989.
 - 2020/0718/FUL for the creation of a bund/bank to protect properties from flooding at New Coates Farm which is pending.

2. CONSULTATION AND PUBLICITY

2.1 NYCC Highways

No objections subject to conditions being attached to any consent granted.

2.2 Carlton Parish Council

Have no objections to the proposals.

2.3 Yorkshire Water

No comments received.

2.4 Environmental Health

Have no comments to make.

2.5 Internal Drainage Board

No objections subject to conditions.

2.6 Environment Agency

The EA have responded to the proposals three times and had previously objected to the proposals however, in the latest consultee response the EA confirmed that they have been able to remove their previous object to the scheme subject to the inclusion of relevant planning conditions.

The EA in their latest consultation have confirmed that since their previous comments, changes have been made to the Flood Storage Area relevant to this case and also the published Flood Map for Planning, following recent winter flooding.

These comments affect our previous position and advice regarding this planning application:

(i) The overall extent of the Flood Storage Area has been reduced, removing most of the Coates Hall Lodge and New Coates Farm area and refining to the lower lying washland to the south and west.

(ii) The historic flood extent from Winter 2019/20 has been incorporated into the Flood Map, with the surrounding area now showing as Flood Zone 2, and a small part within the complex now showing as Flood Zone 2.

Therefore, the EA have reviewed the above and the available construction details to clarify flood risk permitting requirements under the 2016 Environmental Permitting Regulations. As the Flood Storage Areas (FSA) have been amended, those currently shown in the Selby Strategic Flood Risk Assessment should be reviewed alongside this updated information. By reducing the FSA extent the majority of the proposed development no longer appears within the area commensurate with the Functional Floodplain. Therefore, the EAs previous comments in relation to the principal as set out in the NPPG Tables 2 & 3 are no longer relevant. The updated Flood Storage Areas can be found on the open data (data.gov.uk) website.

A short section of the proposed embankment lies on the edge of the Flood Storage Area. However, the EA do not wish to pursue an objection purely on this aspect. As the Flood Zone 3b mapping is prepared by the Local Planning Authority, the EA recommend that latest comments provided here are used to the LPA that the development no longer sits within the Functional Floodplain. Parts of the proposed development are now identified to sit within Flood Zone 2, which is land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding, and parts of the development are within 20 metres of the existing formal flood defences.

The EA in their latest response confirm that they have considered the findings of the flood risk assessment in relation to the likely depths, velocities and flood hazard rating against the design flood for the proposal. The EA's understanding is that the raised bund is designed to prevent the flooding of properties (including buildings and land) within the control of the applicant and neighbouring developers. The EAs understanding is that the partially completed bund has been constructed out of locally sourced material but has not been constructed to any recognised standard. As a consequence, and as per our previous correspondence, there is a residual risk that the embankment could fail under loading (i.e., during a flood).

There is also a risk that the bund may be outflanked, or overtopped under certain conditions. A consequence of this is that rapid onset could occur behind the defence, and this may be accompanied by deep and fast flowing water. The possibility of the embankment failing and introducing these hazards is likely to be higher given the construction techniques used.

The Environment Agency recommends that the bunds, given their scale and purpose, are constructed to an approved standard, such as the Eurocode 7 specification. Designing and constructing the bund to an approved standard will aid in reducing the causes and consequences of flooding should they occur. Where not constructed to an approved specification, the development carries an inherently higher risk of failure, which could increase flood hazards to development behind the flood defence.

In considering the EA's position and advice, they also draw attention of the need to consider subsequent ownership and maintenance of any flood infrastructure. Based

on the information submitted, the constructed bund would be the responsibility of the landowner. Where any reliance is placed on that bund, its performance could be impacted as a result of future actions, including maintenance.

The EA also draw attention to the need to consider the bund in conjunction with the similar proposal on adjacent land. There is a possibility of the bund being outflanked, such as in the area in close proximity to the existing Carlton Barrier flood embankment. The EA have requested a condition relating to the tying into the existing flood infrastructure in order to protect the integrity of that embankment. If the developer is considering the construction of a bund to an approved standard, the EA will consider those within our position on a planning permission, and (where required) under the 2016 Environmental Permitting Regulations.

