



Meeting: **PLANNING COMMITTEE**
Date: **WEDNESDAY, 19 MAY 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 S Shaw-Wright**

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 - 10)**

To confirm as a correct record the minutes of the Planning Committee meeting held on 28 April 2021.

5. **Planning Applications Received (Pages 15 - 16)**
- 5.1. **2020/0137/FUL - Land Adjacent To 2 Prospect Villas, Barlow Common Road, Barlow (Pages 17 - 36)**
 - 5.2. **2020/0631/FUL - Land Off Lowfield Road, Hillam (Pages 37 - 68)**
 - 5.3. **2020/0650/FUL - Land Off Lowfield Road, Hillam (Pages 69 - 102)**
 - 5.4. **2020/1300/FUL - Tamwood, Station Road, Riccall (Pages 103 - 128)**
 - 5.5. **2021/0081/HPA - 2 The Glade, Escrick (Pages 129 - 140)**

Janet Waggott

Janet Waggott, Chief Executive

Dates of next meetings (2.00pm) Wednesday, 2 June 2021
--

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

Public Attendance at Planning Committee

Public attendance at Council meetings is permitted once more; however, there are restrictions that remain in place due to Covid-19. If you intend to attend a meeting of the Planning Committee in person, please let Democratic Services know on democraticservices@selby.gov.uk as soon as possible. **Please note however that you are strongly encouraged to watch a stream of the meeting online instead of attending in person, and if you wish to speak, to also do this online via Microsoft Teams.**

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: Microsoft Teams - Remote
Date: Wednesday, 28 April 2021
Time: 2.00 pm

Present remotely via Teams: Councillor J Cattanach in the Chair

Councillors K Ellis, I Chilvers, R Packham, D Mackay and S Shaw-Wright

Officers Present remotely via Teams: Martin Grainger – Head of Planning, Ruth Hardingham – Planning Development Manager, Glenn Sharpe – Solicitor, Gareth Stent – Principal Planning Officer, Diane Holgate – Principal Planning Officer, Rebecca Leggott – Planning Project Officer, Jenny Tyreman – Assistant Principal Planning Officer, Victoria Foreman – Democratic Services Officer

79 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors M Topping, J Mackman and P Welch.

Councillor T Grogan was in attendance as a substitute for Councillor Topping. Councillor C Pearson was in attendance as a substitute for Councillor Mackman.

80 DISCLOSURES OF INTEREST

Councillors J Cattanach, I Chilvers, C Pearson, D Mackay, K Ellis, S Shaw-Wright and R Packham declared a non-pecuniary interest in agenda item 5.2 – 2020/1126/COU – Hillam Lane, Hillam, Leeds, as they had all received a written representation on the application from the Ward Member Councillor J Mackman. Those Members who declared the interest were not required to leave the meeting during consideration thereof.

81 MINUTES

The order of the agenda was amended slightly due technical issues with the Chair's computer and his access to the agenda.

The Committee considered the minutes of the Planning Committee meeting held on 7 April 2021.

RESOLVED:

To approve the minutes of the Planning Committee meeting held on 7 April 2021 for signing by the Chairman.

82 CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair thanked Councillor J Mackman, Vice Chair of the Committee, for chairing the previous meeting in his absence.

The Chair announced that an Officer Update Note had been circulated and that the business would be taken in the order as set out on the agenda.

It was also noted by the Committee that details of any further representations received on the applications would be given by the Officers in their presentations.

83 PLANNING APPLICATIONS RECEIVED

The Planning Committee considered the following planning applications:

83.1 2020/0776/FULM - SELBY DISTRICT COUNCIL - OLD CIVIC CENTRE, PORTHOLME ROAD, SELBY

Application: 2020/0776/FULM

Location: Selby District Council – Old Civic Centre, Portholme Road, Selby

Proposal: Redevelopment of the Site to provide 102 residential units (Use Class C3), along with associated parking provision, construction of the vehicular access onto Portholme Road and laying out of open space

The Senior Planning Officer presented the application which had been brought before Planning Committee as directed by the Head of Planning due to the history of Selby District Council as a landowner for part of the site.

Members noted that the application was for the redevelopment of the site to provide 102 residential units (Use Class C3), along with associated parking provision, construction of the vehicular access onto Portholme Road and laying out of open space.

The Officer Update Note stated that since publication of the Officer's report further discussions had taken place with North Yorkshire County Council Highways in order to ensure that condition 32 was more concise; a revised condition 32 was included in the update note. The

additional information did not change the assessment made in the report.

The Committee asked questions around ecological benefits, as well as the number of car parking spaces, school places and open space.

Officers explained that there would be some open space on site, but that contributions would be accepted for the provision of it elsewhere, the precise location of which would be in the town but addressed in more detail in the S106 Agreement.

Members noted that in respect of the current application, there were fewer car parking spaces on site compared to the 2019 planning permission, but that there were now also fewer units.

Some Members were disappointed with the level of affordable housing that had been agreed and felt that it was not enough.

Officers confirmed that an independent expert had been instructed to advise the Council on levels of affordable housing and that viability had been properly negotiated; 10% had been the level recommended to Officers.

Chris Scoffield, applicant, was invited remotely into the meeting and spoke in support of the application.

Members debated the application and were pleased to see the inclusion of electric vehicle charging points on the site, but again expressed their concerns at the lack of adequate play space provision.

In accordance with the Officer's report it was proposed and seconded to APPROVE the application; a vote was taken on the proposal and was carried.

RESOLVED:

The Committee APPROVED the application, subject to the prior completion of a Section 106 Agreement relating to affordable housing; education contributions; maintenance and management of open space; waste and recycling; and highway improvement works, and subject to the conditions and informatives set out at paragraph 7 of the report and in the Officer Update

Note.

83.2 2020/1126/COU - HILLAM LANE, HILLAM, LEEDS

Application: 2020/1126/COU

Location: Hillam Lane, Hillam, Leeds

Proposal: Change of use of land to use as a residential caravan site for 6 gypsy/traveller families, each with two caravans and an ancillary amenity building, together with the laying of hardstanding and construction of new access

The Principal Planning Officer presented the application which had been brought before Planning Committee at the request of the Head of Planning as the site was located within the Green Belt as defined by the Selby District Local Plan 2005, the application was controversial and there was significant interest in the application.

Members noted that the application was for change of use of land to use as a residential caravan site for 6 gypsy/traveller families, each with two caravans and an ancillary amenity building, together with the laying of hardstanding and construction of new access.

The Officer Update Note set out a correction to the speed limit on Hillam Lane from 30mph to 60mph, further information from the agent to the application relating to the personal circumstances of the applicants and their families, that it be delegated to the Head of Planning to issue the decision following the expiry of the additional round of publicity in the local paper, and an additional representation received from Councillor J Mackman, Ward Councillor.

In response to a question from the Committee, Officers confirmed that there were no current occupants on the site, and there had not been since February 2021.

Julie Sadler, objector, was invited remotely into the meeting and spoke against the application.

Stuart Vendy of Cunnane Town Planning, on behalf of Hillam Parish Council, was invited remotely into the meeting and spoke against the application.

Members debated the application and acknowledged the Officer's view that that the amended wording relating to ecological impact as suggested by one of the speakers

could be adopted, but that it was better to be non-specific as baseline information was not available.

In accordance with the Officer's report it was proposed and seconded to REFUSE the application; a vote was taken on the proposal and was carried.

RESOLVED: To

a) REFUSE the application for the following reasons:

1. Green Belt

The proposal is considered to be inappropriate development and harmful to the Green Belt. It has not been demonstrated that there are any very special circumstances that would outweigh the harm to the Green Belt by inappropriateness. The proposal will have an impact on the openness of the Green Belt visually and spatially along with the level of permanence. The proposal is therefore contrary to Policy SP3 of the Core Strategy Local Plan (2013) and paragraphs 133, 134, 143-145 of the NPPF.

2. Lack of need

The proposal in principle as a Gypsy and Traveller Site is considered to be unacceptable as the Local Planning Authority can demonstrate a 5 year supply and alternative sites that are available and as such there is no unmet need. The proposal is therefore contrary to Policy SP11 of the Core Strategy (2013) and the Planning Policy for Traveller Sites (DCLG, August 2015).

3. Unsustainable development

The proposal is considered to be unsustainable development as set out by Chapter 2 of the NPPF, in that it does not deliver the overarching objectives as set out by Paragraph 8 of the NPPF by virtue of failing to reflect the character,

needs and opportunities of the area. The proposal would occupy a site which is classified as very good agricultural land and as such will sterilise its future use compromising the ability of future generations to meet their own needs. The proposal will be wholly reliant on private vehicles to access local facilities to meet the occupiers day to day needs.

4. Insufficient information – Ecology

Insufficient information has been provided for the Local Planning Authority to properly assess the impact of harm or mitigation required with regards to biodiversity. The proposal is therefore considered to be contrary to Policy SP18 Protecting and Enhancing the Environment of the Core Strategy, saved Policies ENV9 and ENV14 of the Local Plan and paragraphs 175 to 177 of the NPPF.

5. Insufficient information – Highways and amenity

Insufficient information has been provided for the Local Planning Authority to properly assess the impact on highway safety, the impact on the wider transport network and impact on residential amenity. The proposal is therefore considered to be contrary to Saved policies ENV1 (1) and ENV2, T1a and T2 of the Selby District Local Plan 2015 and Paragraphs 109 and 127 of the NPPF.

INFORMATIVE

The Local Planning Authority has requested further information from the applicant in order to consider if any Very Special Circumstances can be identified. Despite the efforts no further information has been received. Without further information the development would not improve the economic, social and environmental conditions of the area and therefore does not comprise

sustainable development. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

b) delegate to the Head of Planning the issuing of the decision following the expiry of the additional round of publicity in the local paper.

83.3 2019/1027/EIA - BROWNFIELD SITE, OLYMPIA PARK, BARLBY ROAD, BARLBY

Application: 2019/1027/EIA

Location: Brownfield Site, Olympia Park, Barlby Road, Barlby

Proposal: Proposed site preparation and construction of an access road to facilitate the wider Olympia Park development site with associated development and infrastructure including: modification of existing junctions; ground re-profiling and creation of an earth embankment; temporary site compound; drainage infrastructure including temporary and permanent drainage ditches, new culverts and discharge to watercourse; new landscaping and an ecological enhancement zone; creation of new junctions, pedestrian and cycle routes; a new gatehouse to the existing Potter Group Logistics site; and other associated infrastructure

The Principal Planning Officer presented the application which had been brought before Planning Committee as it was for a key major strategic development within the Selby District, and accompanied by an Environmental Impact Statement.

Members noted that the application was for the proposed site preparation and construction of an access road to facilitate the wider Olympia Park development site with associated development and infrastructure including: modification of existing junctions; ground re-profiling and creation of an earth embankment; temporary site compound; drainage infrastructure including temporary and permanent drainage ditches, new culverts and discharge to watercourse; new landscaping and an ecological enhancement zone; creation of new junctions, pedestrian and cycle routes; a new gatehouse to the existing Potter Group Logistics site; and other associated infrastructure.

The Officer Update Note detailed amendments to the Heads of Terms No.3 and changes to the wording of Conditions 18 and 19.

The Committee asked about the modification of the existing road junction on the A63 and whether it would be possible to condition access by vehicles using the site. Officers explained that it would be difficult to condition this, and that the change to the junction was for widening on one side to provide better access when the site became busier.

Members debated the application and expressed their support for the scheme.

In accordance with the Officer's report it was proposed and seconded to GRANT permission; a vote was taken on the proposal and was carried.

RESOLVED:

To GRANT permission subject to the completion of a Section 106 Agreement, the conditions set out at paragraph 7 of the report and in the Officer Update Note.

83.4 2021/0076/CPO - DRAX POWER STATION, NEW ROAD, DRAX

Application: 2021/0076/CPO

Location: Drax Power Station, New Road, Drax

Proposal: Drax Bioenergy with Carbon Capture and Storage Project (BECCS) – Nationally Significant Infrastructure Project

The Senior Planning Officer presented the report which asked that the content be noted and that Members agreed to support the NSIP application in principle, subject to agreement in relation to specific and localised matters of detail. The report also asked Members to support that authorisation be sought from the Executive to authorise the Director of Economic Regeneration and Place, in consultation with the Executive Member for Place Shaping, to agree the Local Impact Report, Statement of Common Ground, the content of the draft DCO, and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.

Members noted that the application had been brought before Planning Committee for information purposes.

Members considered the report in full and expressed their support for the scheme, which was essential for the reduction of carbon.

In accordance with the Officer's report, the recommendations were proposed and seconded; a vote was taken and was carried.

RESOLVED:

The Committee:

- i. noted the content of the report and agreed to support the NSIP application in principle, subject to agreement in relation to specific and localised matters of detail; and**
- ii. supported that authorisation be sought from the Executive to authorise the Director of Economic Regeneration and Place, in consultation with the Executive Member for Place Shaping, to agree the Local Impact Report, Statement of Common Ground, the content of the draft DCO, and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.**

The meeting closed at 3.50 pm.

This page is intentionally left blank

Planning Committee

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

1. The legislation which allowed Councils to take decisions remotely came to an end on 7 May 2021. As such, Planning Committee meetings to be held after this date will revert to being 'in person', but there will still be restrictions on numbers of attendees in the room due to Covid-19. **If you are intending to come to a meeting of the Committee in person, please let Democratic Services know as soon as possible, as you are strongly encouraged to watch the meeting online instead, and if you wish to speak at the meeting, also do this remotely via Microsoft Teams.**
2. 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.
3. 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.
4. 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>
5. 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.
6. The next part is the public speaking process at the committee. Speakers will be able to attend the meeting in person again and will have to comply with Covid-safe procedures in the Council Chamber such as social distancing, mask wearing (unless exempt), sanitising of hands and following the one-way system which will be in place in the room.
7. Alternatively, speakers can join the meeting remotely via Microsoft Teams if they prefer to speak that way.

8. The following may address the committee for **not more than 5 minutes each**:
 - (a) The objector
 - (b) A representative of the relevant parish council
 - (c) A ward member
 - (d) The applicant, agent or their representative.

NOTE: Persons wishing to speak on an application to be considered by the Planning Committee should have registered to speak with 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. **Members of the public registered to speak are strongly encouraged to speak remotely (i.e., via Microsoft Teams online). If speaking remotely, they must 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 if they experience connectivity issues 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 secure guidelines, which is why it is important for the public to let Democratic Services know if they plan on attending in person.
12. Speakers attending remotely (online via Microsoft Teams) will be asked to access the meeting when their item begins and leave when they have finished speaking and continue watching the stream on YouTube.
13. If speaking in person, the public will be asked to come up to a desk from the public gallery (where they will be seated in a socially distanced manner), 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.
14. 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.
15. The members of the committee will then debate the application, consider the recommendations and then make a decision on the application.
16. 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.

17. 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.
18. This is a council committee meeting which is open to the public.
19. 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
20. The arrangements at the meeting may be varied at the discretion of the Chairman.
21. 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.
22. 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.
23. These procedures are being regularly reviewed.

Contact:

Democratic Services

Email: democraticservices@selby.gov.uk

This page is intentionally left blank

Agenda Item 5

Items for Planning Committee

19 May 2021

Item No.	Ref	Site Address	Description	Officer	Pages
4.1	2020/0137/FUL	Land Adjacent to 2 Prospect Villas, Barlow Common Road, Barlow	Proposed erection of a storage building on land adjacent	IRSI	17 - 36
4.2	2020/0631/FUL	Land Off Lowfield Road, Hillam	Erection of a livestock building with associated infrastructure (building 1 of 2)	JETY	37 - 68
4.3	2020/0650/FUL	Land Off Lowfield Road, Hillam	Erection of a livestock building with associated infrastructure (building 2 of 2)	JETY	69 - 102
4.4	2020/1300/FUL	Tamwood, Station Road, Riccall	Demolition of existing dwelling, construction of seven residential properties	CHFA	103 - 128
4.5	2021/0081/HPA	2 The Glade, Escrick	Erection of rear/side extensions to existing detached bungalow and garage and internal alterations to create additional living accommodation	JACR	129 - 140

This page is intentionally left blank

Agenda Item 5.1

Land adjacent to 2 Prospect Villas, Barlow Common Road, Barlow
2020/0137/FUL

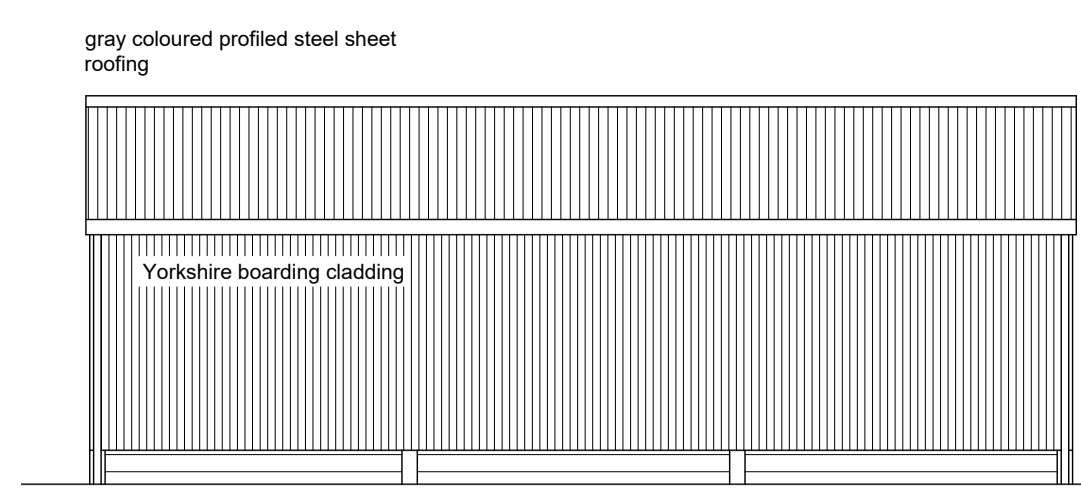


Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings © Crown Copyright
Selby District Council Licence No. 100018656
This copy has been produced specifically for Planning and Building Control purposes only.
No further copies may be made.

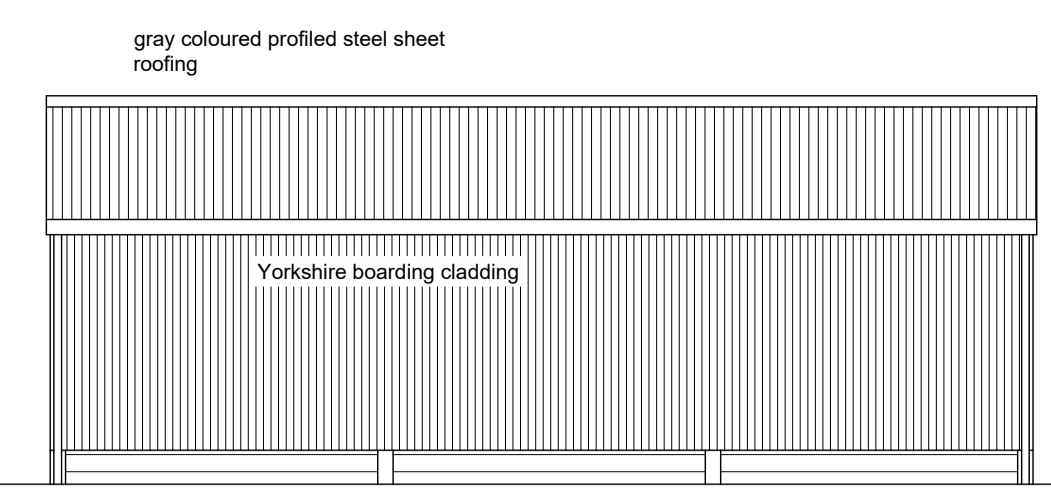


This page is intentionally left blank

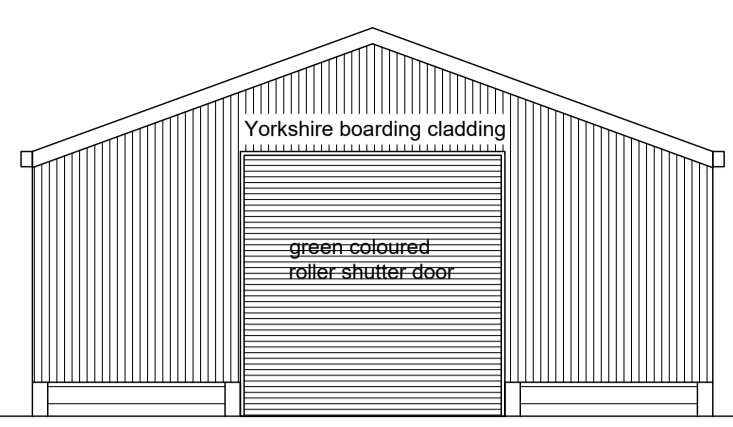
**AMENDED
DRAWING**



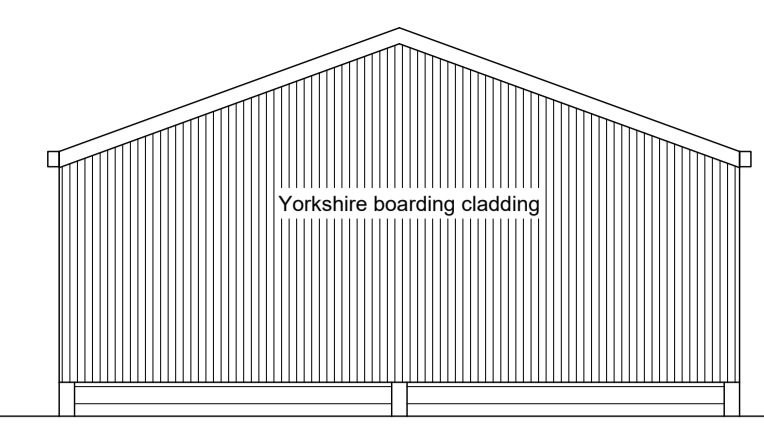
Side Elevation 1:100



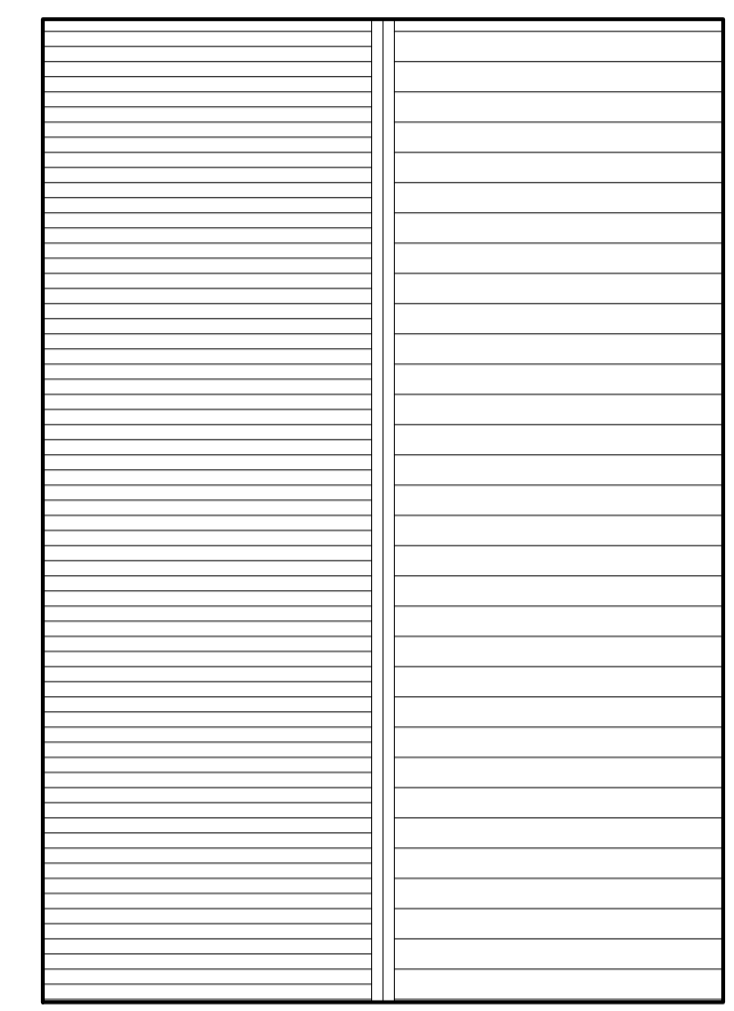
Side Elevation 1:100



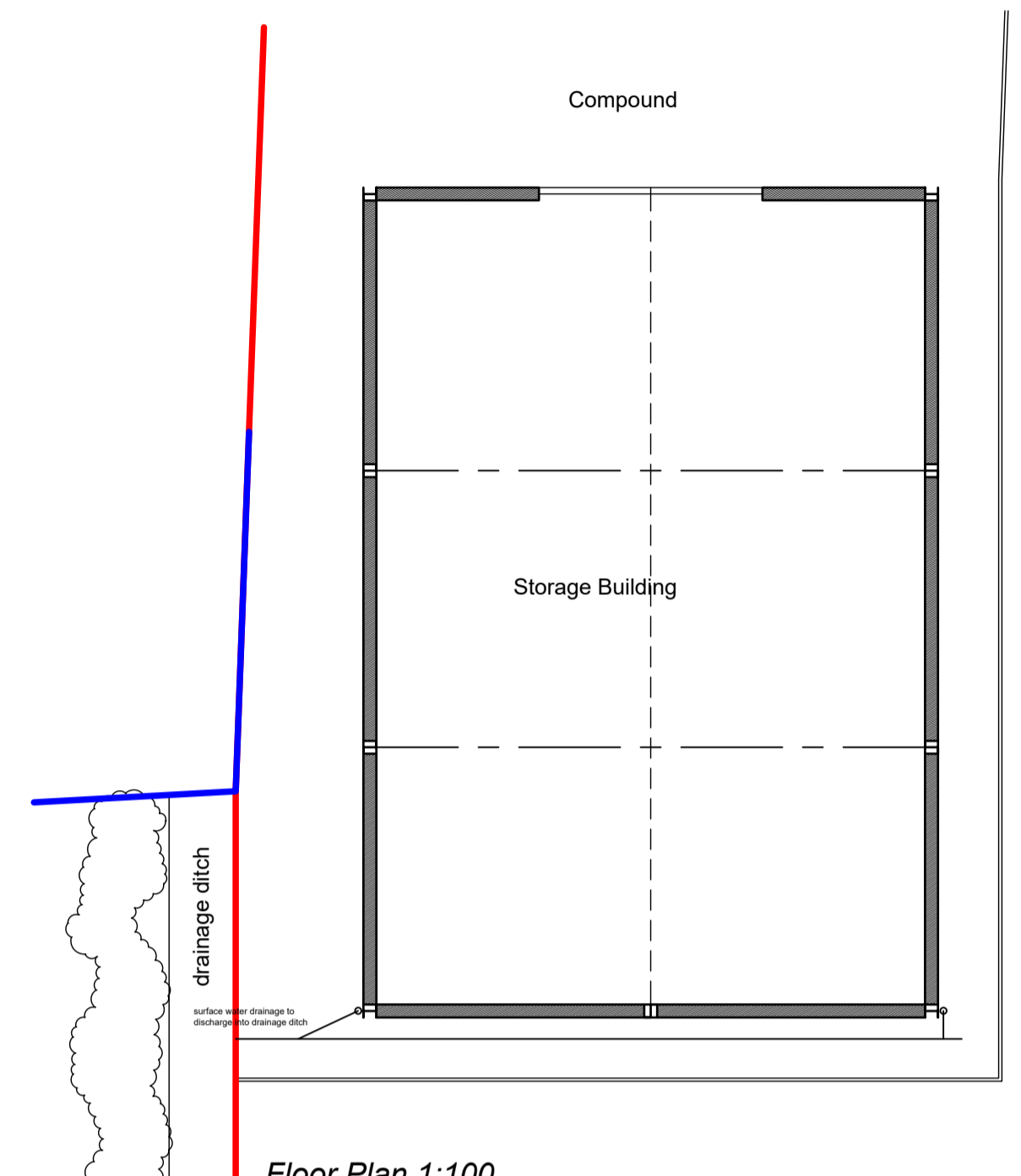
End Elevation 1:100



End Elevation 1:100



Roof Plan 1:100



Floor Plan 1:100



1.2m High post and rail fence



Existing field gates to be re-sited

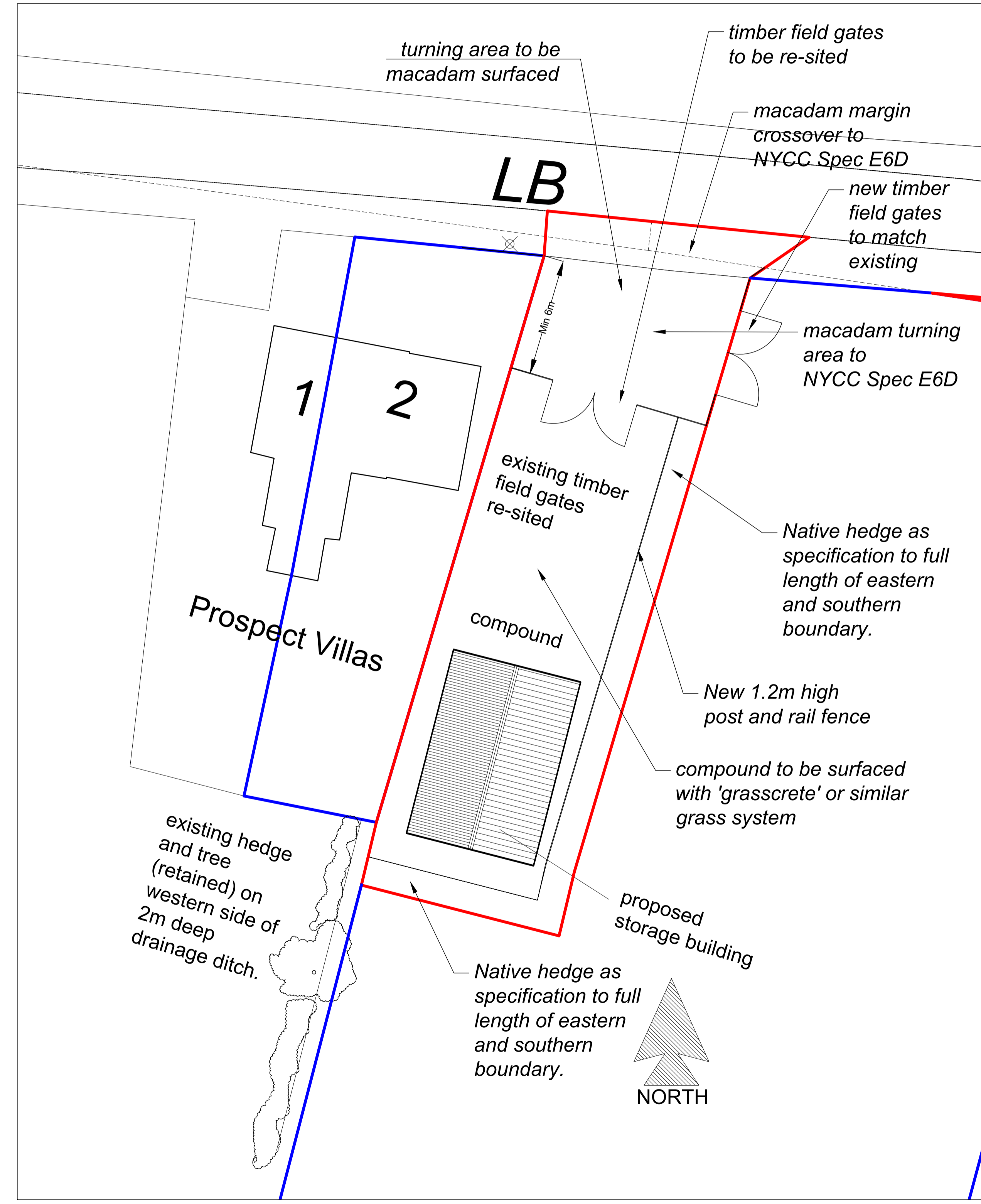
Specification of Hedging to Eastern and Southern Boundaries

Native Hedging Schedule					
% in mix	Species	Common Name	Its	Height	No. required
50	Crataegus monogyna	Hawthorn	1+ 1	60/90	110
10	Prunus spinosa	Blackthorn	1+1	60/90	22
10	Prunus padus	Bird Cherry	1+1	60/90	22
10	Acer campestre	Field maple	1+1	60/90	22
10	Rosa canina	Dogrose	1+1	60/90	22
10	Ilex aquifolium	Holly	1+1	60/90	22

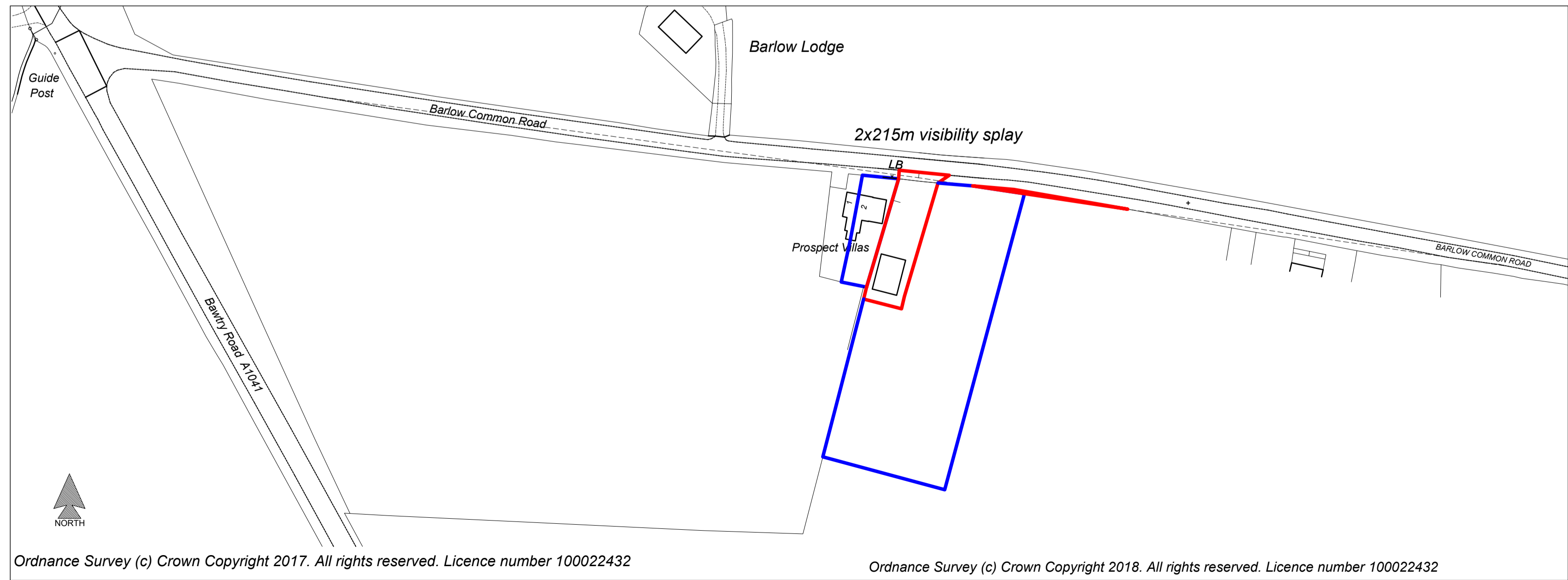
Hedge planting to comprise of 2 staggered rows of plants 450mm apart.
Plants to be 450mm apart within each row. Overall 5 plants/linear metre



Medvance House, Burn (between ring road and Common Lane)
Example of 'business expansion' Selby in open countryside Ref 2015/1210/FUL



Block Plan 1:200



Location Plan 1:1250

This page is intentionally left blank



Report Reference Number: 2020/0137/FUL

To: Planning Committee
Date: 12 May 2020
Author: Irma Sinkeviciene (Senior Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2020/0137/FUL	PARISH:	Barlow Parish Council
APPLICANT:	Dodsworth Joinery & Building Ltd	VALID DATE: EXPIRY DATE:	11th February 2020 OUT OF TIME
PROPOSAL:	Proposed erection of a storage building on land adjacent		
LOCATION:	Land Adjacent To 2 Prospect Villas Barlow Common Road Barlow Selby North Yorkshire		
RECOMMENDATION:	APPROVE		

This application has been brought back before Planning Committee as it was previously deferred at a Planning Committee which took place on 10th February 2020.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site, which is broadly rectangular in shape and amounts to 764 square metres of unused paddock land, is located outside the defined development limits of Barlow. It is located immediately to the east of a pair of semi-detached properties, namely Prospect Villas, and falls within the ownership of No 2 Prospect Villas which is adjacent to the site. The site is separated from No 1 Prospect Villas by approximately 9 metres, and over 60 metres from Barlow Lodge to the north west and cottages to the east. Access is shown as utilising and widening of the existing field access track.
- 1.2 The land is generally flat, and the eastern and southern boundaries are marked by a low post and rail timber fence whilst the western boundary is marked by a hedge and other vegetation. The northern boundary is where the access to the site is

located from Barlow Common Road and consists of a combination of row of vegetation, a low post and rail timber fence and a timber gate.

The Proposal

- 1.3 The application seeks full planning permission for a storage building which would be associated with Dodsworth Joinery and Building Ltd (suppliers and fitters of joinery products) whose office is registered at the dwelling located at No 2 Prospect Villas which is adjacent to the site on the west and a Lawful Development Certificate was granted for existing use of premises as a mixed use under planning application 2020/0824/CPE. The Design and Access Statement accompanying the application describes the proposal as consolidation of the business at this one site for improvement of both security and operational efficiency.
- 1.4 The proposal is for the erection of storage building. The building would be 13 metres in depth and 9 metres in width. It would have roller shutter doors to the front elevation. The height to the ridge of its pitched roof would measure approximately 5.15 metres. The scheme has been amended by the applicant and the walls of the building would be finished in Yorkshire boarding cladding and the roof would be finished with grey profiled steel sheet roofing. The building would sit to the rear of a compound which would be surfaced with grasscrete or similar grass system measuring approximately 35 metres by 12 metres and bound by 1.2 metre high post and rail fence, and the front boundary of the compound would line up with the front elevation of 2, Prospect Villas. There would be timber field gates which would match the existing and would be set back from a highway by approximately 6 metres and the access between the highway and the gates would have a macadam surface.
- 1.5 The objective of the proposal is stated to be the operational efficiency and security of the Dodsworth Joinery and Building Company Ltd. Presently, whilst this business is registered at 2, Prospect Villas much of its equipment is stored off site at rented accommodation. It is the applicant's intention to make the building and compound secure and to install CCTV. The building would be used to store business tools, plant, trailers, and business materials along with the applicant's motor home. All the machinery would be portable with none fixed to the floor. It is stated there would thus be no use of the machinery within the building. Mr Dodsworth would expect to use the building personally for his business, loading and unloading materials according to the specific job he was involved with at the time.

Relevant Planning History

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

- 1.6 Application (reference CO/2002/0113) for the erection of a two-storey extension to form garage with bedroom over on the side elevation of 2 Prospect Villas, Barlow Common Road, Barlow was approved in July 2002
- 1.7 Application (reference 2018/0772/FUL) for the proposed erection of a storage building/workshop in association with joinery business at land adjacent to 2 Prospect Villas, Barlow Common Road, Barlow was withdrawn in September 2019

- 1.8 Application (reference 2019/0539/FUL) for the proposed erection of building to be used for storage/workshop facility on land adjacent to 2 Prospect Villas, Barlow Common Road, Barlow was refused in October 2019 due to the following reasons:
1. The application site is located outside development limits and is therefore within the open countryside. The proposal would not constitute any of the types of development acceptable in principle in the countryside nor would it improve or contribute to the local rural economy, it would therefore fail to comply with the aims of Policies SP1, SP2 and SP13 of the Core Strategy and with Policy EMP2 of the Selby District Local Plan and with the NPPF. The proposal is therefore contrary to the above policies and hence the overall Spatial Development Strategy for the District.
 2. The proposal would introduce an intrusive prominent development of an industrial character uncharacteristic and harmful to the open rural character of this part of the countryside due to its size, scale, siting, boundary treatment and use of an open industrial compound contrary to the aims of Policy ENV1 (1) and (4) of the Selby District Local Plan, Policies SP13, SP18 and SP19 of Core Strategy and the NPPF.
 3. The proposal is likely to generate unacceptable levels of noise and disturbance to the residents of the neighbouring properties due to the proposed use of the site and the building for the purposes of storage and workshop for the joinery and building business together with the comings and goings of vehicles associated with the use. Given the nature and scale of the proposal combined with the likely low existing background sound levels in this rural area, it is considered that the proposal would adversely affect the amenities of the neighbouring properties and as such would be contrary to Policy ENV1 of the Selby District Local Plan.
 4. The application site is located within Flood Zone 2 and the NPPF states that all proposals located in Flood Zone 2 and 3a require a Sequential Test to determine whether there are any reasonably available sites at less risk of flooding that could accommodate the development. For development located within the open countryside, the Sequential Test should be undertaken at a District wide level. The applicant has failed to submit information to demonstrate that the Sequential test can be met. The proposed development is therefore considered to be unacceptable in terms of flood risk and contrary to the NPPF.
 5. The application site is located within Flood Zone 2 and the NPPF states that all proposals located in Flood Zone 2 and 3a require a Site Specific Flood Risk Assessment. The submitted Flood Risk Assessment does not comply with the requirements set out in national policy and guidance and therefore the submitted Flood Risk Assessment does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. The proposed development is therefore considered to be unacceptable in terms of flood risk and contrary to the NPPF.
- 1.9 Application (reference 2020/0824/CPE) for a lawful development certificate for existing use of premises as a mixed use; part C3 residential; part B1 business use at 2 Prospect Villas, Barlow Common Road, Barlow was granted on 23 November 2020.

2. CONSULTATION AND PUBLICITY

- 2.1 **NYCC Highways** - There are no local Highway Authority objections to the proposed development subject to conditions relating to construction requirements of private access/verge crossings, visibility splays, provision of approved access, turning and parking areas, and subject to informatives related to the above.

Response following a re-consultation on the amended scheme dated 24 February 2021 – raised no concerns but requested to amend the drawings to show the gates set back by 6m back for the highway and to annotate the tarmac area is constructed to NYCC Spec E6D.

- 2.2 **Yorkshire Water Services** – No response received.
- 2.3 **Selby Area Internal Drainage Board** – No objection and recommends condition in relation to surface water drainage together with details of various consents required of the Board.
- 2.4 **Environmental Health** - Noted that the proposed building is to be used purely for storage and that it is linked to the current occupation of the adjoining residential property. Under these circumstances and with a restriction on the hours of use to prevent access and egress during the night-time period, did not object to this application and recommended that the above three issues are conditioned.
- 2.5 **Parish Council** – No response received.
- 2.5 **Neighbour Summary** – All immediate neighbours were informed by neighbour notification letter, a site notice was erected and an advert place in the local press.

17 supporting comments have been received from members of the public as follows:

- 5 were submitted online stating that they support the application without any comments and
- 12 stated that “this proposal will encourage employment within the area and proposes an appropriate building which will fit in visually and look no different than farm buildings in the area”.

In addition to the above, 2 letters were submitted by the next-door neighbour stating that there are no objections but commented that off road hard standing for visiting cars/vans/lorries etc., should be considered when making final plans.

3 SITE CONSTRAINTS

Constraints

- 3.1 The site is located outside the defined development limits of Barlow and is therefore defined as open countryside. The site does not contain any protected trees and there are no statutory or local landscape designations. Similarly, there is no Conservation Area designation or local listed buildings that are affected. The site is situated within Flood Zones 1 & 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. 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
 - SP13 – Scale and Distribution of Economic Growth
 - 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
- EMP2 – Location of Economic Development
- T1 – Development in Relation to the Highway
- 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
- Design and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Highway Issues
- Flood Risk, Drainage and Climate Change

The Principle of Development

5.2 The application site is located outside development limits of Barlow and is therefore in the open countryside. Relevant policies in respect to the principle of development and the presumption in favour of sustainable development includes Policies SP1, SP2 and SP13 of the Core Strategy, Policy EMP2 of the Selby District Local Plan, and the NPPF.

5.3 CS Policy SP2 controls the location of future development within the District and directs the majority of new development to existing settlements. CS Policy SP2A(c) relates to the open countryside and limits development to:

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

5.4 Policy SP13 (C) of the Selby District Core Strategy states that in rural areas, sustainable development which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported including for example the re-use of existing buildings and infrastructure and the development of well-designed new buildings.

5.5 Policy EMP2 of the Selby District Local Plan states that new development will be concentrated in and around Eggborough, Selby, Sherburn in Elmet and Tadcaster, and that encouragement will be given to the proposals for small-scale development in villages and rural areas in support of rural economy.

5.6 With Section 6 of the NPPF includes the sub-section ‘*supporting a prosperous rural economy*’. NPPF Paragraph 83(a) states that planning decisions should enable ‘the sustainable growth and expansion of all types of businesses in rural areas, both through conversion of existing buildings and well-designed new buildings’.

5.7 NPPF Paragraph 84 states that planning decisions should recognise:

'...that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist'.

- 5.8 It is noted that 12 of 17 letters of support have the same contents stating that they “believe the proposal will encourage employment within the area and proposes an appropriate building which will fit in visually and look no different than farm buildings in the area”. One of the letters has not been signed. 5 of 12 supporting members stated that they support the application but did not provide any comments, and the next-door neighbour sent two letters raising no objections subject to off road hardstanding being provided.
- 5.9 The proposal is for a construction of a new storage building which would be used for a joinery and building business. It is noted that a Certificate of Lawful Development for existing use of dwelling known 2 Prospect Villas as a mixed use; part C3 residential; part B1 business use was granted in November 2020 under planning reference 2020/0824/CPE and the business use at this location is therefore now established.
- 5.10 According to the information submitted, the proposed building would also be used for a storage of the applicants’ motorhome and the proposed building would also partially be used as a large domestic garage sited outside the curtilage of the dwelling which would also be contrary to Development Plan policies given its countryside location. However, the use of the proposed building could be controlled via a condition limiting use of the building to business use only.
- 5.11 Although there is no evidence to suggest it would support the rural economy, the proposal is considered as expansion of existing business in the open countryside which is supported by Paragraph 83 of the NPPF and Policy SP2 of the Core Strategy and the proposal is therefore acceptable in principle subject to criteria set out in Policy SP13 (D).

Design and Impact on the Character and Appearance of the Area

- 5.12 Relevant policies in respect to the impact of development on character and appearance of the area are Policy ENV1 of the Selby District Local Plan, Policies SP13 (D), SP18 and SP19 of the Core Strategy and advice contained within the NPPF. Local Plan Policy ENV1 is broadly consistent with the aims of the NPPF and should therefore be given significant weight.
- 5.13 The Design and Access Statement supplied with the application assesses the context of the site, states that setting the building back will result in it only being seen at a distance when viewed from the A1041 to the west and will make building unobtrusive when viewed from Barlow Common Road. It also refers to an Additional Design Statement produced by Chris Finn which concludes that the local character is mixed with a range of industrial sites clearly visible from the site and provides examples of similar types of developments approved within Selby District over

recent years. Furthermore, D&A Statement states that although largely in agricultural use, the examples shown are constructed to a similar pattern to the proposal. It also concludes that the impact of the proposed building would be no more or less than the examples shown in the addition Design & Access Statement, that the submitted drawings illustrate proposed improvements to the site's screening which will help to integrate the use within this rural landscape, that it will not have a significant impact on the character of the local landscape, and that its scale would be appropriate for its location and to neighbouring buildings.

- 5.14 The application site is a parcel of undeveloped land adjacent to the eastern boundary of the residential property located at No 2 Prospect Villas, and the proposal is for the construction of a new compound on this site and a new storage building within the southern part of the site measuring approximately 13 metres in depth, 9 metres in width, and approximately 5.15 metres above ground level to the ridge.
- 5.15 The immediate area is characterised by a predominantly open landscape with some remote residential properties located close to a highway and partially screened from it by predominantly high hedges, timber fences and some trees. The lower hedge also runs alongside the Barlow Common Road.
- 5.16 The proposal as originally submitted, due to the size, scale, design, due to the proposed compound and the fence of the industrial character and due to the location of the site was considered to introduce industrial type of development to this location which is not comparable with the traditional agricultural buildings elsewhere in the area and was therefore considered to erode the rural character of the area.
- 5.17 The Applicant submitted an amended scheme where the proposed building is shown to be built of Yorkshire boarding cladding for walls, and grey profiled sheeting for the roof, and would have a green roller shutter door. The amended scheme also proposes to erect a 1.2 metre high post and rail fence and field gates instead of previously proposed high fencing and gates of an industrial character which would surround the compound which is now proposed to be surfaced with grasscrete or other similar grass system.
- 5.18 The site is currently a part of a larger undeveloped open field. The proposal will introduce a new industrial building designed to look like an agricultural with a grasscrete compound and low timber post and rail fence with field gates. It has been suggested that the building would be agricultural in appearance and a Local Character Study and Study of Recent Agricultural Buildings in Open Countryside document was submitted showing examples of farm buildings within the surrounding area. Whilst contents of this document are noted and whilst large modern agricultural buildings are not uncommon on farm sites, it is accepted that these require a countryside location and cannot be located elsewhere.
- 5.19 The building with compound and fencing would be seen within the context of the open fields and a pair of isolated small-scale semi-detached properties and would be highly visible due to their prominent and open location within the countryside. In addition to this, vehicle movements or further storage of materials and equipment would occur within the compound which is therefore considered to have potential to cause a harmful impact on the surrounding area. However, the building would serve the existing business use as established under application 2020/0824/CPE, the design of the scheme is appropriate to the locality and the proposed building would

be significantly set back from the highway. In addition to this, given the materials and design of the proposed compound and fencing with gates, those elements would be appropriate for the countryside location and would contribute to reduction of the industrial nature of the use of the site. Furthermore, following discussions with the applicant, the scheme has been amended to include hedge outside the proposed fence along the eastern and southern boundaries which, once established, would contribute to reduction of the prominence of the proposed development and would soften its impact on the open countryside and this can be secured via condition.

- 5.20 Furthermore, it is noted that the lighting and advertisements could potentially be erected given the industrial nature of the use of the site which is considered to cause a detrimental impact on the character of the open countryside. However, these issues can be dealt with via appropriate conditions.
- 5.21 Taking into consideration all of the above and subject above conditions, it is therefore on balance considered that the proposal would not cause a detrimental impact on the character and appearance of the open countryside. The proposal is therefore not contrary to Policy ENV1 of the Selby District Local Plan, Policies SP13 (D), SP18 and SP19 of the Core Strategy and the NPPF.