Failure of the bund could risk life, property and the formal flood defence infrastructure. It is recommended the bund is constructed to the Eurocode 7 specification.

Should the LPA consider Condition 1 is not achievable then the EA would propose the following condition be included. Where not constructed to an approved standard, the bund should be no higher than 1.0m (metres) above the ground level where the defence is constructed. This may require parts of the bund that have been constructed to be lowered, however this is in the interests of reducing the consequences should the bund fail under loading (i.e., during flooding).

Further correspondence also confirmed that the applicant agreed that they would not be building the bund within 16m of the embankment however the EA request that as stated in response dated 7 May 2021 to condition this (Condition 3) is still valid.

2.13 Neighbour Summary

The application has been publicised by site notice and 16 objections have been received as a result of this advertisement. The concerns raised were as follows:

- The proposed bunding will confine all the water to neighbouring properties.
- Redirecting the flood water will affect other properties.
- If planning is passed then the water could breach into neighbouring properties, gardens and businesses.
- The development has commenced without formal planning consent and planning permission is required.
- It is not clear what materials have been used in the formation of the bund.
- Concerns raised in regard to the delivery of the materials given access is particularly narrow and the roads are busier given the closure of the A19.
- The application form has not been filled in correctly.
- Surface water is to be disposed into the River Aire which is already full.
- There are more regular heavy rainfall events occurring.
- There will be negative impacts on the local area and surrounding properties.
- Flood risk funding is already in place to secure the maintenance and to heighten the existing riverbank at the River Aire.
- Concern that this bund will adjoin another bund currently going through the planning application process.
- The EA have objected to these proposals.
- Flooding disrupts roads making it difficult for people to gain access to their properties.
- Question raised in regard to the submitted Flood Risk Assessment.

- Given the probability of increased flooding with the increase in the number of developments planned and currently under construction additional flood protection should form part of a national and regional plan.
- The farm has never flooded and due to the works started due to floods it has caused the farm to flood for the first time in history.
- Not all neighbours have been consulted.
- Concerns this could direct water into the village and have a negative impact on the village of Carlton.
- The dykes would be more likely to overflow nearer the village, forcing flood waters into the lower areas of the village.
- Object to the building of something that would solely benefit one property at the cost of others.
- The proposals puts other properties at higher risk of flooding and it is unethical that others will have to bear the brunt as a result of one person's actions.
- If a flood bank is to be built it should be to serve to protect the village not just particular properties.
- Adequate consultation has not been undertaken.
- The proposal will alter levels of water and the natural flow and direction of water.
- Will have severe effects on the village which has already seen devastating floods.

3 SITE CONSTRAINTS

Constraints

- 3.1 The site lies within the countryside and the majority of the application site falls within Flood Zone 1.

4 POLICY CONSIDERATIONS

- 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 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. Consultation on preferred options took place in early 2021. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The National Planning Policy Framework (July 2021) (NPPF) replaced the February 2019 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 2021 NPPF.

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

“219...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

- 4.6 The relevant Core Strategy Policies are:

SP1 – Presumption in Favour of Sustainable Development
SP2 – Spatial Development Strategy
SP15 – Sustainable Development and Climate Change
SP18 – Protecting and Enhancing the Environment
SP19 – Design Quality

Selby District Local Plan

- 4.7 The relevant Selby District Local Plan Policies are:

ENV1 – Control of Development
T1 – Development in Relation to the Highway Network

5 APPRAISAL

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

- The Principle of the Development
- Design, layout and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Impact on Highway Safety
- Flood Risk and Drainage

The Principle of the Development

- 5.2 The application site is located outside the defined development limits of Carlton and as such is within the “open countryside”. Therefore, Policies SP1 and SP2 of the Core Strategy are relevant as well as policies within the NPPF. 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.

- 5.3 In addition Policy SP2 sets out the spatial development strategy for the district and 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. The purpose

of Policy SP2(c) is to give a strategic stance and not to give an exhaustive list of all types of development that would be acceptable in principle in the countryside. It is also noted that many forms of development do not constitute buildings but it is clear that a bund would be an appropriate form of development in the open countryside.

- 5.4 The bund is therefore considered to comply with Policies SP1 and SP2 of the Selby District Core Strategy. It remains however, to be considered whether the proposal would cause any substantial harm in other respects.