Impact on Residential Amenity

- 5.22 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.
- 5.23 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 sheer size, scale and massing of the development proposed.
- 5.24 Given the separation distance from the nearest residential properties, and due to the size, scale and design of the proposed development, it is not considered that it would result in adverse effects of overlooking, overshadowing or overbearing of neighbouring properties.
- 5.25 The Design and Access Statement supplied with the application states that the workshop use was removed from the proposal and that building would largely be used for storage and that no machinery will be permanently located within the building. However, the proposal is for storage and there is no planning control over the machinery related to this trade they could potentially use there in the case the application is approved.
- 5.26 It is also noted that the applicant requested a condition linking occupancy of the dwelling owned by the applicant, namely No 2, with the use of the proposed development. However, although imposition of such a condition would prevent future loss of amenity to occupants of 2 Prospect Villas from living next to an unrelated business use, it is also noted that there is another residential property within the vicinity of the site, the adjoining semi-detached dwelling namely No 1 Prospect Villas, the amenity of which could potentially be affected by the proposal due to proximity to the site and the scale and nature of the proposal. It is noted that the occupiers of No 1 Prospect Villas did not object to the proposals. However, the

lack of objection does not mean the proposed development is considered acceptable by the occupants. Moreover, the planning system exists to protect the living conditions of dwellings for any current or future occupants from the harmful impacts of development.

- 5.27 The Environmental Health Officer (EHO) has been consulted on the scheme and noted that the proposed building is to be used purely for storage (falling within B8 use class) and that it proposed to be linked to the current occupation of the adjoining residential property. Under these circumstances and with a restriction on the hours of use to prevent access and egress during the night-time period, EHO does not object to this application. As such and given the nature, scale of the proposal, location of the site and its relationship with the residential property which is not associated with the business, namely 1 Prospect Villas, conditions relating to control of use of the building, linking occupancy to 2 Prospect Villas and restriction of hours of use are considered reasonable and appropriate in this instance.
- 5.28 Although it is considered that the proposal would increase the type and number of traffic movements within the area which could potentially have a harmful impact on the amenities of neighbouring occupiers, taking into account the location of the site, comments made by the EHO and occupants of the neighbouring property, that the proposed scheme would only be used for storage and distribution, and subject to aforementioned conditions, it is on balance considered that harm caused to the amenities of adjoining occupiers would not be so detrimental as to justify refusal on this basis.
- 5.29 Given all of the above, it is on balance considered that the proposal would not cause significant adverse impact on the residential amenity of the neighbouring properties and as such would not be contrary to Policy ENV1 of the Selby District Local Plan.

Highway Issues

- 5.30 Relevant policies in respect to highway safety include Policies ENV1, T1 and T2 of the Selby District Local Plan and requirement (c) set out in Policy SP19 of the Core Strategy. These policies should be afforded substantial weight as they are broadly consistent with the aims of the NPPF.
- 5.31 NYCC Highways have been consulted and raised no objections subject to a number of conditions requiring construction of access to the site in accordance with the published Specification of the Highway Authority and additional requirements outlined in the recommended condition, provision of visibility splays and provision of approved access, turning and parking areas. They have also recommended adding informatives relating to a separate licence being required from the Highway Authority and relating to liability for a range of offences under the relevant acts for any activity on the development site that results in the deposit of soil, mud or other debris onto the highway. Given the nature and scale of the proposal and the location of the site, the recommended conditions are therefore considered reasonable and appropriate.
- 5.32 The scheme has been amended since the original consultation and NYCC Highways Officer has been re-consulted on the proposals. NYCC Highways Officer raised no objections but requested to show on the drawings that the gates would be set back from the highway by 6m and annotate that the tarmac area would be

constructed to NYCC Spec E6D. The drawings were amended to address the above comments.

- 5.33 Taking into consideration all of the above and the size, scale and nature of the proposed development, the scheme is considered acceptable in terms of its impact on a highway safety and is therefore in accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan and requirement (c) set out in Policy SP19 of the Core Strategy, and the NPPF.

Flood Risk and Drainage

- 5.34 Relevant policies in respect to flood risk include Policies SP15, SP19 of the Core Strategy, and paragraphs 149,150,155,156, 157, 158, 163 of the NPPF.
- 5.35 The application site is part located within Flood Zone 1 which has a low probability of flooding and part located within the Flood Zone 2 which has been assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% - 0.1%), or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (0.5% - 0.1%) in any year.
- 5.36 Paragraph 163 of the NPPF states 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; 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”*.
- 5.37 Footnote 50 states *“In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.”*
- 5.38 Although a small part the application site is located within Flood Zone 2, the proposed storage building, compound and access would be located within Flood zone 1 and there is no evidence to suggest that the land subject to this proposal falls into any of the criteria as described in Footnote 50. As such, FRA is not required to be submitted.
- 5.39 In terms of surface and foul water drainage, the application form states that there will be no foul drainage connection as there is no need for it, and that the surface water would be disposed of via the existing water course.
- 5.40 Internal Drainage Board and Yorkshire Water Services have been consulted on this application. Yorkshire Water Services have not commented on this application and it is therefore assumed that they do not object to the proposals on the basis of the information submitted. Internal Drainage Board raised no objections in principle

providing that if surface water is to be discharged into any watercourse within the drainage district, consent from the IDB would be required and would be restricted to 1.4 litres per second per hectare on greenfield runoff which can be adequately dealt with via an informative. As such and given the information relating to drainage provided, the proposal is considered to be appropriate in terms of its impact on drainage.

- 5.41 Having regard to the above, the proposed development is considered to be acceptable in terms of flood risk and in terms of drainage, taking into account national policy contained within the NPPF.

6 CONCLUSION

- 6.1 The application seeks full planning permission for the erection of building to be used for storage facility on land adjacent to 2 Prospect Villas, Barlow Common Road, Barlow to consolidate the business at this site.
- 6.2 Having assessed the proposals against the relevant policies and subject to aforementioned conditions, it is considered that the proposal is on balance acceptable in respect of the design and impact on the character and appearance of the open countryside, impact on residential amenity, and is acceptable in respect of the impact on highway safety, flood risk and drainage.

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:

Drawing No 2637-01-01C – Block Plan

Drawing No 2637-01-02K – Planning Drawing

Drawing No 2637-02-01B - Swept Path and Car Parking

Reason:

For the avoidance of doubt.

03. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as shown on the drawing No 2637-01-02K received by the Local Planning Authority 16 April 2021.

Reason:

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

04. The fence, gates and hedge hereby approved shall be in accordance with the drawing No 2637-01-02K received by the Local Planning Authority 16 April 2021 and shall be retained as such throughout the lifetime of the development.

Reason:

In the interests of visual amenity and to reduce the impact on the character and appearance of the open countryside to accord with Policy ENV1 of the Selby District Local Plan, Policies SP13, SP18 and SP19 of the Core Strategy.

05. There shall be no movements of vehicle in or out of site between the hours of 23:00pm and 7:00am.

Reason:

This condition is imposed in accordance with policy ENV1 of the Selby District Local Plan and in the interests of residential amenities of the neighbouring occupiers.

06. The development hereby approved shall be used solely in association with the occupation of the property known as "2 Prospect Villas" and shall not be occupied independently.

Reason:

The application has been assessed on the basis of being for the use in association with 2 Prospect Villas as it has potential to cause a detrimental impact on residential amenities of this property if occupied independently.

07. There shall be no external lighting installed or used for the development hereby permitted for the lifetime of the development.

Reason:

In the interests of visual amenity and in order to ensure the development hereby approved would not stand out within the open countryside to accord with Policy ENV1 of the Selby District Local Plan.

08. Notwithstanding the provisions of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007, no advertisements shall be placed within the site or outside it without the prior written consent of the Local Planning Authority.

Reason:

In order to safeguard the rights of control of the Local Planning Authority over advertisements in the interests of safeguarding the character of the open countryside in line with Policy ENV1 of the Selby District Local Plan.

09. The development hereby permitted shall only be used for storage in association with business activities taking place at 2 Prospect Villa and shall not be used for any other purpose.

Reason:

The proposal has been assessed as being acceptable in principle in the open countryside on the basis that the site would be used for storage only in association with business activities taking place at 2 Prospect Villa and any other use of the site would have to be assessed against relevant local and national policies.

10. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
 - a. The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6D.
 - b. 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.
 - c. 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 ENV1, T1 and T2 of the Selby District Local Plan and to ensure satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

11. 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 215 metres measured along both channel lines of the major road Barlow Common Road from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 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 ENV1, T1 and T2 of the Selby District Local Plan and in the interests of road safety.

12. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas as shown on the drawing No 2637-02-01B 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 Policy ENV1 of the Selby District Local Plan and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

Informatives:

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

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

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

3. 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 condition 10 and an explanation of the terms used in condition 11 is available from the Highway Authority.
4. 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.
5. The surface water is to be discharged to a watercourse within the Drainage District and as such a consent from the IDB would be required in addition to Planning Permission and would be restricted to 1.4 litres per second per hectare or greenfield runoff.

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

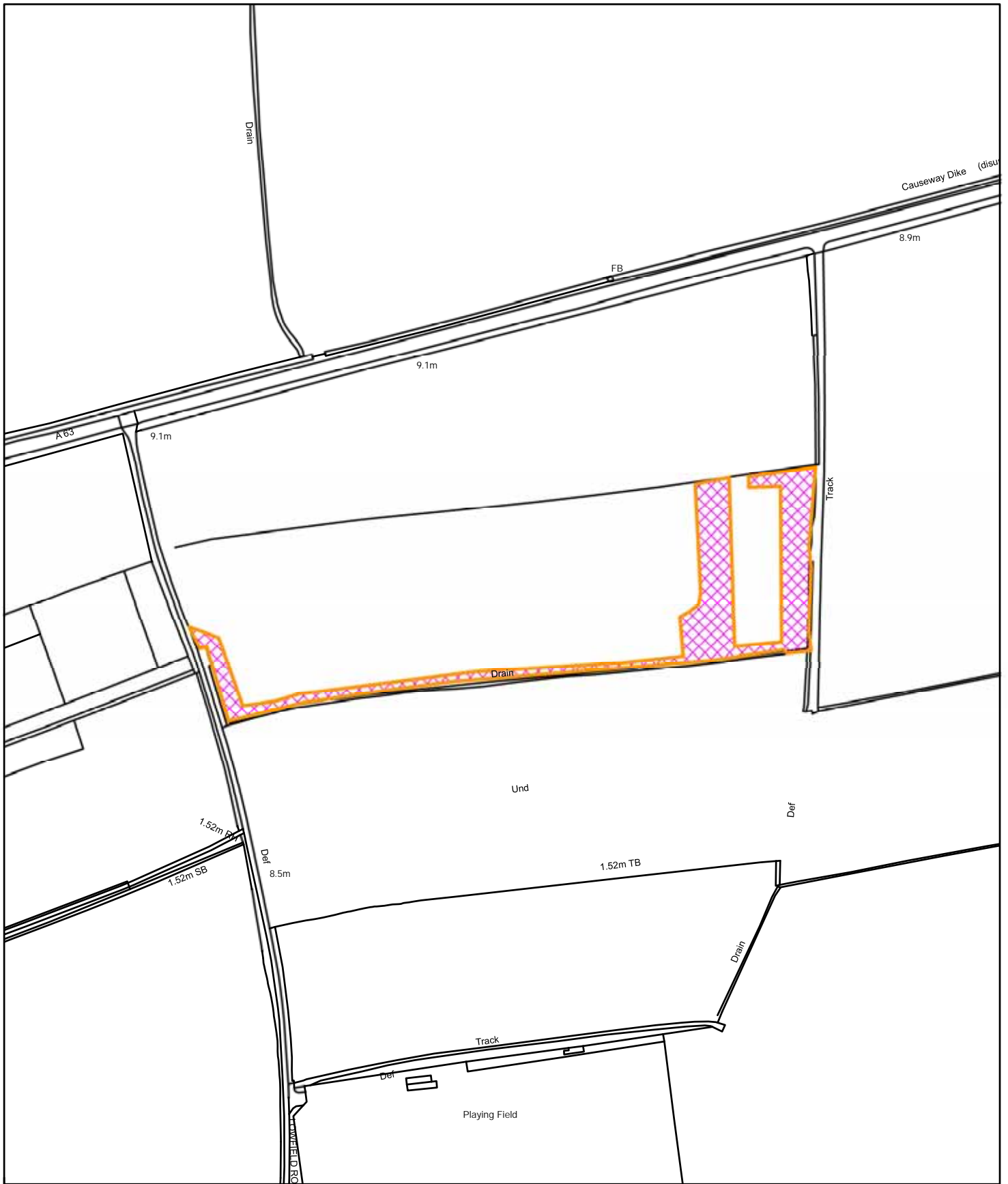
Planning Application file reference 2020/0137/FUL and associated documents.

Contact Officer: Irma Sinkeviciene (Senior Planning Officer)

Appendices: None

Agenda Item 5.2

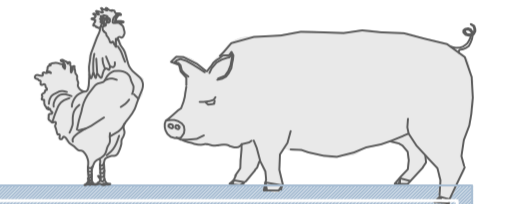
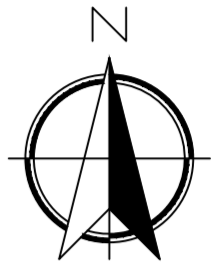
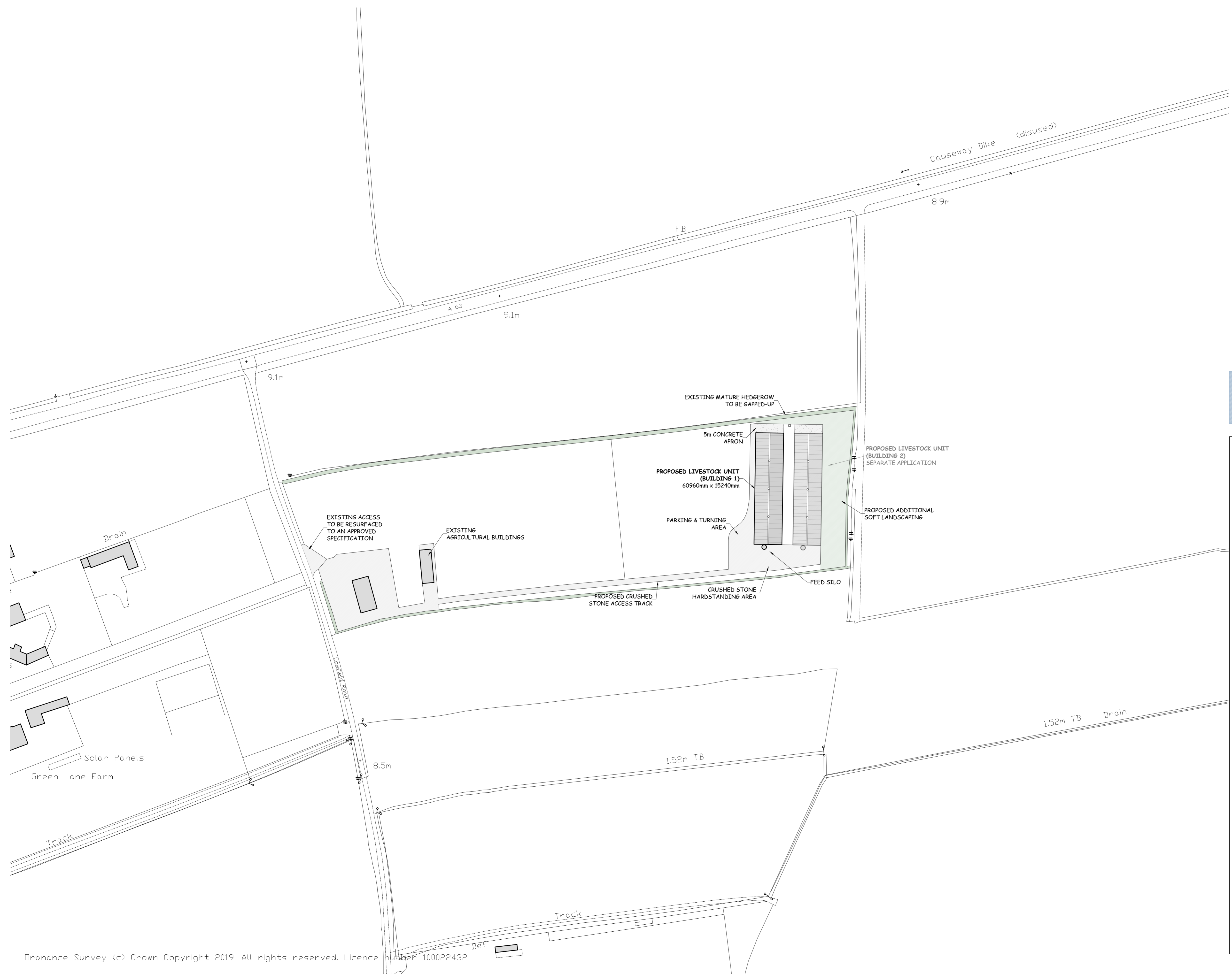
Land off Lowfield Road, Hillam
2020/0631/FUL



Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings © Crown Copyright
Selby District Council Licence No. 100018656
This copy has been produced specifically for Planning and Building Control purposes only.
No further copies may be made.



This page is intentionally left blank



IAN PICK ASSOCIATES LTD
Specialist Agricultural & Rural Planning Consultants

Station Farm Offices
Wansford Road
Nafferton
Driffield
East Yorkshire
YO25 8NJ

T : [REDACTED]
E : [REDACTED]
W : www.ianpickassociates.co.uk

CLIENT
Mrs J Thorpe
7 Harvesters Way
South Milford
Leeds
LS25 5GB

JOB TITLE
Proposed Livestock Unit
(Building 1)
DWG. TITLE
Site Plan A1

SCALE 1=500
DRN SH

DWG. NUMBER
IP/JT/02

DATE Jun 20
REV -

This page is intentionally left blank



Report Reference Number: 2020/0631/FUL

To: Planning Committee
Date: 12 May 2021
Author: Jenny Tyreman (Assistant Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2020/0631/FULM	PARISH:	Monk Fyston Parish Council
APPLICANT:	Mrs Thorpe	VALID DATE:	19th June 2020
		EXPIRY DATE:	18th September 2020
PROPOSAL:	Erection of a livestock building with associated infrastructure (building 1 of 2)		
LOCATION:	Land Off Lowfield Road Hillam Leeds West Yorkshire		
RECOMMENDATION:	GRANT		

This application has been brought before Planning Committee as the application is a major application where 10 or more letters of representation have been received which raise material planning considerations and where Officers would otherwise determine the application contrary to these representations. Furthermore, the ward councillor for the area where the proposal lies, Cllr John Mackman, has requested the application to be heard by Planning Committee for the following reason(s):

- Significant highway safety issues/traffic routing/single track road without passing places. Previous planning appeals dismissed on this road and its junction with A63.
- Impact on nearby Green Belt and openness.
- Noise issues.
- Odour issues.
- Lack of consultation with the Environment Agency and nitrate protection area.
- Cumulative impacts.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located outside the defined development limits of any settlements and is therefore located within the open countryside.
- 1.2 The application site comprises part of an agricultural field to the south side of the A63 between Monk Fryston and Hambleton, which is accessed from Lowfield Road to the west. To application site is surrounded by agricultural fields to the immediate north, east and south; with Lowfield Road to the west, beyond which are a small cluster of properties set within agricultural fields.
- 1.3 The applicant owns a block of agricultural land extending to 6.4 acres, which includes the application site and the land to the west up to where it meets Lowfield Road. At present the applicant farms the land with operations extending to mixed livestock activities. To facilitate this use there is a general-purpose agricultural building, a polytunnel and an associated area of hardstanding sited to the west of the agricultural land within the applicant's ownership, adjacent to Lowfield Road.

The Proposal

- 1.4 The application seeks full planning permission for the erection of a livestock building, to be used as a pig rearing and finishing unit, with associated infrastructure. The proposed livestock building would be orientated on a north-south axis and would measure approximately 60.9 metres in length by 15.2 metres in width and would have a pitched roof with eaves to a height of approximately 4.3 metres above ground floor level and ridge to a height of approximately 6.2 metres above ground floor level. The external construction of the building would be concrete panels and adjustable gale breaker curtains in juniper green with Yorkshire boarding cladding to the gable ends for the external walls; and fibre cement sheeting in standard grey for the roofs. To the north of the building would be a concrete pad to be used as a manure pad, which would be enclosed within a catchment drain, with dirty water being collected within a sealed concrete tank beneath. To the south of the building would be an area of hardstanding for parking, turning, and manoeuvring. An access road would run adjacent to the southern boundary of the site and join with Lowfield Road to the west, where access would be taken from the highway.
- 1.5 The proposed livestock building would house 950 pigs on a straw based high welfare rearing system. Piglets would be delivered to the site immediately following weaning at 28 days old (7kg) and would be reared within the building for approximately 20 weeks until they reach finished weight (105kg), when they would be removed from the site. The proposed unit would operate on an all-in/all-out system, with 2.2 batches of pigs per annum (including time for cleaning and washing out of the building).
- 1.6 The building, inside, would be subdivided down the centre and split into pens either side of a central wall. The fitting out of the building would include an automated auger feeding system, together with nipple drinkers. Ventilation within the building would be based on high velocity ridge mounted fans, utilising gale breaker adjustable curtains in the side of the building to control airflow. The layout of the building would include a straw bedding area and a dunging area – the dunging area

being in the form of a scrape through passage. Manure deposited within the dunging area would be scraped on a daily basis onto the concrete manure pad to the north of the building. Dirty water would be collected within a sealed concrete tank beneath. Manure would be removed once per week via a tractor and trailer. Dirty water from the tank would be removed as and when necessary, via a vacuum tanker.

- 1.7 It should be noted that application reference 2020/0650/FUL seeks planning permission for an identical building on the adjacent site.

Relevant Planning History

- 1.8 The following historical applications are considered to be relevant to the determination of this application.
- 1.9 An application (reference 2010/0386/COU) for the change of use of land to show peoples quarters was refused planning permission at appeal on 21.10.2011.
- 1.10 An application (reference 2016/0406/FUL) for the proposed erection of a 10m x 20m agricultural shed was granted planning permission on 19.07.2016.
- 1.11 An application (reference 0439/S73) to remove condition 3 (use restriction) of planning permission reference 2016/0406/FUL for the proposed erection of a 10m x 20m agricultural shed was granted planning permission on 20.09.2019.
- 1.12 A retrospective application (reference 2019/0440/FUL) for the erection of a polytunnel for agricultural use was granted planning permission on 20.09.2019.

2. CONSULTATION AND PUBLICITY

- 2.1 **Monk Fryston Parish Council** – Initial response dated: 22.07.2020: Object to the proposal based on the following observations:

- Applications for this development have been disaggregated. The other relevant application reference number is 2020/0650/FULM. These prejudices the impact of the development should two applications be successful. The two related applications should be considered in conjunction with each other and not in isolation. If officers are minded to approve both applications, then a full impact assessment of both applications should be carried out before determination of the application.
- Note that access to and from the site will not be via the A63. The road splays here are not sufficient to allow a safe exit for the HGVs and heavy traffic that this development will require. The Parish Council undertook a highways survey in this area back in 2010. The results of this survey confirmed that the A63 entrance to Lowfield Road was not suitable for heavy goods traffic (HGV's).
- Observed on the proposed layout plan that the site roads and splays are not designed to guide the traffic in a Southerly direction along Lowfield Road. The indicated site splays will encourage the vehicles in a Northerly direction to the A63 which would result in unsafe access and egress to and from the A63. If Officers are minded to approve this application, then it should be a condition that the entrance splays should be designed so that the vehicles are directed South along Lowfield Road. In addition, the internal road and turning areas should be placed along the

Northern boundary not the Southern boundary in order to facilitate this requirement. A redesigned site layout should be submitted confirming this detail. Signage on Lowfield road should be placed opposite the entrance to show the direction of exit from the site.

- Note that for an enterprise of this size it should be expected that living accommodation for a site manager would be required. The conclusion that the Parish Council draws from the lack of such an application is that site accommodation is not required. If officers are minded to approve this application, it should be on the condition that no further buildings should be erected as this will be over development of the site and cause additional traffic.
- Are of the view that Lowfield Road is not suitable for HGVs. It is around 2 metres wide and the road surface is in an extremely poor condition. Would like to highlight that the next road available for public traffic is Fox Lane, Hambleton. This road has been identified as not suitable for HGVs. Lowfield Road is significantly narrower than Fox Lane, Hambleton. Lowfield Road should be designated as unsuitable for HGVs. If Officers are minded to approve this application, then it should be on the condition that Lowfield Road should be upgraded to accommodate HGVs. These works should be completed prior to any site works commencing.
- Consider that the traffic plan is seriously deficient in its detail. Due to this deficiency, it is difficult to make an accurate assessment of the impact of the traffic in the local area and on the villages of Monk Fryston and Hillam. If officers are minded to approve this application, then a full end to end transport plan should be provided for each barn and the combined barns.
- Concerned that within the application there is no mention of slurry disposal. The applicant has not detailed how the slurry will be stored during the restricted period when it is not permissible to spread slurry onto the land. The process of deep straw bedding is to keep topping it up and mucking out is carried out at the end of each batch. The Parish Council is of the view that the applicant has grossly underestimated the vehicle movements for muck disposal. The Parish Council notes that the land for the application is not sufficient to facilitate spreading so all the muck will have to be transported off site. If officers are minded to approve this application a full site waste disposal plan should be provided and approved by a competent person.
- Concerns about the animal health and welfare of this pig rearing proposal. Piglets that are separated from their mothers and kept in pens are known to suffer high levels of stress and behaviour problems. These pigs will not have any outdoor access or experience fresh air. The design statement states it is non-intensive farming, but there is no evidence of this in the application. There are key welfare concerns for pigs outlined by the RSPCA (<https://www.rspca.org.uk/adviceandwelfare/farm/pigs/keyissues>), none of which have been addressed in the design statement. The statement states it is high welfare on the basis that straw will be used, but there are many other considerations that need to be made (details can be found here <https://www.ciwf.org.uk/media/5235118/The-life-of-Pigs.pdf>)
- Appreciate that we are in a rural community and that activities such as shown in the application are considered part and parcel of a rural environment. However, such applications must be appropriate and sustainable according the local infrastructure and facilities. The Parish Council is of the view that this application is not

sustainable or appropriate to the existing infrastructure and local facilities. If officers are minded to approve, then the Parish Council would appreciate it if the conditions requested are considered.

Further response dated 22.01.2021: The concerns expressed in the Parish Council's objection dated 22.07.2020 have given rise to the Parish Council obtaining two reports:

- (1) 'Proposed Pig Unit Commentary' – compiled by an independent pig consultant with over 35 years of management experience in the pig industry; and
- (2) 'Access Appraisal Report' – from Sanderson Associates, who provide consultancy services on highways and traffic safety.

The reports amplify the initial reasons for objection as follows:

- *The suitability of the location for such an intensive operation.* The Pig Unit Commentary Report highlights why the Parish Council considers that the intensity of the operation makes this location unsuitable for the proposed development. The proposal is for pig units of significant scale. Because the development is not co-located with a wider arable farm, virtually everything that is brought to the site will have to be taken off it. The commentary forecasts that there will be potentially 332 visits (664 traffic movements) to the site per year by lorries and tractor/trailer/tanker combinations to facilitate this investment. This is approximately three times the number of heavy vehicle movements suggested by the applicant's Design & Access Statement with around 25% of them made by articulated lorries.
- *The lack of a full and comprehensive waste disposal plan.* The site will have to process 650 tonnes of manure and an estimated 162 cubic metres of liquid slurry per 20-week batch, which will need to be safely stored during periods when regulations (referred to in the report) prevent manure and slurry from being spread on farmland during the Winter months. The plans fail to show the necessary tanks or their size to facilitate this legal requirement.
- *The suitability of the road and road surface for HGVs.* The Access Appraisal Report illustrates why the route to/from the site via the southern route along Lowfield Road is unsuitable.
- *The lack of a full and comprehensive transportation plan.* The most viable route for heavy vehicles to navigate to/from the primary road network is to take the route along Hillam Common Lane and Austfield Lane. This route has recently been the subject of a highly relevant ruling by the Planning Inspectorate in which the Inspector observed that Austfield Lane: is frequently used by pedestrians (often visiting 'Bert's Barrow' farm shop) and has no footpath provision; is too narrow for two large vehicles to pass side by side and therefore poses a risk of the carriageway being overrun at unsuitable places; and has limited forward visibility, especially at its northern end. Furthermore, a large vehicle entering or exiting Austfield Lane at the A63 junction whilst another vehicle is pulling in or out would necessitate other vehicles to sit stationary on the A63, increasing the risk of rear end shunt collisions on what is an extremely busy road. The route is therefore not fit for the purpose of carrying additional HGV traffic to such an extent that the author of the report is of the opinion that in the interests of highway safety and the protection of the free flow of traffic this planning application should be refused. In addition to

the Access Appraisal Report has highlighted an issue with the applicant's assertion that access and egress will only be in a Southerly direction. The issue arises not least because "sat nav" systems will direct drivers to use the most direct route off the A63 but also because the configuration of the proposed site layout favours Northerly vehicle movements rather than Southerly ones, particularly for large vehicles. The concern is that there will be nothing to prevent this happening because the proposed soft measures to encourage traffic to access the site to/from the south will be insufficient to prevent use of the Lowfield Road/A63 junction. Such use of the Lowfield Road/A63 junction is dangerous because a) it is narrow and has inadequate sight lines and b) the relevant stretch of the A63 is frequently used for overtaking and has particularly fast-moving traffic.

Further response dated 20.03.2021: Object to the proposal based on the following observations:

- The applicant has submitted a revised Design and Access Statement that includes a significant increase in the projected number of vehicle movements over and above the original projections. It is considered that Lowfield Road is not suitable for use by any large or heavy vehicles and it is certainly not suitable for the numbers now being stipulated.
- Photographs provided showing the deterioration being caused in the make up of the road by the vehicular movements associated with existing users. They illustrate how the outside edges of the road are sinking into the soft margins which in turn are being churned. They illustrate how the carriageway is breaking up and becoming increasingly potholed. The road is neither wide enough for large vehicles nor of a suitable make up for heavy vehicles. With no kerb structure in place to retain the road base, the substrate is already in what can only be a progressive and continuous cycle of deterioration.
- The intention is now to run on average 6 HGVs per week in and, as a consequence, out of Lowfield Road over 52 weeks of the year. It is inevitable that the road will deteriorate rapidly under the strain such vehicles will impose on the existing fabric. The view of the applicant that these movements will have a 'negligible impact on the local highway' is not accepted.
- Photographs provide showing that the junction cannot even properly accommodate the current vehicle usage, which is significantly less both in number of movements and size of vehicles than those proposed by the applicant. The photographs show that the margins are being churned up beyond the current carriageway makeup to such an extent that two service boxes, originally safely within the soft verges, are now in jeopardy.

2.2 **Hillam Parish Council** – Raise the following concerns:

- There is a concern that this is the industrialisation of agricultural land: a) The Landscape and Visual Impact report itself explains that the key characteristics of the area (NCA 39) are: *"A low-lying, predominantly flat landscape, with large, regular and geometric arable fields without hedges but divided by ditches and dykes, many of which form important habitats and key corridors for species movement"* - 2 x 61 metre long and 6 metre high barns and associated buildings will have significant visual impact. Also *"Much of the land is at or below mean high-water mark and maintained by drainage, with fertile soils giving rise to one of the most productive areas for root crops and cereals"* which is what is predominant view

is - again the proposed barns will change that landscape significantly. b) The 'Zone of Theoretical Visibility' map, presented in the Landscape and Visual Impact report indicates that the majority of Monk Fryston, Hillam and Hambleton settlements have a 'potential view' which suggests the 'Visual receptor sensitivity' being graded as 'Medium' is incorrect, as the Visual Receptor Sensitivity satisfies the description for 'High' as well as 'Medium', i.e. residents, those using public rights of way, and *"communities where the development results in changes in the landscape setting or valued views enjoyed by the community"*- there is a bench on Common Lane in Hambleton, placed specifically for the view, that looks directly across at the proposed location.

- The odour report is based on meteorological data from Leeds Bradford Airport - a different topography, we would prefer to see one done in the Monk Fryston/Hillam/Hambleton area.
- There are concerns regarding potential odour issues when operating at reduced extraction at night.
- The two applications are confusing, why are they submitted separately? Both state the same amount of transport - so the assumption is that it is double the amount of transport i.e., 2 food deliveries per week not 1, same for loads of pigs in and out.
- Lowfield Lane junction with A63 would need widening and reinforcing to allow for transport lorries to swing in.
- Lowfield Lane experiences flooding at junction point to A63 in heavy rain and wet conditions.
- Plans state lorries are to move southwards towards Hillam Common Lane. Plans state Lowfield Lane to have passing places installed, this would be welcomed but there is concern about the viability within the space available. The junction with Hillam Common Lane should also be improved and reinforced to take lorries turning onto assuming the traffic will be using this junction, and if so which route will lorries be taking to return to the A63?
- Regarding traffic impact; plans suggest traffic will be negligible - but it is the overall traffic through the neighbouring villages that is a problem - a problem that adding further HGV movement to, however negligible, will not help.
- Hillam Common Lane, Lowfield Lane and Austfield Lane are already crumbling from heavy traffic (Viners HGV's), and Fox Lane would not be suitable for HGV's.
- Noise impact of fans on residents in the area.

2.3 **Landscape Consultant** - These comments apply to both applications (2020/0631/FULM and 2020/0650/FULM). Each application seems to be one of a pair of agricultural buildings. The landscape proposals seem to be the same for both applications, but it would only be expected for them to be implemented once in their entirety for one or both developments. The application details including the LVIA and Soft Landscape Proposals Plan have been reviewed and generally there are no significant concerns or objections. The proposals are fairly typical in style and scale as agricultural buildings and the landscape proposals will provide a sufficient degree of screening. The only recommendation would be that the roof and wall panel colours are muted recessive colours to reduce their visibility (dark green

or brown wall panels, green or anthracite grey roof panels). Details of building colours could be conditioned. The landscape proposals should be implemented in the first available planting season after construction and the initial 5-year plant defect/replacement period should be confirmed by condition.

- 2.4 **Environmental Health** – Initial response dated 08.07.2020: Odour - Local policy plan EMP14 refers only to Intensive livestock operations which are defined as buildings and associated works both for the permanent indoor housing of pigs, poultry or cattle and the temporary housing of such livestock when a slurry system is employed. It states that the unit or any associated structure is a minimum of 800 metres from the defined development limits of any town, and 400 metres from the defined development limits of other settlements. Elsewhere, proposals may be acceptable within 400 metres of an occupied property but not nearer than 100 metres in even the most exceptional case. National guidance PPS7 refers to all livestock units. It states that permitted development rights do not extend to buildings to be used for the accommodation of livestock or associated structures such as slurry tanks, when built within 400 metres of 'Protected Buildings' (includes most residential and other permanent buildings such as schools, offices, etc). The closest dwellings are understood to be between 400 and 550 metres from the proposed pig units. Furthermore, dispersion modelling within the supporting Odour Assessment (ref: 3300r1 dated 31st March 2020) predicts through a series of algorithms no exceedance of the recommended 3.0 ouE ms-3 at any receptor thus concludes negligible impact, although it is difficult to verify these claims in the absence of software package ADMS-5.2. In view of the above, would recommend the following condition regarding odour: The development hereby permitted shall be carried out in accordance with the supporting Odour Assessment dated 31st March 2020 (ref: 3300r1).

Noise - The applicant has commissioned a Noise Impact Assessment (ref: 2015/R01 dated 29th April 2020). Overall, the assessment has been carried out in accordance with the appropriate methodology, and the use of BS4142:2014 is considered acceptable for pig noise in the absence of sector-specific standard. The assessment is based on 30% night-time extraction capacity whereby only one fan is operational and it is advised that a consequence of utilising a second or third fan during this time period is a greater exceedance (LAr) of existing background levels (LA90,T). Furthermore, the accuracy of the night-time assessment is reliant on pigs sleeping during night-time hours. In view of the above, would recommend the following conditions regarding noise: (1) The development hereby permitted shall be carried out in accordance with the supporting Noise Impact Assessment dated 29th April 2020 (ref: 2015/R01); and (2) 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.

The proposed site falls within a Nitrate Vulnerable Zone (NVZ) as designated by the Environment Agency (EA) and it is therefore recommended that the Environment Agency are consulted on the proposals.

Further responses dated 14.01.2021: Requirement for a Manure Management Plan - This typically applies when the process is subject to an Environmental Permit regulated by the Environment Agency (EA), and the relevant threshold is either

2,000 production pigs (over 30kg) or 750 breeding sows. These applications are for 1900 production pigs and, therefore, is not subject to a permit. Nevertheless, the EA guidance seems to only concern itself with a manure management plan when there are sensitive receptors within 400m and my understanding was that there are no dwellings within this range. However, the guidance does not seek to protect residential amenity but to ensure that Best Available Techniques (BAT) is adopted so I take the point. An example of a recent similar intensive pig farm application within the district is Dam Lane, Thorpe Willoughby (ref: 2012/0485/OUT and before my time) and a manure management was not required in that instance.

Odour report not taking into account manure pad - The manure pad is enclosed within a catchment drain, and dirty water will be collected within a sealed concrete tank beneath. As mentioned in previous comments, it is difficult to verify the odour assessment in absence of the software package used when running the algorithms. Nevertheless, the relevant odour criteria is 3.0 ouE ms⁻³ and the greatest impact is predicted to be <0.5 ouE ms⁻³ (negligible) at the nearest residential receptor. Therefore, it is unlikely that the manure pad would give rise to odour that would amount to exceedance of the criteria. However, in the interest of accuracy, would agree that this should be addressed within the odour assessment.

Market for waste/sufficient storage during periods when regulations prohibit spreading on land and/or when there is no demand - The applicant proposes to remove manure on a weekly basis and the EA would be best placed to advise on the suitability of this. The relevant guidance emphasises that there are legal obligations in this regard, particularly since the site falls within a Nitrate Vulnerable Zone (NVZ). It was previously recommended to consult with the EA.

Further response dated 21.01.2021: The inclusion of manure pads in the odour assessment does not change the outcome of the report. A slight increase in odour emissions is predicted and remains within the relevant odour criteria.

- 2.5 **NYCC Highways** – Initial response dated 30.06.2020: The Highway Authority were consulted at the pre-application stage and did raise its concerns regarding the junction with the A63 and Lowfield Road not being sufficient to safely allow for vehicles associated with the pig rearing business to use this junction. The applicant is however in agreement to the routing of the business being conditioned. However, the following issues need to be addressed: (1) The applicant was advised in the pre-application discussions that passing places along Lowfield Road would be required, given the narrow width of the carriageway. The applicant has mentioned in the Design and Access statement that they are happy for this to be conditioned. However, there is quite a bit of work that will be required to determine whether or not there is sufficient land to actually install the passing places. It is recommended that the initial investigation work is carried out now and submitted for consideration. (2) Please can the applicant provide details of the number of staff the pig rearing business will employ; (3) Please can a plan be submitted showing the proposed parking and turning arrangement for the business? This will need to show that the vehicles, presumably HGV's when bringing in the pigs and removing them from site can turn on site, along with car parking and turning for staff; (4) Please can the applicant also advise what visibility splays are achievable at the access? The splays will need to be in land controlled by the applicant or the Highway Authority.

Further response dated 14.10.2020: Following the submission of further information, there are no highway safety objections subject to conditions relating to: (1) new and altered private access or verge crossing; (2) visibility splays at Lowfield

Road; (3) delivery of off-site highway works; (4) details of access, turning, and parking; (5) construction management plan; (6) routing of vehicles.

Further response dated 14.01.2021: Following the submission of further information on vehicular movements associated with the proposed development, there are no objections to the additional vehicles due to the low amount (1 every 2 weeks), so as long as the original recommendation to provide passing places and preferred route is conditioned, the County Councils position remains the same.

Further response dated: 09.04.2021: Following the submission of representations questioning the vehicle trip figures, the agent/applicant has agreed the original vehicle figures were incorrect and that those provided in the submitted representation are more realistic. As such, advice from the County Council Improvement Manager (IM) and local Highway Officer (HO) for the Selby area was sought and it was concluded that the increase of traffic on Lowfield Road would not be a reason for refusal, as the applicant has agreed to improve the access to the site, provide passing places/localised widening on Lowfield Road and the junction with Hillam Common Lane, which will also be an improvement for all highway users on Lowfield Road. Therefore, no objections subject to conditions relating to: (1) new and altered private access or verge crossing; (2) visibility splays at Lowfield Road; (3) delivery of off-site highway works; (4) details of access, turning, and parking; (5) construction management plan; (6) routing of vehicles.

2.6 **Yorkshire Water Services Ltd** – No response.

2.7 **Selby Area Internal Drainage Board** - If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year. If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow. If the surface water is to be discharged to any ordinary watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission, and would be restricted to 1.4 litres per second per hectare or greenfield runoff. No obstructions within 9 metres of the edge of an ordinary watercourse are permitted without Consent from the IDB.

2.8 **SuDS and Development Control Officer** – No response.

2.9 **The Environment Agency (Liaison Officer)** – Providing a formal response is not within our remit as the applications do not meet the criteria in our consultation checklist for intensive farming. However, have the following advice: Consider that the process described is acceptable. The applications are proposing an impermeable surface and an underground slurry which, as long as it is big enough to hold six-month slurry storage, we would consider adequate. The weekly removal of manure has to do with the farm management and it is not out of the ordinary. Manure can't stay inside the building for long as the ammonia level will start to irritate the livestock. For you to consider if the storage tank was adequate, you would require confirmed storage capacity and slurry calculations. Attached advice and guidance on Nitrate Vulnerable Zone storage requirements.

2.10 **County Ecologist** - The land on which the livestock unit and access track would be located is agriculturally-improved grassland of low value for biodiversity and no threats to protected species have been identified. The ecological appraisal is very thorough but in places it offers general guidance to the applicant rather than an assessment of the actual development proposal. For example, it provides useful advice on reducing ecological impacts of external lighting but it's unclear how this relates to the application since the drawings submitted do not appear to show any external lighting. Some of the recommendations contained in the report are over and above what we would usually expect for a development where no specific nature conservation issues have been identified, e.g. finger-tip search prior to site clearance. Equally the hedgerow and woodland planting that's proposed is likely to be substantially more valuable than installing hedgehog boxes. For this reason we suggest an informative that the applicant should consider the recommendations contained in the ecological appraisal rather than a condition requiring strict adherence. The detailed landscaping proposals found in the LVIA plan will achieve useful net gain for biodiversity by strengthening the northern boundary hedgerow, providing new hedgerow trees and an area of native-species planting wrapping around the eastern end of the proposed livestock unit. I would query whether Silver Birch is suitable as a hedgerow shrub but otherwise the planting mixes are appropriate to the area.

2.11 **Natural England** – Initial response dated 06.07.2020: Natural England is not able to assess this case as there is insufficient information provided in relation to air quality impacts. Manure stores, slurry lagoons and livestock sheds are a major source of emissions of ammonia which is directly toxic to vegetation and especially to lower plants (mosses, liverworts and lichens). Ammonia is also a major contributor to the deposition of nitrogen, which reduces habitat biodiversity by promoting the growth of a relatively small number of the more vigorous plant species which then out-compete the other species present. Our Impact Risk Zones¹ have identified that interest features of designated sites North York Moors, Robin Hoods Bay: Maw Wyke to Beast Cliff, Biller Howe Dale and Newtondale Sites of Special Scientific Interest may be sensitive to impacts from aerial pollutants, such as those emitted from this proposed development. The consultation documents provided do not include any assessment of air quality impacts. In order for us to advise on this case an initial screening for air quality impacts should be completed. Simple screening tools are available via the internet, such as the Simple Calculation of Atmospheric Impact Limits (SCAIL) model: <http://www.scail.ceh.ac.uk/>. The results of this screening should inform the need for any further, more detailed assessment which may be required to fully assess the impacts of the proposal. Where screening results indicate a more detailed assessment is necessary this should be carried out and completed prior re-consulting Natural England. Natural England has not considered any other matters at this stage. We will provide advice on all relevant matters upon receipt of this information.

Further response dated 11.09.2020: Following the submission of the further information requested, no comments.

2.12 **North Yorkshire Bat Group** – No response.

2.13 **Yorkshire Wildlife Trust** – No response.

2.14 **Designing Out Crime Officer** – No comments.

- 2.15 **North Yorkshire Fire & Rescue Service** - The proposals/plans should demonstrate compliance with the requirement B5 of Schedule 1 to the Building Regulations 2010 (as amended), access and facilities for the fire service. ADB B5, Section 15 Vehicle access, 15.1 a) or b), and 15.10 & Table 15.2 Road access and construction. And the following: ADB B5 Section 16 Provision of Hydrants, 16.8, or 16.12 and 16.13 Alternative supply of water.
- 2.16 **Public Rights of Way Officer** – No response.
- 2.17 **HER Officer** - There are no known archaeological sites in the area indicated or within the immediate vicinity. No objection to the proposal.
- 2.18 **Neighbour Summary** – All immediate neighbours were informed by neighbour notification letter; a site notice was erected; and an advert placed in the local press.
- 2.19 Forty-four letters of representation have been received as a result of this advertisement of the application, three of which support the application and thirty-three of which object to the application.
- 2.20 The three letters of support are from residents of Castleford, Pontefract and Monk Fryston (one of whom is believed to be the applicant) with reasoning for support being as follows:
- The application site is 2 miles from the village.
 - The application site is on agricultural land.
 - The proposal meets current planning policy.
 - We need more local produce.
- 2.21 The forty-one letters of objection (six of which are duplicates) are from residents of Monk Fryston (20), Hillam (13), Birkin (2), Drighlington (2), Dewsbury (2) and Upper Batley (2). These raise concerns in respect of:
- The impact of odour and noise from the proposed development, particularly in the context of the proximity of the development to neighbouring properties and the villages of Hillam and Monk Fryston.
 - The submitted odour report omitting reference to the manure pad and the spreading of manure on surrounding agricultural land.
 - Insufficient explanation surrounding slurry and waste management.
 - The lack of a manure management plan.
 - The potential of the development to overlook neighbouring properties and impact on the health and wellbeing of the occupants of neighbouring properties.
 - Bio-hazard protection measures associated with the proposed development.
 - The impact of the proposals on the openness of the adjacent Green Belt.
 - The impact of the proposal on highway safety and inaccurate traffic figures being included within the submitted documents.
 - Animal welfare issues.
 - Flood risk and drainage.
 - The impact of the proposals on the horses at the adjacent site.
 - The disaggregation of the applications.

3 SITE CONSTRAINTS

Constraints

- 3.1 The application site is located outside the defined development limits of any settlements and is therefore located within the open countryside.
- 3.2 The application site is located within Flood Zone 1, which has a low probability of flooding.

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. 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

- SP13 – Scale and Distribution of Economic Growth
- 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
- ENV2 – Environmental Pollution and Contaminated Land
- EMP13 – Control of Agricultural Development
- EMP14 – Intensive Livestock Units
- T1 - Development in Relation to Highway
- 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
- Design and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Impact on Highway Safety
- Flood Risk and Drainage
- Nature Conservation and Protected Species
- Other Issues

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...” and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 11 of the NPPF.

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

5.4 Policy SP2A (c) of the Core Strategy states “Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances”.

5.5 Policy SP13C of the Core Strategy states, “In rural areas, sustainable development (on both Greenfield and Previously Developed Sites) which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported, including for example (amongst other things) the development of well-designed new buildings; the diversification of

agriculture and other land based rural businesses". Policy SP13D of the Core Strategy states, "In all cases development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity".

- 5.6 Policy EMP13 of the Selby District Local Plan supports agricultural development in principle and states "Agricultural development will be permitted provided the proposal: (1) Is necessary for agricultural purposes; (2) Is well related to existing farm buildings or situated on a site which minimises its visual impact; (3) Would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity; (4) Is of a scale and design appropriate to its setting; (5) Is adequately screened and landscaped; and (6) Would not harm acknowledged nature conservation interests or a historic park or garden".
- 5.7 Policy EMP14 of the Selby District Local Plan refers only to intensive livestock operations which are defined as buildings and associated works both for the permanent indoor housing of pigs, poultry or cattle and the temporary housing of such livestock when a slurry system is employed. It states "Proposals for new intensive livestock units or the extension of intensive livestock units will only be permitted where: (1) The proposal satisfies the requirements of Policy EMP13 as an acceptable form of agricultural development; (2) The unit or any associated structure is a minimum of 800 metres from the defined development limits of any town, and 400 metres from the defined development limits of other settlements. Elsewhere, proposals may be acceptable within 400 metres of an occupied property but not nearer than 100 metres in even the most exceptional case, depending on the particular circumstances and the number of properties affected; and (3) The operation of the unit, either individually or cumulatively with existing livestock units in the locality, would not have a significant adverse effect on residential amenity or unreasonably constrain further residential development in a settlement".
- 5.8 The proposed development is considered to result in the construction of a well-designed new building of an appropriate scale, which would contribute towards and improve the local economy, and enhance or maintain the vitality of rural communities, in accordance with Policies SP2 and SP13 of the Core Strategy. Furthermore, the proposed use of the livestock building as a pig rearing and finishing unit would mean it would be necessary for agricultural purposes in accordance with Policies EMP13 and EMP14 of the Selby District Local Plan. Having regard to the above, it is considered that the principle of the development is acceptable. The following sections of this report will go onto consider the impacts of the development.

Design and Impact on the Character and Appearance of the Area

- 5.9 Policy EMP13 of the Selby District Local Plan sets out that agricultural development will be permitted provided, in relation to its design and impact on the character and appearance of the area, a) the proposal is well related to existing farm buildings or situated on a site which minimises its visual impact; b) the proposal is of a scale and design appropriate to its setting; c) the proposal is adequately screened and landscaped; and d) the proposal would not create conditions prejudicial to highway safety or which would have a significant adverse impact on local amenity. Policy ENV1 of the Selby District Local Plan and Policies SP18 and SP19 of the Core Strategy also relate to the design and impact on the character and appearance of the area of proposals.