Character and Appearance of the Local Area

- 5.5 Relevant policies in respect of design and impact 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.
- 5.6 Significant weight should be attached to the Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF. Relevant policies within the NPPF, which relate to design include paragraphs 56 to 64.
- 5.7 With the exception of Hirst Road (which is on a raised embankment, similar to other roads surrounding,) the topography of the land is very flat with ditches dug into the ground. The proposed bund would to some degree appear to be odds with the general grain of the land, however it would be seen in the context of the existing built forms of the existing farmsteads. In addition, as discussed in greater detail below in the report the Environment Agency have proposed a planning condition limiting the extent of the bund above ground level, and in part would reduce the current build bund. Taking account of the open character of the area, on balance it is considered that the bund viewed in context of the existing farmstead, this would not result in a level of harm to justify the refusal of planning permission.
- 5.8 The proposed development is therefore considered to accord with Policy SP19 of the Core Strategy regarding Design Quality and Policy ENV1 of the adopted Selby Local Plan regarding Control of Development.

Impact on Residential Amenity

- 5.9 Relevant policies in respect of the impact of the proposal on residential amenity include Policy ENV1 (1) of the Selby District Local Plan. This is consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved for all existing and future occupants of land and buildings.
- 5.10 The key considerations in respect of residential amenity are 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. Given the nature of the proposals it is not considered that nearby properties will be affected from any overlooking, overshadowing or oppression and the proposals are therefore considered to accord with Policy ENV 1 (1) of the Local Plan and Policy SP19 of the Core Strategy.

Impact on Highway Safety

- 5.11 Policy in respect of highway safety and capacity is provided by Policies ENV1 (2), T1 and T2 of the Selby District Local Plan, Policy SP19 of the Core Strategy.

5.12 North Yorkshire County Highways have been consulted on the application and have not raised any objections to the proposed development subject to conditions attached to any consent granted. One of the conditions requested by NYCC Highways relates to a Construction Management Plan. However, given the retrospective nature and scale of the scheme this is not considered to be necessary or reasonable.

5.13 Given the above, it is considered that the proposal would not result in a detrimental impact on highway safety in accordance with Policies ENV1 (2), and T1 of the Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

Flood Risk and Drainage

5.14 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.

5.15 On submission of the application, the surrounding area and the application site were designated as functional flood plan (Flood Zone 3) and the Environment Agency (EA) lodged an objection. A Flood Risk Assessment was submitted with the planning application. Since that time, the EA have revised their flooding maps to the extent that the application site is now in Flood Zone1 (with the exception of a very small element of the bund which is now is flood zone 2). As a consequence, the EA has revised its consultation response to remove their objection and recommended conditions to be imposed in the event planning permission is granted. These include reducing the height of the bund slightly, and that no part of the bund should be within 16m of the flood defence to the north and east. The proposed bund is lower than the adjacent flood defences, but in any event, the bund would not provide a defence against all flooding, but the site would still flood in extreme events.

5.16 There has been a number of objections by neighbours who suggests the flood defence bund would result in increased flooding to their property located to the south of the flood defence bund. The Environment Agency are aware of these objections and have confirmed that they are satisfied with the creation of the bund/bank subject to the planning condition they have suggest and consider the proposal to be acceptable. In light of the EA's response as statutory consultee, there is no evidence to counter the EA's opinion and the planning condition recommended is reasonable, meet the statutory tests and are appropriate in this case.

5.17 Therefore the proposals are considered to be acceptable in terms of Policies SP15, SP16 and SP19 of the Core Strategy.

6. CONCLUSION

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 detrimental effect on the character and appearance of the area, the residential amenity of the occupants of neighbouring properties, highway safety, drainage and flooding. The application is therefore considered to be in compliance with Policies ENV1, and T1 of the Selby District Local Plan, Policies SP1, SP2, SP15, SP18 and SP19 of the Core Strategy and the advice contained within the NPPF.

7. RECOMMENDATION

This application is recommended to be Granted 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:

(Plans to be inserted into the Decision Notice.

03. Notwithstanding the approved plans listed under condition 2 the height of the bund hereby approved shall be no higher than the lower of:

- the approved drawings.
- 1m in height above the existing ground levels.
- 6.40 AOD (being the crest of the Carlton Barrier flood bank)

Reason

To ensure that the bund does not displace floodwater elsewhere and does not increase flood risk hazards elsewhere.