- 5.10 The submitted plans demonstrate that the proposed livestock building would be sited to the eastern end of the extent of the applicant's agricultural land, which extends to approximately 6.4 acres. It is noted that there is already a general-purpose agricultural building, a polytunnel and an associated area of hard standing sited to the west of the agricultural land within the applicant's ownership, adjacent to Lowfield Road. Therefore, the proposed agricultural buildings would be sited in an isolated location away from these existing farm buildings. However, the submitted Design and Access Statement, prepared by Ian Pick Associates Ltd, states that the siting of the proposed livestock building away from the existing buildings is to ensure no loss of residential amenity to the nearby properties and businesses, to the west side of Lowfield Road. Where an agricultural building is not related to existing farm buildings (which this is not) it must be demonstrated that it is situated on a site which minimises its visual impact. In this respect, a Landscape Visual Impact Assessment, prepared by LIVA Ltd, has been submitted as part of the application. It should be noted that this considers the cumulative impact of the two proposed livestock buildings – the one proposed under this application and the one proposed under application reference 2020/0650/FUL. This concludes that the scale and nature of the development and its juxtaposition to other agricultural development will have a medium landscape character sensitivity and the magnitude of change is small; therefore resulting in a level of landscape effect of minor (i.e. not a material change). This is subject to mitigation measures including: native tree and hedgerow planting to the site boundaries; management and maintenance of existing surrounding hedgerow and trees; and the use of materials for the external envelope of the buildings which minimise potential visual intrusion and follows the local vernacular to aid visual blending; all which have been incorporated into the proposals. The Council's Landscape Architect has been consulted on the proposals and has reviewed the Landscape Visual Impact Assessment. The Landscape Architect has advised that they have no significant concerns or objections to the proposal, including in relation to the siting and visual impact of the proposal. He advises that the proposals are fairly typical in style and scale as agricultural buildings, and the landscape proposals will provide a sufficient degree of screening. The materials to be used in the external construction of the building are considered appropriate and can be conditioned. Furthermore, the landscape proposals can be conditioned to be implemented in the first available planting season after construction, as can the initial 5-year plant defect/replacement period.
- 5.11 The impact of the proposals on highway safety will be considered later in this report, however, having regard to the anticipated number and type of traffic movements to and from the site, it is not considered that these would result in any significant adverse impact on the character of the area. In addition, the applicant has confirmed that no external lighting is proposed, therefore this would not have the potential to result in any significant adverse impact on the character of the area. A condition could be attached to any planning permission granted that no external lighting shall be installed at the site unless details of such lighting are first submitted to and approved in writing by the Local Planning Authority in the interests of the character and appearance of the area.
- 5.12 Having regard to the above, it is considered that the design and impact of the proposal on the character and appearance of the area would be acceptable in accordance with Policies ENV1 and EMP13 of the Selby District Local Plan, Policies SP18 and SP19 of the Core Strategy and national policy contained within the NPPF.

Impact on Residential Amenity

- 5.13 Policy EMP13 of the Selby District Local Plan sets out that agricultural development will be permitted provided, in relation to residential amenity, there would be no significant adverse effect on local amenity. Policy EMP14 of the Selby District Local Plan, although referring only to intensive livestock operations which are defined as buildings and associated works both for the permanent indoor housing of pigs, poultry or cattle and the temporary housing of such livestock when a slurry system is employed (which is not the case here) sets out that proposals for new intensive livestock units will only be permitted provided, in relation to residential amenity, the unit or any associated structure is a minimum of 800 metres from the defined development limits of any town, and 400 metres from the defined development limits of other settlements. Elsewhere, proposals may be acceptable within 400 metres of an occupied property but not nearer than 100 metres in even the most exceptional case, depending on the particular circumstances and the number of properties affected. Policies ENV1 and ENV2 of the Selby District Local Plan also relate to the effect of proposals on amenity.
- 5.14 The application site is in excess of 800 metres from the defined development limits of any town, in excess of 400 metres from the defined development limits of other settlements (such as Monk Fryston, Hillam and Hambleton) and while there are curtilages of residential properties within 400 metres of the application site, siting of actual residential properties is 400 metres or in excess of 400 metres of the siting of the proposed building. There are no residential properties within 100 metres of the application site.
- 5.15 The application has been supported by an Odour Assessment, prepared by Redmore Environmental, and a Noise Impact Assessment, prepared by Matrix Acoustic Design Consultants. It should be noted that these consider the cumulative impact of the two proposed livestock buildings – the one proposed under this application and the one proposed under application reference 2020/0650/FULM.
- 5.16 The Odour Assessment sets out that odour emissions from the proposed development (namely from the ridge mounted fans and side wall openings) have the potential to cause impacts at sensitive locations, therefore an odour assessment has been undertaken to quantify the effects in the vicinity of the proposed development. Potential odour releases were defined based on the size and nature of the proposed rearing unit. Impacts at sensitive receptors were quantified using dispersion modelling, the results compared with the relevant odour benchmark level and the significance assessed in accordance with the appropriate guidance. Predicted odour concentrations were below the relevant odour benchmark level at all sensitive locations in the vicinity of the site for all modelling years. In addition, resultant impacts were classified as not significant at all receptors in accordance with the stated criteria. As such, the Odour Assessment concludes that the potential odour emissions from the unit are not considered to represent a constraint to the proposed development.
- 5.17 The Noise Impact Assessment has determined the typical background noise levels at the nearest residential properties to the proposed development and has assessed noise emissions from plant and livestock as a result of the proposed development in accordance with BS4142:2014. It has been calculated that the noise impact from plant and livestock during the day and evening would be low and during the night would be negligible. On this basis, the Noise Impact Assessment

concludes that the proposed development will not result in an adverse noise impact at the nearest residential properties, such that on noise grounds it is acceptable.

- 5.18 The Council's Environmental Health Officer (EHO) has been consulted on the proposals and has reviewed the Odour Assessment and the Noise Impact Assessment.
- 5.19 In terms of odour, the Council's EHO has advised "*The closest dwellings are understood to be between 400 and 550 metres from the proposed pig units. Furthermore, dispersion modelling within the supporting Odour Assessment (ref: 3300r1 dated 31st March 2020) predicts through a series of algorithms no exceedance of the recommended 3.0 ouE ms-3 at any receptor thus concludes negligible impact, although it is difficult to verify these claims in the absence of software package ADMS-5.2*". In view of the above, the Council's EHO raises no objections to the proposal in respect of odour, but recommends a condition is attached to any planning permission granted requiring the development to be carried out in accordance with the submitted Odour Assessment.
- 5.20 Following a number of letters of representation being submitted raising the fact that the submitted Odour Assessment does not take account of the manure pad to the north of the proposed buildings, which would be a source of odour, the Council's EHO has provided further comments on the application. They have advised "*The manure pad is enclosed within a catchment drain, and dirty water will be collected within a sealed concrete tank beneath. As mentioned in previous comments, it is difficult to verify the odour assessment in absence of the software package used when running the algorithms. Nevertheless, the relevant odour criteria is 3.0 ouE ms-3 and the greatest impact is predicted to be <0.5 ouE ms-3 (negligible) at the nearest residential receptor. Therefore, it is unlikely that the manure pad would give rise to odour that would amount to exceedance of the criteria. However, in the interest of accuracy, it is agreed that this should be addressed within the odour assessment*".
- 5.21 An updated Odour Assessment was submitted on 21 January 2021 for consideration, which takes into account the manure pad to the north of the buildings. The Council's EHO has reviewed this and has advised that the inclusion of manure pads in the odour assessment does not change the outcome of the report. A slight increase in odour emissions is predicted and remains within the relevant odour criteria.
- 5.22 A number of representations have also been submitted raising concerns around the lack of a manure management plan. The Council's EHO has been consulted on this matter and has advised "*This typically applies when the process is subject to an Environmental Permit regulated by the Environment Agency, and the relevant threshold is either 2,000 production pigs (over 30kg) or 750 breeding sows. This application is for 1900 production pigs and, therefore, is not subject to a permit. Nevertheless, the Environment Agency guidance seems to only concern itself with a manure management plan when there are sensitive receptors within 400m and my understanding was that there are no dwellings within this range. However, the guidance does not seek to protect residential amenity but to ensure that Best Available Techniques (BAT) is adopted. An example of a recent similar intensive pig farm application within the district is Dam Lane, Thorpe Willoughby (ref: 2012/0485/OUT and before my time) and a manure management was not required in that instance*". Given the above, Officers do not consider it to be reasonable or

necessary to attach a condition requiring a manure management plan to any planning permission granted.

- 5.23 In terms of noise, the Council's EHO has advised "*Overall, the assessment has been carried out in accordance with the appropriate methodology, and the use of BS4142:2014 is considered acceptable for pig noise in the absence of sector-specific standard. The assessment is based on 30% night-time extraction capacity whereby only one fan is operational and I would advise that a consequence of utilising a second or third fan during this time period is a greater exceedance (LAr) of existing background levels (LA90,T). Furthermore, the accuracy of the night-time assessment is reliant on pigs sleeping during night-time hours*". In view of the above, the Council's EHO raises no objections to the proposal in respect of noise, but recommends two conditions are attached to any planning permission granted: the first requiring the development to be carried out in accordance with the submitted Noise Impact Assessment; and the second requiring the cumulative level of sound associated with the proposed development, when determined externally under free-field conditions, to not exceed the representative background sound level at nearby sensitive receptors.
- 5.24 Having regard to the above, it is considered that the impact on residential amenity would be acceptable in accordance with Policies ENV1, ENV2 and EMP13 of the Selby District Local Plan and national policy contained within the NPPF.

Impact on Highway Safety

- 5.25 The proposed development would be accessed from Lowfield Road to the west, via an existing farm access which would be upgraded as part of the proposals. All traffic is proposed to be routed southwards along Lowfield Road from the site towards Hillam Common Lane, thus avoiding the existing junction with the A63 to the north. Three passing places would be installed on Lowfield Road (on land which has been confirmed to be Highway Maintainable at Public Expense), as shown on drawing no. IP/JT/05 REV B. For vehicles to access the site from the A63, or vice versa, the applicant has advised that they could be routed either east via Gateforth, or west via Hillam, which could be conditioned as considered appropriate.
- 5.26 In terms of traffic movements associated with the proposed development; the original Design and Access Statement submitted with the application advised as follows. It should be noted that these figures relate to the operation of two proposed livestock buildings – the one proposed under this application and the one proposed under application reference 2020/0650/FUL.
- Pig Delivery – 1 artic lorry per batch, with 2.2 batches per annum.
 - Finished Pig Removal – 2 artic lorries per week, during weeks 17-20 of each batch.
 - Feed Delivery – 1 per week, via artic lorry or rigid lorry.
 - Manure Removal – 1 per week, via tractor & trailer.
- 5.27 Following a number of letters of representation being submitted raising concerns over an underestimation of the traffic movements associate with the proposed development, the applicant advised that in addition to those set out within the original Design and Access Statement, there would also be the following:
- Removal of liquid waste – 2 per annum via vacuum tanker.
 - Delivery of fresh straw – 2 per month via straw trailer.

- 5.28 Inspections, drug deliveries, vet visits, equipment maintenance, attendance by staff etc. are all considered to result in traffic movements of a minimal scale and are argued to already be present at the site in relation to the existing operations.
- 5.29 North Yorkshire County Council Highways were consulted on the proposals on the above basis and advised that they had no highway safety concerns regarding the proposals, subject to conditions relating to (1) new and altered private access or verge crossing; (2) visibility splays at Lowfield Road; (3) delivery of off-site highway works; (4) details of access, turning, and parking; (5) construction management plan; (6) routing of vehicles to the A63 via Gateforth.
- 5.30 Subsequently the Parish Council submitted a further objection which contained two reports: (1) 'Proposed Pig Unit Commentary' – compiled by an independent pig consultant with over 35 years of management experience in the pig industry; and (2) 'Access Appraisal Report' – from Sanderson Associates, who provide consultancy services on highways and traffic safety. In response to the submission of this objection, the agent/applicant agreed the original vehicle figures were incorrect and that those provided in the submitted representation were more realistic – a revised Design and Access Statement with amended traffic movement figures was therefore subsequently submitted.
- 5.31 North Yorkshire County Council Highways were consulted on the revised proposals. Following discussions between the Project Officer (PO), Improvement Manager (IM) and local Highway Officer (HO) at North Yorkshire County Council for the Selby area, it was concluded that the increase of traffic on Lowfield Road would not be a reason for refusal, as the applicant had agreed to improve the access to the site, provide passing places/localised widening on Lowfield Road and the junction with Hillam Common Lane, which will also be an improvement for all highway users on Lowfield Road. Therefore, North Yorkshire County Council Highways have advised they have no highway safety concerns regarding the proposals, subject to conditions relating to: (1) new and altered private access or verge crossing; (2) visibility splays at Lowfield Road; (3) delivery of off-site highway works; (4) details of access, turning, and parking; (5) construction management plan; (6) routing of vehicles.
- 5.32 Having regard to the above, it is considered that the impact on highway safety would be acceptable in accordance with Policies ENV1, EMP13, T1 and T2 of the Selby District Local Plan and national policy contained within the NPPF.

Flood Risk and Drainage

- 5.33 The application site is located within Flood Zone 1, which has a low probability of flooding.
- 5.34 In terms of drainage, the submitted application form sets out that surface water would be disposed of via soakaway and foul sewage would be disposed of via 'other means'. A 'Flood Risk, Surface Water and Foul Drainage Assessment' has been submitted with the application which clarifies that in relation to foul and dirty water, the manure pad to the north of the building would be enclosed within a catchment drain, with dirty water being collected within a sealed concrete tank beneath. This tank would have a capacity of 22,000 gallons (to serve the two proposed livestock buildings – the one proposed under this application and the one proposed under application reference 2020/0650/FULM) with a unit of this size

expected to produce <40,000 gallons of dirty water per annum. The dirty water would be made up of wash out water (from the shed being power washed following each batch) and contaminated rainfall which falls on the manure pad. The tank would be emptied as and when necessary via a vacuum tanker.

- 5.35 The Local Lead Flood Authority, Yorkshire Water and the Internal Drainage Board have been consulted on the proposals. The Local Lead Flood Authority and Yorkshire Water have not provided a response. The Internal Drainage Board have advised that if the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage; it is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year. A condition could be attached to any planning permission granted requiring surface water drainage proposals to be agreed prior to the commencement of development, such that if soakaway testing is undertaken and proven to be a viable option for surface water drainage in this location it can be implemented; while if not an alternative method of surface water drainage would need to be approved.
- 5.36 Having regard to the above, it is considered that the proposals are acceptable in respect of flood risk and drainage in accordance with national planning policy.

Nature Conservation and Protected Species

- 5.37 The application has been supported by a Preliminary Ecological Appraisal (PEA), prepared by Craig Emms, Consultant Ecologist. This sets out that the site is part of a farm and is for the most part, surrounded by arable land and pasture. Habitats on and adjacent to the site include grassland and a hedgerow. There are no ponds on the site and no ponds within 500m of the site. The survey revealed that the site's habitats which will be affected by works are common and widespread and are considered to be of low intrinsic biodiversity value. The site is not of sufficient ecological value to warrant whole-scale protection from development. The PEA provides recommendations which will reduce the risk of harm to any wildlife in the lead up to construction on the site and during the development itself. Proposed ecological enhancements for wildlife include the placement of hedgehog boxes in the bases of hedgerows and the erection of bird and bat boxes on suitable trees within the curtilage of the farm. Once applied and carried out, the PEA sets out that the recommended ecological protection and enhancements will provide assurance that there is no net loss to biodiversity and no unacceptable adverse impact on ecosystem services.
- 5.38 North Yorkshire County Council Ecology have been consulted on the proposal and have reviewed the PEA. They have advised that the land on which the livestock unit and access track would be located is agriculturally improved grassland of low value for biodiversity and no threats to protected species have been identified. While the ecological appraisal is very thorough, in places it offers general guidance to the applicant rather than an assessment of the actual development proposal. For example, it provides useful advice on reducing ecological impacts of external lighting, but the application drawings do not appear to show any external lighting. North Yorkshire County Council Ecology have advised that some of the recommendations contained in the report are over and above what they would usually expect for a development where no specific nature conservation issues have been identified, e.g. finger-tip search prior to site clearance. Equally the hedgerow and woodland planting that is proposed is likely to be substantially more

valuable than installing hedgehog boxes. For this reason, North Yorkshire County Council Ecology suggest an informative is attached to any planning permission granted that the applicant should consider the recommendations contained in the ecological appraisal, rather than a condition requiring strict adherence. The detailed landscaping proposals found in the Landscape Visual Impact Assessment plan will achieve useful net gain for biodiversity by strengthening the northern boundary hedgerow, providing new hedgerow trees and an area of native-species planting wrapping around the eastern end of the proposed livestock unit.

- 5.39 Natural England have been consulted on the proposal and advised, in their initial response, that insufficient information had been provided in relation to air quality impacts. They advised *“Manure stores, slurry lagoons and livestock sheds are a major source of emissions of ammonia which is directly toxic to vegetation and especially to lower plants (mosses, liverworts and lichens). Ammonia is also a major contributor to the deposition of nitrogen, which reduces habitat biodiversity by promoting the growth of a relatively small number of the more vigorous plant species which then out-compete the other species present. Our Impact Risk Zones have identified that interest features of designated sites North York Moors, Robin Hoods Bay: Maw Wyke to Beast Cliff, Biller Howe Dale and Newtondale Sites of Special Scientific Interest may be sensitive to impacts from aerial pollutants, such as those emitted from this proposed development. The consultation documents provided do not include any assessment of air quality impacts. In order for us to advise on this case an initial screening for air quality impacts should be completed. Simple screening tools are available via the internet, such as the Simple Calculation of Atmospheric Impact Limits (SCAIL) model: <http://www.scail.ceh.ac.uk/>. The results of this screening should inform the need for any further, more detailed assessment which may be required to fully assess the impacts of the proposal. Where screening results indicate a more detailed assessment is necessary this should be carried out and completed prior re-consulting Natural England.”*
- 5.40 Following on from the above comments from Natural England, the applicant’s agent has undertaken an initial screening for air quality impacts using the Simple Calculation of Atmospheric Impact Limits (SCAIL) model and submitted this for consideration. The results of ammonia modelling within the additional information provided by the applicant’s agent claim compliance with Natural England guidance. Natural England have been re-consulted on this information and have advised that they have no further comments to make.
- 5.41 Having regard to the above, the proposals are considered to be acceptable in respect of their impact on nature conservation and protected species, in accordance with Policies ENV1 and EMP13 of the Selby District Local Plan, Policy 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.

Other Issues

- 5.42 The proposed development is not located within the Green Belt, however, it is located within close proximity to the Green Belt, which covers land to the opposite side of Lowfield Road and to the north of the A63. As set out in paragraph 145 of the NPPF, buildings for agriculture (such as this one) are considered to be appropriate development in the Green Belt and are therefore not considered to be harmful either to the openness of the Green Belt or to the purpose of including land in the Green Belt (as confirmed in recent case law). Given the above and given the

location of the proposal outside the Green Belt, it is considered that the proposal would not have any significant adverse impact on the openness of the Green Belt.

- 5.43 The proposed building will be used for the housing of livestock and the application site falls within a Nitrate Vulnerable Zone (NVZ) as designated by the Environment Agency. The Environment Agency have confirmed that the proposed development would be located within a NVZ and have provided advice and guidance on NVZ storage requirements. It is considered the proposals meet the requirements set out in the guidance.

6 CONCLUSION

- 6.1 The application site is located outside the defined development limits of any settlements and is therefore located within the open countryside. The application seeks full planning permission for the erection of a livestock building, to be used as a pig rearing and finishing unit, with associated infrastructure.
- 6.2 The application is considered to be acceptable in principle in accordance with the relevant policies of the development plan. The proposed development is considered to result in the construction of a well-designed new building of an appropriate scale, which would contribute towards and improve the local economy, and enhance or maintain the vitality of rural communities, in accordance with Policies SP2 and SP13 of the Core Strategy. Furthermore, the proposed use of the livestock building as a pig rearing and finishing unit would mean it would be necessary for agricultural purposes in accordance with Policies EMP13 and EMP14 of the Selby District Local Plan.
- 6.3 Furthermore, having assessed the proposals against the relevant policies, it is considered that the proposals are acceptable in respect of their design and impact on the character and appearance of the area, impact on residential amenity, impact on highway safety, flood risk and drainage, nature conservation and protected species, and other issues identified.

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:

IP/JT/01 – Location Plan

IP/JT/02 – Layout Plan

IP/JT/03 – Floor Plans and Elevations

IPA1110-SL – Soft Landscape Proposals

IP/JT/05 Rev B – Passing Places

Reason:

For the avoidance of doubt.

03. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be concrete panels and adjustable gale breaker curtains in juniper green with Yorkshire boarding cladding to the gable ends for the external walls; and fibre cement sheeting in standard grey for the roofs (as shown on drawing no. IP/JT/03). Only the approved materials shall be utilised.

Reason:

In the interests of visual amenity and in order to comply with Policies SP18 and SP19 of the Core Strategy and Policies ENV1 and EMP13 of the Selby District Local Plan.

04. The landscaping and tree planting scheme as submitted on drawing no. IPA1110-SL 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 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.

Reason:

In the interests of visual amenity and in order to comply with Policies SP18 and SP19 of the Core Strategy and Policies ENV1 and EMP13 of the Selby District Local Plan.

05. No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to and approved in writing by the Local Planning Authority. 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 SP18 and SP19 of the Core Strategy and Policies ENV1 and EMP13 of the Selby District Local Plan.

06. The development hereby permitted shall be carried out in accordance with the supporting Odour Assessment, prepared by Redmore Environmental, dated 21 January 2021.

Reason:

In the interests of residential amenity and in order to comply with Policies ENV1, ENV2 and EMP13 of the Selby District Local Plan.

07. The development hereby permitted shall be carried out in accordance with the supporting Noise Impact Assessment, prepared by Redmore Environmental, dated 29 April 2020.

Reason:

In the interests of residential amenity and in order to comply with Policies ENV1, ENV2 and EMP13 of the Selby District Local Plan.

08. 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:

In the interests of residential amenity and in order to comply with Policies ENV1, ENV2 and EMP13 of the Selby District Local Plan.

09. The development hereby permitted must not be brought into use until the access to the site at Lowfield Road 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 E2 and the following requirements.

- Any gates or barriers must be erected a minimum distance of 13 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
- 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.
- The final surfacing of any private access within 13 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- Measures to enable vehicles to enter and leave the site in a forward gear.
- Measures to enable vehicles to leave in a southerly direction, these must include physical measures as well as all appropriate signs.

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.

10. There must be no access or egress by any vehicles between the highway and the application site at Lowfield Road until splays are provided giving clear visibility of 215 metres measured along both channel lines of the major road from a point measured 4.5 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.

11. The following scheme of off-site highway mitigation measures must be completed as indicated below:

- Passing places/localised road widening and improvements to the junction with Lowfield Road and Hillam Common Lane to North Yorkshire County Council Specification in the locations shown on drawing number IP/JT/05 Rev B prior to commencement of any works on site.

Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of the scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 – Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

A programme for the delivery of the scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

The off-site highway works must be completed in accordance with the approved engineering details and programme.

Reason:

To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

12. 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 Lowfield Road until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- vehicular and cycle parking;
- vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear, and;
- loading and unloading arrangements.

No part of the development must be brought into use until the vehicle access, parking, manoeuvring and turning areas at Lowfield Road 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.

13. No development shall 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:

- details of any temporary construction access to the site including measures for removal following completion of construction works;
- restriction on the use of the A63 access for construction purposes;

- wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- the parking of contractors' site operatives and visitor's vehicles;
- areas for storage of plant and materials used in constructing the development clear of the highway;
- details of site working hours;
- details of the measures to be taken for the protection of trees; and
- 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.

14. No development shall commence until a Vehicle Management Plan for the routing of Vehicles to and from the site from the A63 has been submitted to and approved in writing by the Local Planning Authority. The Plan shall thereafter be implemented as approved and make provision for:

- Monitoring of the approved arrangements during the life of the development.
- Ensuring that all drivers of vehicles under the control of the applicant are made aware of the approved arrangements.
- The disciplinary steps that will be exercised in the event of a default.
- Appropriate signage, details to be approved by the Local Highway Authority and erected advising drivers of the vehicle routes agreed with the Local Highway Authority.

Reason:

In the interests of maintaining highway efficiency and safety.

15. Prior to the commencement of the development hereby permitted, a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Internal Drainage Board. Any such scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

The following criteria should be considered:

- Any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse. Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
- Discharge from "greenfield sites" taken as 1.4 lit/sec/ha (1:1yr storm).
- Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.
- A 20% allowance for climate change should be included in all calculations.
- A range of durations should be used to establish the worst-case scenario.
- The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology.

Reason:

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

INFORMATIVE:

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___ind_est_roads___street_works_2nd_edition.pdf

INFORMATIVE:

Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 184 or 278 of the Highways Act 1980 has been entered into between the Developer and North Yorkshire County Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.

INFORMATIVE:

The applicant is advised that they should consider the recommendations contained in the contained within the Preliminary Ecological Appraisal (PEA), prepared by Craig Emms, Consultant Ecologist.

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.

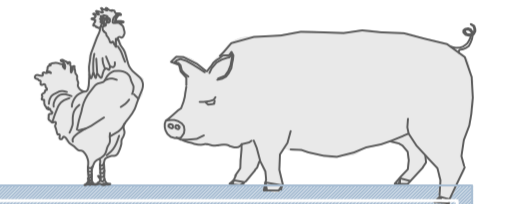
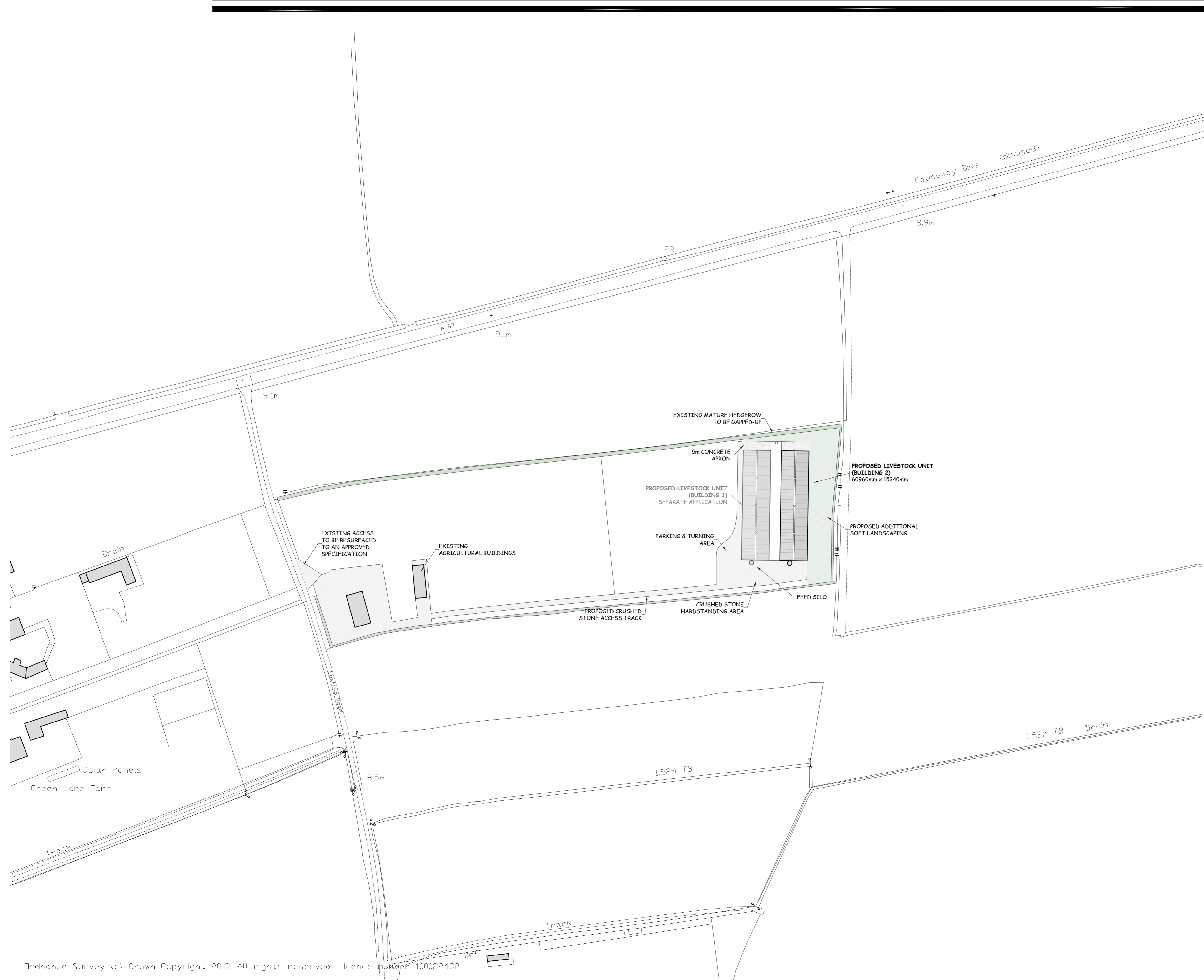
10 Background Documents

Planning Application file reference 2020/0631/FULM and associated documents.

Contact Officer: Jenny Tyreman (Assistant Principal Planning Officer)

Appendices: None

This page is intentionally left blank



IAN PICK ASSOCIATES LTD
Specialist Agricultural & Rural Planning Consultants

Station Farm Offices
Wansford Road
Nafferton
Driffield
East Yorkshire
YO25 8NJ



CLIENT
Mrs J Thorpe
7 Harvesters Way
South Milford
Leeds
LS25 5GB

JOB TITLE
Proposed Livestock Unit
(Building 2)

DWG. TITLE
Site Plan A1

SCALE 1=500
DRN SH

DWG. NUMBER
IP/JT/02

DATE Jun 20
REV -

This page is intentionally left blank



Report Reference Number: 2020/0650/FUL

To: Planning Committee
Date: 12 May 2021
Author: Jenny Tyreman (Assistant Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2020/0650/FULM	PARISH:	Monk Fyston Parish Council
APPLICANT:	Mrs Thorpe	VALID DATE:	23rd June 2020
		EXPIRY DATE:	22nd September 2020
PROPOSAL:	Erection of a livestock building with associated infrastructure (building 2 of 2)		
LOCATION:	Land Off Lowfield Road Hillam Leeds West Yorkshire		
RECOMMENDATION:	GRANT		

This application has been brought before Planning Committee as the application is a major application where 10 or more letters of representation have been received which raise material planning considerations and where Officers would otherwise determine the application contrary to these representations. Furthermore, the ward councillor for the area where the proposal lies, Cllr John Mackman, has requested the application to be heard by Planning Committee for the following reason(s):

- Significant highway safety issues/traffic routing/single track road without passing places. Previous planning appeals dismissed on this road and its junction with A63.
- Impact on nearby Green Belt and openness.
- Noise issues.
- Odour issues.
- Lack of consultation with the Environment Agency and nitrate protection area.
- Cumulative impacts.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located outside the defined development limits of any settlements and is therefore located within the open countryside.
- 1.2 The application site comprises part of an agricultural field to the south side of the A63 between Monk Fryston and Hambleton, which is accessed from Lowfield Road to the west. The application site is surrounded by agricultural fields to the immediate north, east and south; with Lowfield Road to the west, beyond which are a small cluster of properties set within agricultural fields.
- 1.3 The applicant owns a block of agricultural land extending to 6.4 acres, which includes the application site and the land to the west up to where it meets Lowfield Road. At present the applicant farms the land with operations extending to mixed livestock activities. To facilitate this use there is a general-purpose agricultural building, a polytunnel and associated area of hardstanding sited to the west of the agricultural land within the applicant's ownership, adjacent to Lowfield Road.

The Proposal

- 1.4 The application seeks full planning permission for the erection of a livestock building, to be used as a pig rearing and finishing unit, with associated infrastructure. The proposed livestock building would be orientated on a north-south axis and would measure approximately 60.9 metres in length by 15.2 metres in width and would have a pitched roof with eaves to a height of approximately 4.3 metres above ground floor level and ridge to a height of approximately 6.2 metres above ground floor level. The external construction of the building would be concrete panels and adjustable gale breaker curtains in juniper green with Yorkshire boarding cladding to the gable ends for the external walls; and fibre cement sheeting in standard grey for the roofs. To the north of the building would be a concrete pad to be used as a manure pad, which would be enclosed within a catchment drain, with dirty water being collected within a sealed concrete tank beneath. To the south of the building would be an area of hardstanding for parking, turning, and manoeuvring. An access road would run adjacent to the southern boundary of the site and join with Lowfield Road to the west, where access would be taken from the highway.
- 1.5 The proposed livestock building would house 950 pigs on a straw based high welfare rearing system. Piglets would be delivered to the site immediately following weaning at 28 days old (7kg) and would be reared within the building for approximately 20 weeks until they reach finished weight (105kg), when they would be removed from the site. The proposed unit would operate on an all-in/all-out system, with 2.2 batches of pigs per annum (including time for cleaning and washing out of the building).
- 1.6 The building, inside, would be subdivided down the centre and split into pens either side of a central wall. The fitting out of the building would include an automated auger feeding system, together with nipple drinkers. Ventilation within the building would be based on high velocity ridge mounted fans, utilising gale breaker adjustable curtains in the side of the building to control airflow. The layout of the building would include a straw bedding area and a dunging area – the dunning area

being in the form of a scrape through passage. Manure deposited within the dunging area would be scraped on a daily basis onto the concrete manure pad to the north of the building. Dirty water would be collected within a sealed concrete tank beneath. Manure would be removed once per week via a tractor and trailer. Dirty water from the tank would be removed as and when necessary, via a vacuum tanker.

- 1.7 It should be noted that application reference 2020/0631/FUL seeks planning permission for an identical building on the adjacent site.

Relevant Planning History

- 1.8 The following historical applications are considered to be relevant to the determination of this application.
- 1.9 An application (reference 2010/0386/COU) for the change of use of land to show peoples quarters was refused planning permission at appeal on 21.10.2011.
- 1.10 An application (reference 2016/0406/FUL) for the proposed erection of a 10m x 20m agricultural shed was granted planning permission on 19.07.2016.
- 1.11 An application (reference 0439/S73) to remove condition 3 (use restriction) of planning permission reference 2016/0406/FUL for the proposed erection of a 10m x 20m agricultural shed was granted planning permission on 20.09.2019.
- 1.12 A retrospective application (reference 2019/0440/FUL) for the erection of a polytunnel for agricultural use was granted planning permission on 20.09.2019.

2. CONSULTATION AND PUBLICITY

- 2.1 **Monk Fryston Parish Council** – Initial response dated: 22.07.2020: Object to the proposal based on the following observations:

- Applications for this development have been disaggregated. The other relevant application reference number is 2020/0650/FULM. These prejudices the impact of the development should two applications be successful. The two related applications should be considered in conjunction with each other and not in isolation. If officers are minded to approve both applications, then a full impact assessment of both applications should be carried out before determination of the application.
- Note that access to and from the site will not be via the A63. The road splays here are not sufficient to allow a safe exit for the HGVs and heavy traffic that this development will require. The Parish Council undertook a highways survey in this area back in 2010. The results of this survey confirmed that the A63 entrance to Lowfield Road was not suitable for heavy goods traffic (HGV's).
- Observed on the proposed layout plan that the site roads and splays are not designed to guide the traffic in a Southerly direction along Lowfield Road. The indicated site splays will encourage the vehicles in a Northerly direction to the A63 which would result in unsafe access and egress to and from the A63. If Officers are minded to approve this application, then it should be a condition that the entrance splays should be designed so that the vehicles are directed South along Lowfield Road. In addition, the internal road and turning areas should be placed along the

Northern boundary not the Southern boundary in order to facilitate this requirement. A redesigned site layout should be submitted confirming this detail. Signage on Lowfield road should be placed opposite the entrance to show the direction of exit from the site.

- Note that for an enterprise of this size it should be expected that living accommodation for a site manager would be required. The conclusion that the Parish Council draws from the lack of such an application is that site accommodation is not required. If officers are minded to approve this application, it should be on the condition that no further buildings should be erected as this will be over development of the site and cause additional traffic.
- Are of the view that Lowfield Road is not suitable for HGVs. It is around 2 metres wide and the road surface is in an extremely poor condition. Would like to highlight that the next road available for public traffic is Fox Lane, Hambleton. This road has been identified as not suitable for HGVs. Lowfield Road is significantly narrower than Fox Lane, Hambleton. Lowfield Road should be designated as unsuitable for HGVs. If Officers are minded to approve this application, then it should be on the condition that Lowfield Road should be upgraded to accommodate HGVs. These works should be completed prior to any site works commencing.
- Consider that the traffic plan is seriously deficient in its detail. Due to this deficiency, it is difficult to make an accurate assessment of the impact of the traffic in the local area and on the villages of Monk Fryston and Hillam. If officers are minded to approve this application, then a full end to end transport plan should be provided for each barn and the combined barns.
- Concerned that within the application there is no mention of slurry disposal. The applicant has not detailed how the slurry will be stored during the restricted period when it is not permissible to spread slurry onto the land. The process of deep straw bedding is to keep topping it up and mucking out is carried out at the end of each batch. The Parish Council is of the view that the applicant has grossly underestimated the vehicle movements for muck disposal. The Parish Council notes that the land for the application is not sufficient to facilitate spreading so all the muck will have to be transported off site. If officers are minded to approve this application a full site waste disposal plan should be provided and approved by a competent person.
- Concerns about the animal health and welfare of this pig rearing proposal. Piglets that are separated from their mothers and kept in pens are known to suffer high levels of stress and behaviour problems. These pigs will not have any outdoor access or experience fresh air. The design statement states it is non-intensive farming, but there is no evidence of this in the application. There are key welfare concerns for pigs outlined by the RSPCA (<https://www.rspca.org.uk/adviceandwelfare/farm/pigs/keyissues>), none of which have been addressed in the design statement. The statement states it is high welfare on the basis that straw will be used, but there are many other considerations that need to be made (details can be found here <https://www.ciwf.org.uk/media/5235118/The-life-of-Pigs.pdf>).
- Appreciate that we are in a rural community and that activities such as shown in the application are considered part and parcel of a rural environment. However, such applications must be appropriate and sustainable according the local infrastructure

and facilities. The Parish Council is of the view that this application is not sustainable or appropriate to the existing infrastructure and local facilities. If officers are minded to approve, then the Parish Council would appreciate it if the conditions requested are considered.

Further response dated 22.01.2021: The concerns expressed in the Parish Council's objection dated 22.07.2020 have given rise to the Parish Council obtaining two reports:

- (1) 'Proposed Pig Unit Commentary' – compiled by an independent pig consultant with over 35 years of management experience in the pig industry; and
- (2) 'Access Appraisal Report' – from Sanderson Associates, who provide consultancy services on highways and traffic safety.

The reports amplify the initial reasons for objection as follows:

- *The suitability of the location for such an intensive operation.* The Pig Unit Commentary Report highlights why the Parish Council considers that the intensity of the operation makes this location unsuitable for the proposed development. The proposal is for pig units of significant scale. Because the development is not co-located with a wider arable farm, virtually everything that is brought to the site will have to be taken off it. The commentary forecasts that there will be potentially 332 visits (664 traffic movements) to the site per year by lorries and tractor/trailer/tanker combinations to facilitate this investment. This is approximately three times the number of heavy vehicle movements suggested by the applicant's Design & Access Statement with around 25% of them made by articulated lorries.
- *The lack of a full and comprehensive waste disposal plan.* The site will have to process 650 tonnes of manure and an estimated 162 cubic metres of liquid slurry per 20-week batch, which will need to be safely stored during periods when regulations (referred to in the report) prevent manure and slurry from being spread on farmland during the Winter months. The plans fail to show the necessary tanks or their size to facilitate this legal requirement.
- *The suitability of the road and road surface for HGVs.* The Access Appraisal Report illustrates why the route to/from the site via the southern route along Lowfield Road is unsuitable.
- *The lack of a full and comprehensive transportation plan.* The most viable route for heavy vehicles to navigate to/from the primary road network is to take the route along Hillam Common Lane and Austfield Lane. This route has recently been the subject of a highly relevant ruling by the Planning Inspectorate in which the Inspector observed that Austfield Lane: is frequently used by pedestrians (often visiting 'Bert's Barrow' farm shop) and has no footpath provision; is too narrow for two large vehicles to pass side by side and therefore poses a risk of the carriageway being overrun at unsuitable places; and has limited forward visibility, especially at its northern end. Furthermore, a large vehicle entering or exiting Austfield Lane at the A63 junction whilst another vehicle is pulling in or out would necessitate other vehicles to sit stationary on the A63, increasing the risk of rear end shunt collisions on what is an extremely busy road. The route is therefore not fit for the purpose of carrying additional HGV traffic to such an extent that the author of the report is of the opinion that in the interests of highway safety and the protection of the free flow of traffic this planning application should be refused. In addition to

the Access Appraisal Report has highlighted an issue with the applicant's assertion that access and egress will only be in a Southerly direction. The issue arises not least because "sat nav" systems will direct drivers to use the most direct route off the A63 but also because the configuration of the proposed site layout favours Northerly vehicle movements rather than Southerly ones, particularly for large vehicles. The concern is that there will be nothing to prevent this happening because the proposed soft measures to encourage traffic to access the site to/from the south will be insufficient to prevent use of the Lowfield Road/A63 junction. Such use of the Lowfield Road/A63 junction is dangerous because a) it is narrow and has inadequate sight lines and b) the relevant stretch of the A63 is frequently used for overtaking and has particularly fast-moving traffic.

Further response dated 20.03.2021: Object to the proposal based on the following observations:

- The applicant has submitted a revised Design and Access Statement that includes a significant increase in the projected number of vehicle movements over and above the original projections. It is considered that Lowfield Road is not suitable for use by any large or heavy vehicles and it is certainly not suitable for the numbers now being stipulated.
- Photographs provided showing the deterioration being caused in the make up of the road by the vehicular movements associated with existing users. They illustrate how the outside edges of the road are sinking into the soft margins which in turn are being churned. They illustrate how the carriageway is breaking up and becoming increasingly potholed. The road is neither wide enough for large vehicles nor of a suitable make up for heavy vehicles. With no kerb structure in place to retain the road base, the substrate is already in what can only be a progressive and continuous cycle of deterioration.
- The intention is now to run on average 6 HGVs per week in and, as a consequence, out of Lowfield Road over 52 weeks of the year. It is inevitable that the road will deteriorate rapidly under the strain such vehicles will impose on the existing fabric. The view of the applicant that these movements will have a 'negligible impact on the local highway' is not accepted.
- Photographs provide showing that the junction cannot even properly accommodate the current vehicle usage, which is significantly less both in number of movements and size of vehicles than those proposed by the applicant. The photographs show that the margins are being churned up beyond the current carriageway makeup to such an extent that two service boxes, originally safely within the soft verges, are now in jeopardy.

2.2 **Hillam Parish Council** – Raise the following concerns:

- There is a concern that this is the industrialisation of agricultural land: a) The Landscape and Visual Impact report itself explains that the key characteristics of the area (NCA 39) are: *"A low-lying, predominantly flat landscape, with large, regular and geometric arable fields without hedges but divided by ditches and dykes, many of which form important habitats and key corridors for species movement"* - 2 x 61 metre long and 6 metre high barns and associated buildings will have significant visual impact. Also *"Much of the land is at or below mean high-water mark and maintained by drainage, with fertile soils giving rise to one of the most productive areas for root crops and cereals"* which is what is predominant view

is - again the proposed barns will change that landscape significantly. b) The 'Zone of Theoretical Visibility' map, presented in the Landscape and Visual Impact report indicates that the majority of Monk Fryston, Hillam and Hambleton settlements have a 'potential view' which suggests the 'Visual receptor sensitivity' being graded as 'Medium' is incorrect, as the Visual Receptor Sensitivity satisfies the description for 'High' as well as 'Medium', i.e. residents, those using public rights of way, and *"communities where the development results in changes in the landscape setting or valued views enjoyed by the community"*- there is a bench on Common Lane in Hambleton, placed specifically for the view, that looks directly across at the proposed location.

- The odour report is based on meteorological data from Leeds Bradford Airport - a different topography, we would prefer to see one done in the Monk Fryston/Hillam/Hambleton area.
- There are concerns regarding potential odour issues when operating at reduced extraction at night.
- The two applications are confusing, why are they submitted separately? Both state the same amount of transport - so the assumption is that it is double the amount of transport i.e., 2 food deliveries per week not 1, same for loads of pigs in and out.
- Lowfield Lane junction with A63 would need widening and reinforcing to allow for transport lorries to swing in.
- Lowfield Lane experiences flooding at junction point to A63 in heavy rain and wet conditions.
- Plans state lorries are to move southwards towards Hillam Common Lane. Plans state Lowfield Lane to have passing places installed, this would be welcomed but there is concern about the viability within the space available. The junction with Hillam Common Lane should also be improved and reinforced to take lorries turning onto assuming the traffic will be using this junction, and if so which route will lorries be taking to return to the A63?
- Regarding traffic impact; plans suggest traffic will be negligible - but it is the overall traffic through the neighbouring villages that is a problem - a problem that adding further HGV movement to, however negligible, will not help.
- Hillam Common Lane, Lowfield Lane and Austfield Lane are already crumbling from heavy traffic (Viners HGV's), and Fox Lane would not be suitable for HGV's.
- Noise impact of fans on residents in the area.

2.3 **Landscape Consultant** - These comments apply to both applications (2020/0631/FULM and 2020/0650/FULM). Each application seems to be one of a pair of agricultural buildings. The landscape proposals seem to be the same for both applications, but it would only be expected for them to be implemented once in their entirety for one or both developments. The application details including the LVIA and Soft Landscape Proposals Plan have been reviewed and generally there are no significant concerns or objections. The proposals are fairly typical in style and scale as agricultural buildings and the landscape proposals will provide a sufficient degree of screening. The only recommendation would be that the roof and

wall panel colours are muted recessive colours to reduce their visibility (dark green or brown wall panels, green or anthracite grey roof panels). Details of building colours could be conditioned. The landscape proposals should be implemented in the first available planting season after construction and the initial 5-year plant defect/replacement period should be confirmed by condition.

2.4 **Environmental Health** – Initial response dated 08.07.2020: Odour - Local policy plan EMP14 refers only to Intensive livestock operations which are defined as buildings and associated works both for the permanent indoor housing of pigs, poultry or cattle and the temporary housing of such livestock when a slurry system is employed. It states that the unit or any associated structure is a minimum of 800 metres from the defined development limits of any town, and 400 metres from the defined development limits of other settlements. Elsewhere, proposals may be acceptable within 400 metres of an occupied property but not nearer than 100 metres in even the most exceptional case. National guidance PPS7 refers to all livestock units. It states that permitted development rights do not extend to buildings to be used for the accommodation of livestock or associated structures such as slurry tanks, when built within 400 metres of 'Protected Buildings' (includes most residential and other permanent buildings such as schools, offices, etc). The closest dwellings are understood to be between 400 and 550 metres from the proposed pig units. Furthermore, dispersion modelling within the supporting Odour Assessment (ref: 3300r1 dated 31st March 2020) predicts through a series of algorithms no exceedance of the recommended 3.0 ouE ms⁻³ at any receptor thus concludes negligible impact, although it is difficult to verify these claims in the absence of software package ADMS-5.2. In view of the above, would recommend the following condition regarding odour: The development hereby permitted shall be carried out in accordance with the supporting Odour Assessment dated 31st March 2020 (ref: 3300r1).

Noise - The applicant has commissioned a Noise Impact Assessment (ref: 2015/R01 dated 29th April 2020). Overall, the assessment has been carried out in accordance with the appropriate methodology, and the use of BS4142:2014 is considered acceptable for pig noise in the absence of sector-specific standard. The assessment is based on 30% night-time extraction capacity whereby only one fan is operational and it is advised that a consequence of utilising a second or third fan during this time period is a greater exceedance (LAr) of existing background levels (LA90,T). Furthermore, the accuracy of the night-time assessment is reliant on pigs sleeping during night-time hours. In view of the above, would recommend the following conditions regarding noise: (1) The development hereby permitted shall be carried out in accordance with the supporting Noise Impact Assessment dated 29th April 2020 (ref: 2015/R01); and (2) 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.

The proposed site falls within a Nitrate Vulnerable Zone (NVZ) as designated by the Environment Agency (EA) and it is therefore recommended that the Environment Agency are consulted on the proposals.

Further responses dated 14.01.2021: Requirement for a Manure Management Plan - This typically applies when the process is subject to an Environmental Permit

regulated by the Environment Agency (EA), and the relevant threshold is either 2,000 production pigs (over 30kg) or 750 breeding sows. These applications are for 1900 production pigs and, therefore, is not subject to a permit. Nevertheless, the EA guidance seems to only concern itself with a manure management plan when there are sensitive receptors within 400m and my understanding was that there are no dwellings within this range. However, the guidance does not seek to protect residential amenity but to ensure that Best Available Techniques (BAT) is adopted so I take the point. An example of a recent similar intensive pig farm application within the district is Dam Lane, Thorpe Willoughby (ref: 2012/0485/OUT and before my time) and a manure management was not required in that instance.

Odour report not taking into account manure pad - The manure pad is enclosed within a catchment drain, and dirty water will be collected within a sealed concrete tank beneath. As mentioned in previous comments, it is difficult to verify the odour assessment in absence of the software package used when running the algorithms. Nevertheless, the relevant odour criteria is 3.0 ouE ms⁻³ and the greatest impact is predicted to be <0.5 ouE ms⁻³ (negligible) at the nearest residential receptor. Therefore, it is unlikely that the manure pad would give rise to odour that would amount to exceedance of the criteria. However, in the interest of accuracy, would agree that this should be addressed within the odour assessment.

Market for waste/sufficient storage during periods when regulations prohibit spreading on land and/or when there is no demand - The applicant proposes to remove manure on a weekly basis and the EA would be best placed to advise on the suitability of this. The relevant guidance emphasises that there are legal obligations in this regard, particularly since the site falls within a Nitrate Vulnerable Zone (NVZ). It was previously recommended to consult with the EA.

Further response dated 21.01.2021: The inclusion of manure pads in the odour assessment does not change the outcome of the report. A slight increase in odour emissions is predicted and remains within the relevant odour criteria.

- 2.5 **NYCC Highways** – Initial response dated 30.06.2020: The Highway Authority were consulted at the pre-application stage and did raise its concerns regarding the junction with the A63 and Lowfield Road not being sufficient to safely allow for vehicles associated with the pig rearing business to use this junction. The applicant is however in agreement to the routing of the business being conditioned. However, the following issues need to be addressed: (1) The applicant was advised in the pre-application discussions that passing places along Lowfield Road would be required, given the narrow width of the carriageway. The applicant has mentioned in the Design and Access statement that they are happy for this to be conditioned. However, there is quite a bit of work that will be required to determine whether or not there is sufficient land to actually install the passing places. It is recommended that the initial investigation work is carried out now and submitted for consideration. (2) Please can the applicant provide details of the number of staff the pig rearing business will employ; (3) Please can a plan be submitted showing the proposed parking and turning arrangement for the business? This will need to show that the vehicles, presumably HGV's when bringing in the pigs and removing them from site can turn on site, along with car parking and turning for staff; (4) Please can the applicant also advise what visibility splays are achievable at the access? The splays will need to be in land controlled by the applicant or the Highway Authority.

Further response dated 14.10.2020: Following the submission of further information, there are no highway safety objections subject to conditions relating to:

(1) new and altered private access or verge crossing; (2) visibility splays at Lowfield Road; (3) delivery of off-site highway works; (4) details of access, turning, and parking; (5) construction management plan; (6) routing of vehicles.

Further response dated 14.01.2021: Following the submission of further information on vehicular movements associated with the proposed development, there are no objections to the additional vehicles due to the low amount (1 every 2 weeks), so as long as the original recommendation to provide passing places and preferred route is conditioned, the County Councils position remains the same.