04. No part of the bund should be constructed within 16 metres of the toe of the Carlton Bank embankment without the prior written consent of the Environment Agency.

Reason

To ensure the bund does not affect the integrity or stability of the existing flood defence infrastructure.

05. Within 3 months of the consent the access to the site has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:

The crossing of the highway verge and/or footway must be constructed in accordance with the approved details - the bund must be constructed to a low gradient and the material be laid in layers that do not exceed a thickness of 150mm (compacted with a roller after each layer).

All works must accord with the approved details.

Reason:

To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

8 Legal Issues

8.1 Planning Acts

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

8.2 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.

8.3 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.

9 **Financial Issues**

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

10 **Background Documents**

Planning Application file reference 2020/0718/FUL and associated documents.

Contact Officer: David Coates (Senior Planning Officer)
dcoates@selby.gov.uk

Appendices: None

Agenda Item 5.8

Coates Hall Lodge, Hirst Road, Carlton
2020/0719/FUL



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Flood defence for Coates Hall Lodge



Page 187

BUSINESS SUPPORT
 19 AUG 2020
 RECEIVED



Plan Produced for: Selby District Council
 Date Produced: 17 Aug 2020
 Plan Reference Number: TQRQM20230223714181
 Scale: 1 500 @ A4

— BOUNDARY
 - - - PROPOSED BUND



LAY03

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Report Reference Number: 2020/0719/FUL

To: Planning Committee
Date: 8 December 2021
Author: David Coates (Senior Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

| | | | |
|---------------------|--|-----------------------------|---------------------------------------|
| APPLICATION NUMBER: | 2020/0719/FUL | PARISH: | Carlton Parish Council |
| APPLICANT: | Mr Peter Hutchings | VALID DATE: EXPIRY DATE: | 19th August 2020 14th October 2020 |
| PROPOSAL: | Creation of a bund/bank for flood protection (retrospective) | | |
| LOCATION: | New Coates Lodge Hirst Road Carlton Goole East Yorkshire DN14 9PX | | |
| RECOMMENDATION: | GRANT | | |

This application has been brought before Planning Committee as this application is being considered at the same time as 2020/0718/FUL because cumulatively the two applications form a single entity. This application has received 6 letters of representation and 2020/0718/FUL has received 16 letters of representation have been received, which raise material planning considerations in objection to the scheme and officers would otherwise determine the application contrary to these representations.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The area of the bank/bund measures 29.86 metres to the north and 31.84 metres to the east.
- 1.2 This application is being considered at the same time as 2020/0718/FUL because cumulatively they would form a single entity.

The Proposal

- 1.7 The proposal seeks retrospective consent to the creation of a bund/bank to protect Coates Hall Lodge from flooding.

Relevant Planning History

- 1.8 The following historical application is considered to be relevant to the determination of this application.
- Application Number: CO/1992/0672 for the removal of planning condition 02 restricting the occupancy of the dwelling attached to permission 8/29/141A/PA dated 28.12.89 at Coates Hall Farm refused on 7th January 1993.
 - Application Number: CO/1996/1017 for the proposed alterations and extensions to existing bungalow at Coates Hall, Hirst Road, Carlton permitted on 16th January 1997.
 - Application Number: CO/1986/0721 for the use of existing stables for the establishment of riding stables at, Coates Hall permitted on 08th September 1986.
 - Application Number: 2004/1293/FUL for the proposed erection of a detached triple garage at The Lodge, Coates Hall permitted on 30th November 2004.
 - Application Number: CO/1989/0870 for the proposed change of use of existing agricultural outbuildings into a granny flat at Coates Hall Farm permitted on 28th December 1989.
 - Application Number: 2020/0718/FUL for the creation of a bund/bank to protect properties from flooding (retrospective) at New Coates Farm pending a decision.

2. CONSULTATION AND PUBLICITY

2.1 NYCC Highways

There are no objections to the proposals.

2.2 Carlton Parish Council

No comments received.

2.3 Yorkshire Water

No comments received.

2.4 Environmental Health

Have no comments to make.

2.5 Internal Drainage Board

No objections subject to conditions.