Further response dated: 09.04.2021: Following the submission of representations questioning the vehicle trip figures, the agent/applicant has agreed the original vehicle figures were incorrect and that those provided in the submitted representation are more realistic. As such, advice from the County Council Improvement Manager (IM) and local Highway Officer (HO) for the Selby area was sought and it was concluded that the increase of traffic on Lowfield Road would not be a reason for refusal, as the applicant has agreed to improve the access to the site, provide passing places/localised widening on Lowfield Road and the junction with Hillam Common Lane, which will also be an improvement for all highway users on Lowfield Road. Therefore, no objections subject to conditions relating to: (1) new and altered private access or verge crossing; (2) visibility splays at Lowfield Road; (3) delivery of off-site highway works; (4) details of access, turning, and parking; (5) construction management plan; (6) routing of vehicles.

2.6 **Yorkshire Water Services Ltd** – No response.

2.7 **Selby Area Internal Drainage Board** - If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year. If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow. If the surface water is to be discharged to any ordinary watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission, and would be restricted to 1.4 litres per second per hectare or greenfield runoff. No obstructions within 9 metres of the edge of an ordinary watercourse are permitted without Consent from the IDB.

2.8 **SuDS and Development Control Officer** – No response.

2.9 **The Environment Agency (Liaison Officer)** – Providing a formal response is not within our remit as the applications do not meet the criteria in our consultation checklist for intensive farming. However, have the following advice: Consider that the process described is acceptable. The applications are proposing an impermeable surface and an underground slurry which, as long as it is big enough to hold six-month slurry storage, we would consider adequate. The weekly removal of manure has to do with the farm management and it is not out of the ordinary. Manure can't stay inside the building for long as the ammonia level will start to irritate the livestock. For you to consider if the storage tank was adequate, you would require confirmed storage capacity and slurry calculations. Attached advice and guidance on Nitrate Vulnerable Zone storage requirements.

2.10 **County Ecologist** - The land on which the livestock unit and access track would be located is agriculturally-improved grassland of low value for biodiversity and no threats to protected species have been identified. The ecological appraisal is very thorough but in places it offers general guidance to the applicant rather than an assessment of the actual development proposal. For example, it provides useful advice on reducing ecological impacts of external lighting but it's unclear how this relates to the application since the drawings submitted do not appear to show any external lighting. Some of the recommendations contained in the report are over and above what we would usually expect for a development where no specific nature conservation issues have been identified, e.g. finger-tip search prior to site clearance. Equally the hedgerow and woodland planting that's proposed is likely to be substantially more valuable than installing hedgehog boxes. For this reason we suggest an informative that the applicant should consider the recommendations contained in the ecological appraisal rather than a condition requiring strict adherence. The detailed landscaping proposals found in the LVIA plan will achieve useful net gain for biodiversity by strengthening the northern boundary hedgerow, providing new hedgerow trees and an area of native-species planting wrapping around the eastern end of the proposed livestock unit. I would query whether Silver Birch is suitable as a hedgerow shrub but otherwise the planting mixes are appropriate to the area.

2.11 **Natural England** – Initial response dated 06.07.2020: Natural England is not able to assess this case as there is insufficient information provided in relation to air quality impacts. Manure stores, slurry lagoons and livestock sheds are a major source of emissions of ammonia which is directly toxic to vegetation and especially to lower plants (mosses, liverworts and lichens). Ammonia is also a major contributor to the deposition of nitrogen, which reduces habitat biodiversity by promoting the growth of a relatively small number of the more vigorous plant species which then out-compete the other species present. Our Impact Risk Zones¹ have identified that interest features of designated sites North York Moors, Robin Hoods Bay: Maw Wyke to Beast Cliff, Biller Howe Dale and Newtondale Sites of Special Scientific Interest may be sensitive to impacts from aerial pollutants, such as those emitted from this proposed development. The consultation documents provided do not include any assessment of air quality impacts. In order for us to advise on this case an initial screening for air quality impacts should be completed. Simple screening tools are available via the internet, such as the Simple Calculation of Atmospheric Impact Limits (SCAIL) model: <http://www.scail.ceh.ac.uk/>. The results of this screening should inform the need for any further, more detailed assessment which may be required to fully assess the impacts of the proposal. Where screening results indicate a more detailed assessment is necessary this should be carried out and completed prior re-consulting Natural England. Natural England has not considered any other matters at this stage. We will provide advice on all relevant matters upon receipt of this information.

Further response dated 11.09.2020: Following the submission of the further information requested, no comments.

2.12 **North Yorkshire Bat Group** – No response.

2.13 **Yorkshire Wildlife Trust** – No response.

2.14 **Designing Out Crime Officer** – No comments.

- 2.15 **North Yorkshire Fire & Rescue Service** - The proposals/plans should demonstrate compliance with the requirement B5 of Schedule 1 to the Building Regulations 2010 (as amended), access and facilities for the fire service. ADB B5, Section 15 Vehicle access, 15.1 a) or b), and 15.10 & Table 15.2 Road access and construction. And the following: ADB B5 Section 16 Provision of Hydrants, 16.8, or 16.12 and 16.13 Alternative supply of water.
- 2.16 **Public Rights of Way Officer** – No response.
- 2.17 **HER Officer** - There are no known archaeological sites in the area indicated or within the immediate vicinity. No objection to the proposal.
- 2.18 **Waste and Recycling Officer** – No response.
- 2.19 **Neighbour Summary** - All immediate neighbours were informed by neighbour notification letter; a site notice was erected; and an advert placed in the local press.
- 2.20 Six hundred and six letters of representation have been received as a result of this advertisement of the application, fourteen of which support the application and five hundred and eighty-four of which object to the application.
- 2.21 The fourteen letters of support (three of which are duplicates) are from residents of Castleford (2), Pontefract (2), Monk Fryston (4), Byram (2) and Lumby (1), (one of whom is believed to be the applicant) with reasoning for support being as follows:
- The application site is 2 miles from the village.
 - The application site is on agricultural land.
 - The proposal meets current planning policy.
 - We need more local produce.
 - We need to support British Farmers.
 - The proposal would result in job creation.
 - There would be no adverse impacts in terms of noise or odour.
 - The proposal would be a benefit to the local community.
- 2.22 Of the five hundred and ninety-two letters of objection, sixty of these are in individual formats (six of which are duplicates) and are from residents of Monk Fryston (22), Hillam (14), Birkin (2), Church Fenton (1), Wheldrake (1), Leeds (1), Hibaldestow (1), Drighlington (2), Dewsbury (1), Upper Batley (2) and unknown address (9). These raise concerns in respect of:
- The impact of odour and noise from the proposed development, particularly in the context of the proximity of the development to neighbouring properties and the villages of Hillam and Monk Fryston.
 - The submitted odour report omitting reference to the manure pad and the spreading of manure on surrounding agricultural land.
 - Insufficient explanation surrounding slurry and waste management.
 - The lack of a manure management plan.
 - The potential of the development to overlook neighbouring properties and impact on the health and wellbeing of the occupants of neighbouring properties.
 - Bio-hazard protection measures associated with the proposed development.
 - The impact of the proposals on the openness of the adjacent Green Belt.

- The impact of the proposal on highway safety and inaccurate traffic figures being included within the submitted documents.
- Animal welfare issues.
- The proposal development being unethical.
- Flood risk and drainage.
- The impact of the proposals on the horses at the adjacent site.
- The disaggregation of the applications.
- The industrialisation of a rural area.
- The impact of the proposals on nature conservation and protected species.
- Insufficient environmental impact assessments being submitted with the application.
- Factory farming of animals being a leading contributor to emerging zoonotic diseases, climate change, environmental damage, loss of biodiversity, global food poverty, UK food insecurity and antibiotic resistance.
- Meat consumption contributes to poor health, obesity, cancer, cardiovascular disease, antibiotic resistance and consequently an ever-pressurised NHS.
- The production of food from animal agriculture is a significant source of emissions in the UK - for pigs and poultry, the main pollutants are ammonia and N2O.

2.23 The remaining five hundred and thirty-two letters of objection have been submitted in the same format and are all from residents of unknown addresses. The standard text raises concern in respect of:

- Factory farming of animals being a leading contributor to emerging zoonotic diseases, climate change, environmental damage, loss of biodiversity, global food poverty, UK food insecurity, antibiotic resistance, cancer, obesity and animal mutilations.

3 SITE CONSTRAINTS

Constraints

- 3.1 The application site is located outside the defined development limits of any settlements and is therefore located within the open countryside.
- 3.2 The application site is located within Flood Zone 1, which has a low probability of flooding.

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. 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
 - SP13 – Scale and Distribution of Economic Growth
 - 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
 - ENV2 – Environmental Pollution and Contaminated Land
 - EMP13 – Control of Agricultural Development
 - EMP14 – Intensive Livestock Units
 - T1 - Development in Relation to Highway
 - 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
 - Design and Impact on the Character and Appearance of the Area

- Impact on Residential Amenity
- Impact on Highway Safety
- Flood Risk and Drainage
- Nature Conservation and Protected Species
- Other Issues

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”* and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 11 of the NPPF.
- 5.3 The application site is located outside the defined development limits of any settlements and is therefore located within the open countryside.
- 5.4 Policy SP2A (c) of the Core Strategy states *“Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances”*.
- 5.5 Policy SP13C of the Core Strategy states, *“In rural areas, sustainable development (on both Greenfield and Previously Developed Sites) which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported, including for example (amongst other things) the development of well-designed new buildings; the diversification of agriculture and other land based rural businesses”*. Policy SP13D of the Core Strategy states, *“In all cases development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity”*.
- 5.6 Policy EMP13 of the Selby District Local Plan supports agricultural development in principle and states *“Agricultural development will be permitted provided the proposal: (1) Is necessary for agricultural purposes; (2) Is well related to existing farm buildings or situated on a site which minimises its visual impact; (3) Would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity; (4) Is of a scale and design appropriate to its setting; (5) Is adequately screened and landscaped; and (6) Would not harm acknowledged nature conservation interests or a historic park or garden”*.
- 5.7 Policy EMP14 of the Selby District Local Plan refers only to intensive livestock operations which are defined as buildings and associated works both for the permanent indoor housing of pigs, poultry or cattle and the temporary housing of such livestock when a slurry system is employed. It states *“Proposals for new intensive livestock units or the extension of intensive livestock units will only be permitted where: (1) The proposal satisfies the requirements of Policy EMP13 as an acceptable form of agricultural development; (2) The unit or any associated structure is a minimum of 800 metres from the defined development limits of any town, and 400 metres from the defined development limits of other settlements.*

Elsewhere, proposals may be acceptable within 400 metres of an occupied property but not nearer than 100 metres in even the most exceptional case, depending on the particular circumstances and the number of properties affected; and (3) The operation of the unit, either individually or cumulatively with existing livestock units in the locality, would not have a significant adverse effect on residential amenity or unreasonably constrain further residential development in a settlement”.

- 5.8 The proposed development is considered to result in the construction of a well-designed new building of an appropriate scale, which would contribute towards and improve the local economy, and enhance or maintain the vitality of rural communities, in accordance with Policies SP2 and SP13 of the Core Strategy. Furthermore, the proposed use of the livestock building as a pig rearing and finishing unit would mean it would be necessary for agricultural purposes in accordance with Policies EMP13 and EMP14 of the Selby District Local Plan. Having regard to the above, it is considered that the principle of the development is acceptable. The following sections of this report will go on to consider the impacts of the development.

Design and Impact on the Character and Appearance of the Area

- 5.9 Policy EMP13 of the Selby District Local Plan sets out that agricultural development will be permitted provided, in relation to its design and impact on the character and appearance of the area, a) the proposal is well related to existing farm buildings or situated on a site which minimises its visual impact; b) the proposal is of a scale and design appropriate to its setting; c) the proposal is adequately screened and landscaped; and d) the proposal would not create conditions prejudicial to highway safety or which would have an a significant adverse impact on local amenity. Policy ENV1 of the Selby District Local Plan and Policies SP18 and SP19 of the Core Strategy also relate to the design and impact on the character and appearance of the area of proposals.
- 5.10 The submitted plans demonstrate that the proposed livestock building would be sited to the eastern end of the extent of the applicant’s agricultural land, which extends to approximately 6.4 acres. It is noted that there is already a general-purpose agricultural building, a polytunnel and an associated area of hard standing sited to the west of the agricultural land within the applicant’s ownership, adjacent to Lowfield Road. Therefore, the proposed agricultural buildings would be sited in an isolated location away from these existing farm buildings. However, the submitted Design and Access Statement, prepared by Ian Pick Associates Ltd, states that the siting of the proposed livestock building away from the existing buildings is to ensure no loss of residential amenity to the nearby properties and businesses, to the west side of Lowfield Road. Where an agricultural building is not related to existing farm buildings (which this is not) it must be demonstrated that it is situated on a site which minimises its visual impact. In this respect, a Landscape Visual Impact Assessment, prepared by LIVA Ltd, has been submitted as part of the application. It should be noted that this considers the cumulative impact of the two proposed livestock buildings– the one proposed under this application and the one proposed under application reference 2020/0631/FUL. This concludes that the scale and nature of the development and its juxtaposition to other agricultural development will have a medium landscape character sensitivity and the magnitude of change is small; therefore resulting in a level of landscape effect of minor (i.e. not a material change). This is subject to mitigation measures including: native tree and hedgerow planting to the site boundaries; management and maintenance of existing surrounding hedgerow and trees; and the use of materials for the external envelope

of the buildings which minimise potential visual intrusion and follows the local vernacular to aid visual blending; all which have been incorporated into the proposals. The Council's Landscape Architect has been consulted on the proposals and has reviewed the Landscape Visual Impact Assessment. The Landscape Architect has advised that they have no significant concerns or objections to the proposal, including in relation to the siting and visual impact of the proposal. He advises that the proposals are fairly typical in style and scale as agricultural buildings, and the landscape proposals will provide a sufficient degree of screening. The materials to be used in the external construction of the building are considered appropriate and can be conditioned. Furthermore, the landscape proposals can be conditioned to be implemented in the first available planting season after construction, as can the initial 5-year plant defect/replacement period.

- 5.11 The impact of the proposals on highway safety will be considered later in this report, however, having regard to the anticipated number and type of traffic movements to and from the site, it is not considered that these would result in any significant adverse impact on the character of the area. In addition, the applicant has confirmed that no external lighting is proposed, therefore this would not have the potential to result in any significant adverse impact on the character of the area. A condition could be attached to any planning permission granted that no external lighting shall be installed at the site unless details of such lighting are first submitted to and approved in writing by the Local Planning Authority in the interests of the character and appearance of the area.
- 5.12 Having regard to the above, it is considered that the design and impact of the proposal on the character and appearance of the area would be acceptable in accordance with Policies ENV1 and EMP13 of the Selby District Local Plan, Policies SP18 and SP19 of the Core Strategy and national policy contained within the NPPF.

Impact on Residential Amenity

- 5.13 Policy EMP13 of the Selby District Local Plan sets out that agricultural development will be permitted provided, in relation to residential amenity, there would be no significant adverse effect on local amenity. Policy EMP14 of the Selby District Local Plan, although referring only to intensive livestock operations which are defined as buildings and associated works both for the permanent indoor housing of pigs, poultry or cattle and the temporary housing of such livestock when a slurry system is employed (which is not the case here) sets out that proposals for new intensive livestock units will only be permitted provided, in relation to residential amenity, the unit or any associated structure is a minimum of 800 metres from the defined development limits of any town, and 400 metres from the defined development limits of other settlements. Elsewhere, proposals may be acceptable within 400 metres of an occupied property but not nearer than 100 metres in even the most exceptional case, depending on the particular circumstances and the number of properties affected. Policies ENV1 and ENV2 of the Selby District Local Plan also relate to the effect of proposals on amenity.
- 5.14 The application site is in excess of 800 metres from the defined development limits of any town, in excess of 400 metres from the defined development limits of other settlements (such as Monk Fryston, Hillam and Hambleton) and while there are curtilages of residential properties within 400 metres of the application site, siting of actual residential properties is 400 metres or in excess of 400 metres of the siting of

the proposed building. There are no residential properties within 100 metres of the application site.

- 5.15 The application has been supported by an Odour Assessment, prepared by Redmore Environmental, and a Noise Impact Assessment, prepared by Matrix Acoustic Design Consultants. It should be noted that these consider the cumulative impact of the two proposed livestock buildings – the one proposed under this application and the one proposed under application reference 2020/0631/FUL.
- 5.16 The Odour Assessment sets out that odour emissions from the proposed development (namely from the ridge mounted fans and side wall openings) have the potential to cause impacts at sensitive locations, therefore an odour assessment has been undertaken to quantify the effects in the vicinity of the proposed development. Potential odour releases were defined based on the size and nature of the proposed rearing unit. Impacts at sensitive receptors were quantified using dispersion modelling, the results compared with the relevant odour benchmark level and the significance assessed in accordance with the appropriate guidance. Predicted odour concentrations were below the relevant odour benchmark level at all sensitive locations in the vicinity of the site for all modelling years. In addition, resultant impacts were classified as not significant at all receptors in accordance with the stated criteria. As such, the Odour Assessment concludes that the potential odour emissions from the unit are not considered to represent a constraint to the proposed development.
- 5.17 The Noise Impact Assessment has determined the typical background noise levels at the nearest residential properties to the proposed development and has assessed noise emissions from plant and livestock as a result of the proposed development in accordance with BS4142:2014. It has been calculated that the noise impact from plant and livestock during the day and evening would be low and during the night would be negligible. On this basis, the Noise Impact Assessment concludes that the proposed development will not result in an adverse noise impact at the nearest residential properties, such that on noise grounds it is acceptable.
- 5.18 The Council's Environmental Health Officer (EHO) has been consulted on the proposals and has reviewed the Odour Assessment and the Noise Impact Assessment.
- 5.19 In terms of odour, the Council's EHO has advised "*The closest dwellings are understood to be between 400 and 550 metres from the proposed pig units. Furthermore, dispersion modelling within the supporting Odour Assessment (ref: 3300r1 dated 31st March 2020) predicts through a series of algorithms no exceedance of the recommended 3.0 ouE ms⁻³ at any receptor thus concludes negligible impact, although it is difficult to verify these claims in the absence of software package ADMS-5.2*". In view of the above, the Council's EHO raises no objections to the proposal in respect of odour, but recommends a condition is attached to any planning permission granted requiring the development to be carried out in accordance with the submitted Odour Assessment.
- 5.20 Following a number of letters of representation being submitted raising the fact that the submitted Odour Assessment does not take account of the manure pad to the north of the proposed buildings, which would be a source of odour, the Council's EHO has provided further comments on the application. They have advised "*The manure pad is enclosed within a catchment drain, and dirty water will be collected within a sealed concrete tank beneath. As mentioned in previous comments, it is*

difficult to verify the odour assessment in absence of the software package used when running the algorithms. Nevertheless, the relevant odour criteria is 3.0 ouE ms-3 and the greatest impact is predicted to be <0.5 ouE ms-3 (negligible) at the nearest residential receptor. Therefore, it is unlikely that the manure pad would give rise to odour that would amount to exceedance of the criteria. However, in the interest of accuracy, it is agreed that this should be addressed within the odour assessment”.

- 5.21 An updated Odour Assessment was submitted on 21 January 2021 for consideration, which takes into account the manure pad to the north of the buildings. The Council’s EHO has reviewed this and has advised that the inclusion of manure pads in the odour assessment does not change the outcome of the report. A slight increase in odour emissions is predicted and remains within the relevant odour criteria.
- 5.22 A number of representations have also been submitted raising concerns around the lack of a manure management plan. The Council’s EHO has been consulted on this matter and has advised *“This typically applies when the process is subject to an Environmental Permit regulated by the Environment Agency, and the relevant threshold is either 2,000 production pigs (over 30kg) or 750 breeding sows. This application is for 1900 production pigs and, therefore, is not subject to a permit. Nevertheless, the Environment Agency guidance seems to only concern itself with a manure management plan when there are sensitive receptors within 400m and my understanding was that there are no dwellings within this range. However, the guidance does not seek to protect residential amenity but to ensure that Best Available Techniques (BAT) is adopted. An example of a recent similar intensive pig farm application within the district is Dam Lane, Thorpe Willoughby (ref: 2012/0485/OUT and before my time) and a manure management was not required in that instance”.* Given the above, Officers do not consider it to be reasonable or necessary to attach a condition requiring a manure management plan to any planning permission granted.
- 5.23 In terms of noise, the Council’s EHO has advised *“Overall, the assessment has been carried out in accordance with the appropriate methodology, and the use of BS4142:2014 is considered acceptable for pig noise in the absence of sector-specific standard. The assessment is based on 30% night-time extraction capacity whereby only one fan is operational and I would advise that a consequence of utilising a second or third fan during this time period is a greater exceedance (LAr) of existing background levels (LA90,T). Furthermore, the accuracy of the night-time assessment is reliant on pigs sleeping during night-time hours”.* In view of the above, the Council’s EHO raises no objections to the proposal in respect of noise, but recommends two conditions are attached to any planning permission granted: the first requiring the development to be carried out in accordance with the submitted Noise Impact Assessment; and the second requiring the cumulative level of sound associated with the proposed development, when determined externally under free-field conditions, to not exceed the representative background sound level at nearby sensitive receptors.
- 5.24 Having regard to the above, it is considered that the impact on residential amenity would be acceptable in accordance with Policies ENV1, ENV2 and EMP13 of the Selby District Local Plan and national policy contained within the NPPF.

Impact on Highway Safety

- 5.25 The proposed development would be accessed from Lowfield Road to the west, via an existing farm access which would be upgraded as part of the proposals. All traffic is proposed to be routed southwards along Lowfield Road from the site towards Hillam Common Lane, thus avoiding the existing junction with the A63 to the north. Three passing places would be installed on Lowfield Road (on land which has been confirmed to be Highways Maintainable at Public Expense), as shown on drawing no. IP/JT/05 REV B. For vehicles to access the site from the A63, or vice versa, the applicant has advised that they could be routed either east via Gateforth, or west via Hillam, which could be conditioned as considered appropriate.
- 5.26 In terms of traffic movements associated with the proposed development; the original Design and Access Statement submitted with the application advised as follows. It should be noted that these figures relate to the operation of two proposed livestock buildings – the one proposed under this application and the one proposed under application reference 2020/0650/FUL.
- Pig Delivery – 1 artic lorry per batch, with 2.2 batches per annum.
 - Finished Pig Removal – 2 artic lorries per week, during weeks 17-20 of each batch.
 - Feed Delivery – 1 per week, via artic lorry or rigid lorry.
 - Manure Removal – 1 per week, via tractor & trailer.
- 5.27 Following a number of letters of representation being submitted raising concerns over an underestimation of the traffic movements associate with the proposed development, the applicant advised that in addition to those set out within the original Design and Access Statement, there would also be the following:
- Removal of liquid waste – 2 per annum via vacuum tanker.
 - Delivery of fresh straw – 2 per month via straw trailer.
- 5.28 Inspections, drug deliveries, vet visits, equipment maintenance, attendance by staff etc. are all considered to result in traffic movements of a minimal scale and are argued to already be present at the site in relation to the existing operations.
- 5.29 North Yorkshire County Council Highways were consulted on the proposals on the above basis, and advised that they had no highway safety concerns regarding the proposals, subject to conditions relating to (1) new and altered private access or verge crossing; (2) visibility splays at Lowfield Road; (3) delivery of off-site highway works; (4) details of access, turning, and parking; (5) construction management plan; (6) routing of vehicles to the A63 via Gateforth.
- 5.30 Subsequently the Parish Council submitted a further objection which contained two reports: (1) 'Proposed Pig Unit Commentary' – compiled by an independent pig consultant with over 35 years of management experience in the pig industry; and (2) 'Access Appraisal Report' – from Sanderson Associates, who provide consultancy services on highways and traffic safety. In response to the submission of this objection, the agent/applicant agreed the original vehicle figures were incorrect and that those provided in the submitted representation were more realistic – a revised Design and Access Statement with amended traffic movement figures was therefore subsequently submitted.

- 5.31 North Yorkshire County Council Highways were consulted on the revised proposals. Following discussions between the Project Officer (PO), Improvement Manager (IM) and local Highway Officer (HO) at North Yorkshire County Council for the Selby area, it was concluded that the increase of traffic on Lowfield Road would not be a reason for refusal, as the applicant had agreed to improve the access to the site, provide passing places/localised widening on Lowfield Road and the junction with Hillam Common Lane, which will also be an improvement for all highway users on Lowfield Road. Therefore, North Yorkshire County Council Highways have advised they have no highway safety concerns regarding the proposals, subject to conditions relating to: (1) new and altered private access or verge crossing; (2) visibility splays at Lowfield Road; (3) delivery of off-site highway works; (4) details of access, turning, and parking; (5) construction management plan; (6) routing of vehicles.
- 5.32 Having regard to the above, it is considered that the impact on highway safety would be acceptable in accordance with Policies ENV1, EMP13, T1 and T2 of the Selby District Local Plan and national policy contained within the NPPF.

Flood Risk and Drainage

- 5.33 The application site is located within Flood Zone 1, which has a low probability of flooding.
- 5.34 In terms of drainage, the submitted application form sets out that surface water would be disposed of via soakaway and foul sewage would be disposed of via 'other means'. A 'Flood Risk, Surface Water and Foul Drainage Assessment' has been submitted with the application which clarifies that in relation to foul and dirty water, the manure pad to the north of the building would be enclosed within a catchment drain, with dirty water being collected within a sealed concrete tank beneath. This tank would have a capacity of 22,000 litres (to serve the two proposed livestock buildings – the one proposed under this application and the one proposed under application reference 2020/0631/FUL) with a unit of this size expected to produce <40,000 litres of dirty water per annum. The dirty water would be made up of wash out water (from the shed being power washed following each batch) and contaminated rainfall which falls on the manure pad. The tank would be emptied as and when necessary via a vacuum tanker.
- 5.35 The Local Lead Flood Authority, Yorkshire Water and the Internal Drainage Board have been consulted on the proposals. The Local Lead Flood Authority and Yorkshire Water have not provided a response. The Internal Drainage Board have advised that if the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage; it is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year. A condition could be attached to any planning permission granted requiring surface water drainage proposals to be agreed prior to the commencement of development, such that if soakaway testing is undertaken and proven to be a viable option for surface water drainage in this location it can be implemented; while if not an alternative method of surface water drainage would need to be approved.
- 5.36 Having regard to the above, it is considered that the proposals are acceptable in respect of flood risk and drainage in accordance with national planning policy.