- 2.6 Environment Agency – The EA have responded to the proposals three times and had previously objected to the proposals however, in the latest consultee response the EA confirmed that they have been able to remove their previous object to the scheme subject to the inclusion of relevant planning conditions.

The EA in their latest consultation have confirmed that since their previous comments, changes have been made to the Flood Storage Area relevant to this case and also the published Flood Map for Planning, following recent winter flooding. These comments affect our previous position and advice regarding this planning application:

- (i) The overall extent of the Flood Storage Area has been reduced, removing most of the Coates Hall Lodge and New Coates Farm area and refining to the lower lying washland to the south and west.
- (ii) The historic flood extent from Winter 2019/20 has been incorporated into the Flood Map, with the surrounding area now showing as Flood Zone 2, and a small part within the complex now showing as Flood Zone 2.

Therefore, the EA have reviewed the above and the available construction details to clarify flood risk permitting requirements under the 2016 Environmental Permitting Regulations. As the Flood Storage Areas (FSA) have been amended, those currently shown in the Selby Strategic Flood Risk Assessment should be reviewed alongside this updated information. By reducing the FSA extent the majority of the proposed development no longer appears within the area commensurate with the Functional Floodplain. Therefore, the EAs previous comments in relation to the principal as set out in the NPPG Tables 2 & 3 are no longer relevant. The updated Flood Storage Areas can be found on the open data (data.gov.uk) website.

A short section of the proposed embankment lies on the edge of the Flood Storage Area. However, the EA do not wish to pursue an objection purely on this aspect. As the Flood Zone 3b mapping is prepared by the Local Planning Authority, the EA recommend that latest comments provided here are used to the LPA that the development no longer sits within the Functional Floodplain. Parts of the proposed development are now identified to sit within Flood Zone 2, which is land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding, and parts of the development are within 20 metres of the existing formal flood defences.

The EA in their latest response confirm that they have considered the findings of the flood risk assessment in relation to the likely depths, velocities and flood hazard rating against the design flood for the proposal. The EA's understanding is that the raised bund is designed to prevent the flooding of properties (including buildings and land) within the control of the applicant and neighbouring developers. The EA's understanding is that the partially completed bund has been constructed out of locally sourced material but has not been constructed to any recognised standard. As a consequence, and as per our previous correspondence, there is a residual risk that the embankment could fail under loading (i.e., during a flood).

There is also a risk that the bund may be outflanked, or overtopped under certain conditions. A consequence of this is that rapid onset could occur behind the defence, and this may be accompanied by deep and fast flowing water. The possibility of the embankment failing and introducing these hazards is likely to be higher given the construction techniques used.

The Environment Agency recommends that the bunds, given their scale and purpose, are constructed to an approved standard, such as the Eurocode 7 specification. Designing and constructing the bund to an approved standard will aid in reducing the causes and consequences of flooding should they occur. Where not constructed to an approved specification, the development carries an inherently higher risk of failure, which could increase flood hazards to development behind the flood defence.

In considering the EA's position and advice, they also draw attention of the need to consider subsequent ownership and maintenance of any flood infrastructure. Based on the information submitted, the constructed bund would be the responsibility of the landowner. Where any reliance is placed on that bund, its performance could be impacted as a result of future actions, including maintenance.

The EA also draw attention to the need to consider the bund in conjunction with the similar proposal on adjacent land. There is a possibility of the bund being outflanked, such as in the area in close proximity to the existing Carlton Barrier flood embankment. The EA have requested a condition relating to the tying into the existing flood infrastructure in order to protect the integrity of that embankment. If the developer is considering the construction of a bund to an approved standard, the EA will consider those within our position on a planning permission, and (where required) under the 2016 Environmental Permitting Regulations.

Failure of the bund could risk life, property and the formal flood defence infrastructure. It is recommended the bund is constructed to the Eurocode 7 specification.

Should the LPA consider Condition 1 is not achievable then the EA would propose the following condition be included. Where not constructed to an approved standard, the bund should be no higher than 1.0m (metres) above the ground level where the defence is constructed. This may require parts of the bund that have been constructed to be lowered, however this is in the interests of reducing the consequences should the bund fail under loading (i.e. during flooding).

Further correspondence also confirmed that the applicant agreed that they would not be building the bund within 16m of the embankment however the EA request that as stated in response dated 7 May 2021 to condition this (Condition 3) is still valid.

2.13 Neighbour Summary

The application has been publicised by site notice and 6 objections have been received as a result of this advertisement. The concerns raised were as follows:

- Planning permission is required not none has been obtained.
- There is no mention of the materials to be used within the application.
- Concerns this will lead to flood risk elsewhere.
- Where will the surface water go?
- £10 million in funding has already been spend maintaining and heightening the existing bank of the River Aire.
- No planning application is visible of Public Access.

- This flood bank/bund will change the course of the flood water to cause flooding to neighbouring properties and many other neighbouring properties in the area.
- Object to the flood bund/bank at Coates Hall Lodge which the plans are to join a
- Object to the flood bund/bank with New Coates Farm as it is altering the levels of water and potentially will flood Carlton putting neighbours and the village at risk. It will come over the fields and flood Cloud Dyke and over into the back of low street.
- The two neighbours have put planning in to join a flood bank/bund around their properties and there is concern about it redirecting any future flood water towards our property, the bank/bund will redirect flood water more onto Hirst Road and it will flow down into Carlton village.
- It was stated that no trees and no hedges where this bund/bank will go. The hedge/fence has already been removed and some trees and bushes. There is trees along the fence where plans are to put the bund.
- The planning map and this bund/bank is actually going on the back of one of neighbours buildings and will go above damp proof level.
- Coates hall was built in the 1740's and the property has never flooded. Coates Hall Lodge owned by the applicant was once one of Coates Halls out buildings and was converted into a bungalow around twenty years ago. On the 25th February 2020 Coates Hall flooded and question why this was the case.
- The two home owners that have put in the planning permission never flooded in 2020.
- As a result of the two bunds it will direct flood water to other nearby properties.
- This bank/bund is moving the natural flow of the flood water. Coates Hall Lodge did not flood in the February floods only the garden flooded. If this is built it will confine the water more to nearby property that flooded in February for the first time ever since it was built in 17th century.

3 SITE CONSTRAINTS

Constraints

- 3.1 The site lies within the countryside and falls within Flood Zone 2.

4 POLICY CONSIDERATIONS

- 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 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in

2020. Consultation on preferred options took place in early 2021. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.

4.4 The National Planning Policy Framework (July 2021) (NPPF) replaced the February 2019 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 2021 NPPF.

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

“219...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

4.6 The relevant Core Strategy Policies are:

SP1 – Presumption in Favour of Sustainable Development
SP2 – Spatial Development Strategy
SP15 – Sustainable Development and Climate Change
SP18 – Protecting and Enhancing the Environment
SP19 – Design Quality

Selby District Local Plan

4.7 The relevant Selby District Local Plan Policies are:

ENV1 – Control of Development
T1 – Development in Relation to the Highway Network

5 APPRAISAL

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

- The Principle of the Development
- Design, layout and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Impact on Highway Safety
- Flood Risk and Drainage

The Principle of the Development

5.2 The application site is located outside the defined development limits of Carlton and as such is within the “open countryside”. Therefore, Policies SP1 and SP2 of the Core Strategy are relevant as well as policies within the NPPF. 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.

- 5.3 In addition Policy SP2 sets out the spatial development strategy for the district and 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. The purpose of Policy SP2(c) is to give a strategic stance and not to give an exhaustive list of all types of development that would be acceptable in principle in the countryside. It is also noted that many forms of development do not constitute buildings but it is clear that a bund would be an appropriate form of development in the open countryside.
- 5.4 The bund is therefore considered to comply with Policies SP1 and SP2 of the Selby District Core Strategy. It remains however, to be considered whether the proposal would cause any substantial harm in other respects.

Character and Appearance of the Local Area

- 5.5 Relevant policies in respect of design and impact 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.
- 5.6 Significant weight should be attached to the Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF. Relevant policies within the NPPF, which relate to design include paragraphs 56 to 64.
- 5.7 With the exception of Hirst Road (which is on a raised embankment, similar to other roads surrounding,) the topography of the land is very flat with ditches dug into the ground. The proposed bund would to some degree appear to be odds with the general grain of the land, however it would be seen in the context of the existing built forms of the existing farmsteads. In addition, as discussed in greater detail below in the report the Environment Agency have proposed a planning condition limiting the extent of the bund above ground level, and in part would reduce the current build bund. Taking account of the open character of the area, on balance it is considered that the bund viewed in context of the existing farmstead, this would not result in a level of harm to justify the refusal of planning permission.
- 5.8 The proposed development is therefore considered to accord with Policy SP19 of the Core Strategy regarding Design Quality and Policy ENV1 of the adopted Selby Local Plan regarding Control of Development.

Impact on Residential Amenity

- 5.9 Relevant policies in respect of the impact of the proposal on residential amenity include Policy ENV1 (1) of the Selby District Local Plan. This is consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved for all existing and future occupants of land and buildings.
- 5.10 The key considerations in respect of residential amenity are 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. Given the nature of the proposals it is not considered that nearby properties will be affected from any overlooking,

overshadowing or oppression and the proposals are therefore considered to accord with Policy ENV 1 (1) of the Local Plan and Policy SP19 of the Core Strategy.

Impact on Highway Safety

- 5.11 Policy in respect of highway safety and capacity is provided by Policies ENV1 (2), T1 and T2 of the Selby District Local Plan, Policy SP19 of the Core Strategy.
- 5.12 North Yorkshire County Highways have been consulted on the application and have not raised any objections to the proposed development.
- 5.13 Given the above, it is considered that the proposal would not result in a detrimental impact on highway safety in accordance with Policies ENV1 (2), and T1 of the Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

Flood Risk and Drainage

- 5.14 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.
- 5.15 On submission of the application, the surrounding area and the application site were designated as functional floodplain (Flood Zone 3) and the Environment Agency (EA) lodged an objection. A Flood Risk Assessment was submitted with the application. Since that time, the EA have revised their flooding maps to the extent that the application site is now in Flood Zone 2, which is land having between 1 in 100 and 1 in 1,000 annual probability of river flooding and parts of the development are within 20 metres of the existing formal flood defences. As a consequence, the EA has revised its consultation response to remove their objection and recommended conditions to be imposed in the event planning permission is granted. These include reducing the height of the bund slightly, and that no part of the bund should be within 16m of the flood defence to the north and east. The proposed bund is lower than the adjacent flood defences, but in any event, the bund would not provide a defence against all flooding, but the site would still flood in extreme events.
- 5.16 There has been a number of objections by neighbours who suggests the flood defence bund would result in increased flooding to their property located to the south of the flood defence bund. The Environment Agency are aware of these objections and have confirmed that they are satisfied with the creation of the bund/bank subject to the planning condition they have suggest and consider the proposal to be acceptable. In light of the EA's response as statutory consultee, there is no evidence to counter the EA's opinion and the planning condition recommended is reasonable, meet the statutory tests and are appropriate in this case.
- 5.17 Therefore the proposals are considered to be acceptable in terms of Policies SP15, SP16 and SP19 of the Core Strategy.

6. CONCLUSION

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 detrimental effect on

the character and appearance of the area, the residential amenity of the occupants of neighbouring properties, highway safety, drainage and flooding. The application is therefore considered to be in compliance with Policies ENV1, and T1 of the Selby District Local Plan, Policies SP1, SP2, SP15, SP18 and SP19 of the Core Strategy and the advice contained within the NPPF.

7. RECOMMENDATION

This application is recommended to be Granted 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:

(Plans to be inserted into the Decision Notice.

03. Notwithstanding the approved plans listed under condition 2 the height of the bund hereby approved shall be no higher than the lower of:

- the approved drawings.
- 1m in height above the existing ground levels.
- 6.40 AOD (being the crest of the Carlton Barrier flood bank)

Reason

To ensure that the bund does not displace floodwater elsewhere and does not increase flood risk hazards elsewhere.

04. No part of the bund should be constructed within 16 metres of the toe of the Carlton Bank embankment without the prior written consent of the Environment Agency.

Reason

To ensure the bund does not affect the integrity or stability of the existing flood defence infrastructure.

8 Legal Issues

8.1 Planning Acts

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

8.2 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.

8.3 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.

9 **Financial Issues**

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

10 **Background Documents**

Planning Application file reference 2020/0719/FUL and associated documents.

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Appendices: None

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.

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