Nature Conservation and Protected Species

- 5.37 The application has been supported by a Preliminary Ecological Appraisal (PEA), prepared by Craig Emms, Consultant Ecologist. This sets out that the site is part of a farm and is for the most part, surrounded by arable land and pasture. Habitats on and adjacent to the site include grassland and a hedgerow. There are no ponds on the site and no ponds within 500m of the site. The survey revealed that the site's habitats which will be affected by works are common and widespread and are considered to be of low intrinsic biodiversity value. The site is not of sufficient ecological value to warrant whole-scale protection from development. The PEA provides recommendations which will reduce the risk of harm to any wildlife in the lead up to construction on the site and during the development itself. Proposed ecological enhancements for wildlife include the placement of hedgehog boxes in the bases of hedgerows and the erection of bird and bat boxes on suitable trees within the curtilage of the farm. Once applied and carried out, the PEA sets out that the recommended ecological protection and enhancements will provide assurance that there is no net loss to biodiversity and no unacceptable adverse impact on ecosystem services.
- 5.38 North Yorkshire County Council Ecology have been consulted on the proposal and have reviewed the PEA. They have advised that the land on which the livestock unit and access track would be located is agriculturally-improved grassland of low value for biodiversity and no threats to protected species have been identified. While the ecological appraisal is very thorough, in places it offers general guidance to the applicant rather than an assessment of the actual development proposal. For example, it provides useful advice on reducing ecological impacts of external lighting, but the application drawings do not appear to show any external lighting. North Yorkshire County Council Ecology have advised that some of the recommendations contained in the report are over and above what they would usually expect for a development where no specific nature conservation issues have been identified, e.g. finger-tip search prior to site clearance. Equally the hedgerow and woodland planting that is proposed is likely to be substantially more valuable than installing hedgehog boxes. For this reason, North Yorkshire County Council Ecology suggest an informative is attached to any planning permission granted that the applicant should consider the recommendations contained in the ecological appraisal, rather than a condition requiring strict adherence. The detailed landscaping proposals found in the Landscape Visual Impact Assessment plan will achieve useful net gain for biodiversity by strengthening the northern boundary hedgerow, providing new hedgerow trees and an area of native-species planting wrapping around the eastern end of the proposed livestock unit.
- 5.39 Natural England have been consulted on the proposal and advised, in their initial response, that insufficient information had been provided in relation to air quality impacts. They advised *"Manure stores, slurry lagoons and livestock sheds are a major source of emissions of ammonia which is directly toxic to vegetation and especially to lower plants (mosses, liverworts and lichens). Ammonia is also a major contributor to the deposition of nitrogen, which reduces habitat biodiversity by promoting the growth of a relatively small number of the more vigorous plant species which then out-compete the other species present. Our Impact Risk Zones have identified that interest features of designated sites North York Moors, Robin Hoods Bay: Maw Wyke to Beast Cliff, Biller Howe Dale and Newtondale Sites of Special Scientific Interest may be sensitive to impacts from aerial pollutants, such as those emitted from this proposed development. The consultation documents provided do not include any assessment of air quality impacts. In order for us to*

advise on this case an initial screening for air quality impacts should be completed. Simple screening tools are available via the internet, such as the Simple Calculation of Atmospheric Impact Limits (SCAIL) model: <http://www.scail.ceh.ac.uk/>. The results of this screening should inform the need for any further, more detailed assessment which may be required to fully assess the impacts of the proposal. Where screening results indicate a more detailed assessment is necessary this should be carried out and completed prior re-consulting Natural England.”

- 5.40 Following on from the above comments from Natural England, the applicant’s agent has undertaken an initial screening for air quality impacts using the Simple Calculation of Atmospheric Impact Limits (SCAIL) model and submitted this for consideration. The results of ammonia modelling within the additional information provided by the applicant’s agent claim compliance with Natural England guidance. Natural England have been re-consulted on this information and have advised that they have no further comments to make.
- 5.41 Having regard to the above, the proposals are considered to be acceptable in respect of their impact on nature conservation and protected species, in accordance with Policies ENV1 and EMP13 of the Selby District Local Plan, Policy 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.

Other Issues

- 5.42 The proposed development is not located within the Green Belt, however, it is located within close proximity to the Green Belt, which covers land to the opposite side of Lowfield Road and to the north of the A63. As set out in paragraph 145 of the NPPF, buildings for agriculture (such as this one) are considered to be appropriate development in the Green Belt and are therefore not considered to be harmful either to the openness of the Green Belt or to the purpose of including land in the Green Belt (as confirmed in recent case law). Given the above and given the location of the proposal outside the Green Belt, it is considered that the proposal would not have any significant adverse impact on the openness of the Green Belt.
- 5.43 The proposed building will be used for the housing of livestock and the application site falls within a Nitrate Vulnerable Zone (NVZ) as designated by the Environment Agency. The Environment Agency have confirmed that the proposed development would be located within a NVZ and have provided advice and guidance on NVZ storage requirements. It is considered the proposals meet the requirements set out in the guidance.
- 5.44 Concerns have been raised in respect of factory farming of animals being a leading contributor to emerging zoonotic diseases; climate change; environmental damage; global food poverty; UK food insecurity and antibiotic resistance. Not all of these issues are material planning considerations and there is other legislation outside of the planning process that would cover some of these issues. Climate change is a material planning consideration, and whilst there is a wider consideration in terms of food production and the overall impact on climate change and the environment, taking into account of the scale of this proposal, it is not considered that it would impact significantly on wider climate change objectives. The NPPF, at paragraph 83 states decisions should enable sustainable growth of all types of businesses in the rural area and the development of agricultural and other land based rural businesses.

6 CONCLUSION

- 6.1 The application site is located outside the defined development limits of any settlements and is therefore located within the open countryside. The application seeks full planning permission for the erection of a livestock building, to be used as a pig rearing and finishing unit, with associated infrastructure.
- 6.2 The application is considered to be acceptable in principle in accordance with the relevant policies of the development plan. The proposed development is considered to result in the construction of a well-designed new building of an appropriate scale, which would contribute towards and improve the local economy, and enhance or maintain the vitality of rural communities, in accordance with Policies SP2 and SP13 of the Core Strategy. Furthermore, the proposed use of the livestock building as a pig rearing and finishing unit would mean it would be necessary for agricultural purposes in accordance with Policies EMP13 and EMP14 of the Selby District Local Plan.
- 6.3 Furthermore, having assessed the proposals against the relevant policies, it is considered that the proposals are acceptable in respect of their design and impact on the character and appearance of the area, impact on residential amenity, impact on highway safety, flood risk and drainage, nature conservation and protected species, and other issues identified.

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:

IP/JT/01 – Location Plan

IP/JT/02 – Layout Plan

IP/JT/03 – Floor Plans and Elevations

IPA1110-SL – Soft Landscape Proposals

IP/JT/05 Rev B – Passing Places

Reason:

For the avoidance of doubt.

03. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be concrete panels and adjustable gale breaker curtains in juniper green with Yorkshire boarding cladding to the gable ends for the external walls; and fibre cement sheeting in standard grey for the roofs (as shown on drawing no. IP/JT/03). Only the approved materials shall be utilised.

Reason:

In the interests of visual amenity and in order to comply with Policies SP18 and SP19 of the Core Strategy and Policies ENV1 and EMP13 of the Selby District Local Plan.

04. The landscaping and tree planting scheme as submitted on drawing no. IPA1110-SL 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 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.

Reason:

In the interests of visual amenity and in order to comply with Policies SP18 and SP19 of the Core Strategy and Policies ENV1 and EMP13 of the Selby District Local Plan.

05. No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to and approved in writing by the Local Planning Authority. 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 SP18 and SP19 of the Core Strategy and Policies ENV1 and EMP13 of the Selby District Local Plan.

06. The development hereby permitted shall be carried out in accordance with the supporting Odour Assessment, prepared by Redmore Environmental, dated 21 January 2021.

Reason:

In the interests of residential amenity and in order to comply with Policies ENV1, ENV2 and EMP13 of the Selby District Local Plan.

07. The development hereby permitted shall be carried out in accordance with the supporting Noise Impact Assessment, prepared by Redmore Environmental, dated 29 April 2020.

Reason:

In the interests of residential amenity and in order to comply with Policies ENV1, ENV2 and EMP13 of the Selby District Local Plan.

08. 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:

In the interests of residential amenity and in order to comply with Policies ENV1, ENV2 and EMP13 of the Selby District Local Plan.

09. The development hereby permitted must not be brought into use until the access to the site at Lowfield Road 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 E2 and the following requirements.

- Any gates or barriers must be erected a minimum distance of 13 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
- 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.
- The final surfacing of any private access within 13 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- Measures to enable vehicles to enter and leave the site in a forward gear.
- Measures to enable vehicles to leave in a southerly direction, these must include physical measures as well as all appropriate signs.

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.

10. There must be no access or egress by any vehicles between the highway and the application site at Lowfield Road until splays are provided giving clear visibility of 215 metres measured along both channel lines of the major road from a point measured 4.5 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.

11. The following scheme of off-site highway mitigation measures must be completed as indicated below:

- Passing places/localised road widening and improvements to the junction with Lowfield Road and Hillam Common Lane to North Yorkshire County Council Specification in the locations shown on drawing number IP/JT/05 Rev B prior to commencement of any works on site.

Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of the scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 – Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

A programme for the delivery of the scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

The off-site highway works must be completed in accordance with the approved engineering details and programme.

Reason:

To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

12. 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 Lowfield Road until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- vehicular and cycle parking;
- vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear, and;
- loading and unloading arrangements.

No part of the development must be brought into use until the vehicle access, parking, manoeuvring and turning areas at Lowfield Road 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.

13. No development shall 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:

- details of any temporary construction access to the site including measures for removal following completion of construction works;
- restriction on the use of the A63 access for construction purposes;
- wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- the parking of contractors' site operatives and visitor's vehicles;
- areas for storage of plant and materials used in constructing the development clear of the highway;
- details of site working hours;
- details of the measures to be taken for the protection of trees; and

- 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.

14. No development shall commence until a Vehicle Management Plan for the routing of Vehicles to and from the site from the A63 has been submitted to and approved in writing by the Local Planning Authority. The Plan shall thereafter be implemented as approved and make provision for:

- Monitoring of the approved arrangements during the life of the development.
- Ensuring that all drivers of vehicles under the control of the applicant are made aware of the approved arrangements.
- The disciplinary steps that will be exercised in the event of a default.
- Appropriate signage, details to be approved by the Local Highway Authority and erected advising drivers of the vehicle routes agreed with the Local Highway Authority.

Reason:

In the interests of maintaining highway efficiency and safety.

15. Prior to the commencement of the development hereby permitted, a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Internal Drainage Board. Any such scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

The following criteria should be considered:

- Any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse. Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
- Discharge from "greenfield sites" taken as 1.4 lit/sec/ha (1:1yr storm).
- Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.
- A 20% allowance for climate change should be included in all calculations.
- A range of durations should be used to establish the worst-case scenario.
- The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology.

Reason:

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

INFORMATIVE:

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___ind_est_roads___street_works_2nd_edi.pdf .

INFORMATIVE:

Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 184 or 278 of the Highways Act 1980 has been entered into between the Developer and North Yorkshire County Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.

INFORMATIVE:

The applicant is advised that they should consider the recommendations contained in the contained within the Preliminary Ecological Appraisal (PEA), prepared by Craig Emms, Consultant Ecologist.

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 2020/0650/FULM and associated documents.

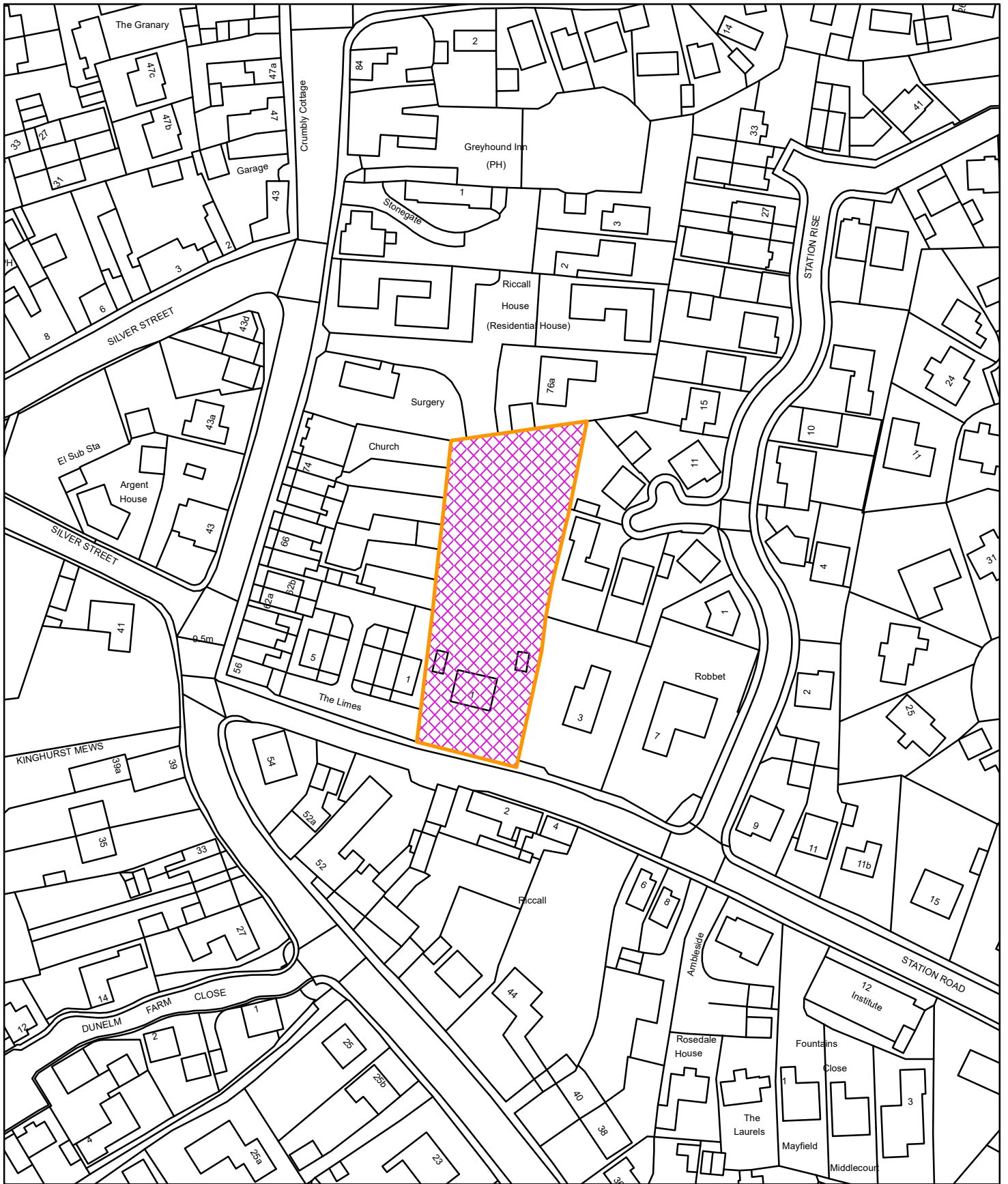
Contact Officer: Jenny Tyreman (Assistant Principal Planning Officer)

Appendices: None

This page is intentionally left blank

Agenda Item 5.4

Tamwood, Station Road, Riccall
2020/1300/FUL

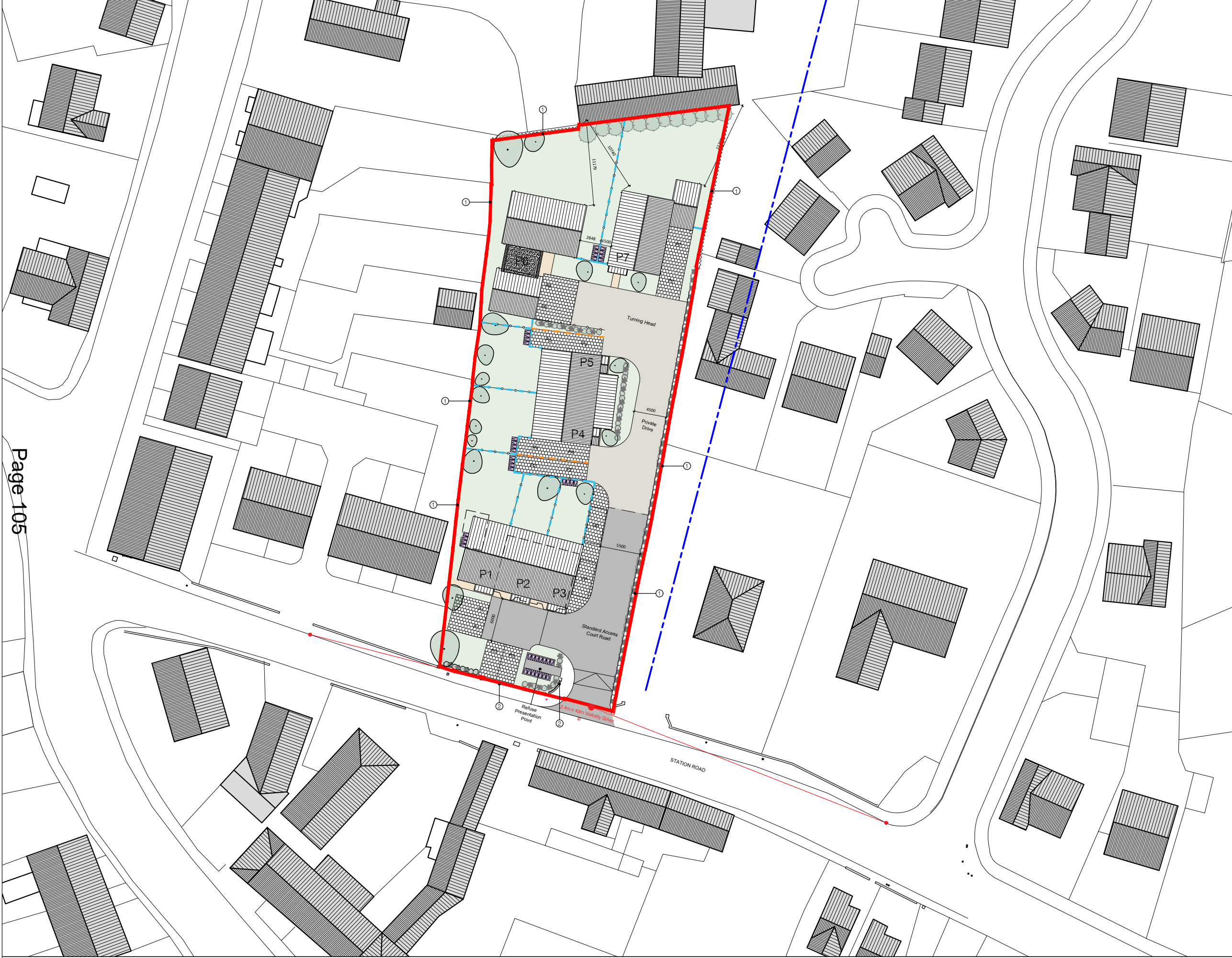


Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings © Crown Copyright
Selby District Council Licence No. 100018656
This copy has been produced specifically for Planning and Building Control purposes only.
No further copies may be made.



1:1,250

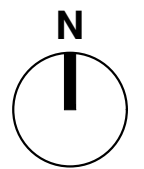
This page is intentionally left blank



Page 105

PROPOSED SITE PLAN

Do not scale from this drawing
 Drawing to be read in conjunction with the specification document
 Contractor to check all dimensions on site and notify Vincent and Brown of any discrepancies prior to commencement of the works



	Proposed 1800mm Close Boarded Fence
	Proposed 1500mm Close Boarded Fence
	Permeable Paving Parking Spaces
	Permeable Paving Shared Driveway
	Adoptable Standard Access Court Road
	Indian Sandstone Footpath
	Grass Areas
	Proposed Trees
	Proposed Planting
	Existing Boundary
	Existing 600mm Boundary Wall
	Refuse Store / Presentation Point

KEY

AMENDED DRAWING

revision	date	description
P03	26/03/21	Updates to refuse presentation point
P02	29/01/21	Updates to refuse store & presentation point area
P01	30/11/20	Addition of plot numbers following comments from planning

Vincent & Brown
 Studio 12, Middlethorpe Business Park
 Sim Balk Lane, Bishopthorpe, York, YO23 2BD
 t: 01904 700941 e: studio@vincentandbrown.com

project
 Tamwood, Station Road, Riccall

drawing
 Proposed Site Plan

scale
 1:500 @ A3

job number	date	status	drawing number	revision
19134	23/10/20	Planning	105	P03

This page is intentionally left blank



Report Reference Number: 2020/1300/FUL

To: Planning Committee
Date: 19 May 2021
Author: Chris Fairchild, Senior Planning Officer
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2020/1300/FUL	PARISH:	Riccall Parish Council
APPLICANT:	Mr J Knowles	VALID DATE:	1st December 2020
		EXPIRY DATE:	26th January 2021
PROPOSAL:	Demolition of existing dwelling, construction of seven residential properties		
LOCATION:	Tamwood Station Road Riccall York North Yorkshire YO19 6QJ		
RECOMMENDATION:	Approve subject to Section 106 agreement legal agreement		

This application has been brought before Planning Committee due to the number of objections contrary to Officers' recommendation to approve, and in addition to a request from the local Ward Member.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The site adjoins Station Road and is currently occupied by the detached dwelling, Tamwood. The site is surrounded by residential development including recent development to the east and west and the historic core of the village to the north.

The Proposal

- 1.2 Full planning permission is sought for the demolition of the existing dwelling, Tamwood, and the erection of seven dwellings.

Relevant Planning History

- 1.3 The following historical applications are relevant to the determination of this application:

Ref: 2018/0185/FUL
Description: Proposed erection of two detached dwellings with garages
Address: Tamwood, Station Road, Riccall, York, North Yorkshire, YO19 6QJ
Decision: Permitted 24-MAY-18

2. CONSULTATION AND PUBLICITY

Local Highway Authority

- 2.1 The Local Highway Authority recognises that the refuse collection point negates refuse vehicles entering the site. Besides a request for on-site turning for fire attendants should be shown on the submitted drawings given some dwellings are located further than 45 metres from the highway there are no objections.

Conservation Officer

- 2.2 The Conservation Officer does not consider the property is not a non-designated heritage asset and makes a neutral contribution to the setting of the conservation area.
- 2.3 The Conservation Officer notes the spacious plot provides an attractive view towards the conservation area with trees visible as a backdrop. The development would obscure these trees and the spaciousness of the plot would be compromised. The development may impact upon the longevity of these trees.
- 2.4 Removal of most of the front garden for hard surfacing would be harmful due to the attractive frontage this provides in combination with the front wall. The position of the bin store at the frontage is not desirable. In terms of number of dwellings, the proposal appears to be over-development.
- 2.5 The Conservation Officer notes these as issues of general design/impact on character but also harmful impact on the setting of the conservation area, resulting in a low level of harm to its overall significance.

Yorkshire Water

- 2.6 Yorkshire Water recommend conditions requiring separate systems of foul and surface water on and off site. Yorkshire Water note the intention to drain into the public sewer, however sustainable drainage should be sought and on-site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted.

The Ouse & Derwent Internal Drainage Board (IDB)

- 2.7 The IDB set out the requirements for when the IDB's prior written consent is required. The IDB note the submitted Design and Access Statement specifies surface water may be disposed of via an attenuation tank at a restricted rate or soakaway. The IDB note that the mains sewer runs into an IDB maintained watercourse and their consent is required prior to connection.

- 2.8 In respect of surface water, the IDB recommend details of surface water drainage are conditioned including a constrained run-off rate, surface floodwater storage including climate change allowance.
- 2.9 The IDB notes the proposed connection into the mains foul sewer and have no objection to the new connection subject to Yorkshire Water's consent.
- 2.10 Following percolation testing and a resultant drainage layout, the IDB were reconsulted. The IDB note percolation testing demonstrates soakaways are not achievable, accordingly discharge into the mains surface water sewer / watercourse can be considered. The IDB request details of surface water connection, discharge rate confirmation and attenuation, flood storage including climate allowance and recommend a condition requiring these accordingly.

Environmental Health Officer (EHO)

- 2.11 The EHO notes the surrounding residential development and that given the scale of the proposed development there is potential for generation of dust, noise & vibration that requires specific planning control (beyond other regulations) and as such the following conditions are recommended: 1) a Construction Management Statement; 2) working hours limitations, and 3) details of any piling.
- 2.12 The applicants submitted a Construction Management Statement, and the Contaminated Land Consultant has been reconsulted. No response has been received at the time of writing and an update, including any changes to proposed conditions, will be provide at the committee meeting.

County Ecologist

- 2.13 The County Ecologist notes that the bat scoping report, undertaken outside the bat activity season, concludes the house is highly suitable to support roosting bats while the garage is of lower suitability. As such, bat activity surveys of both buildings need to be completed before the application is determined.
- 2.14 Following surveys, the Ecologist seeks an Ecological Impact Assessment, explaining how any impacts would be mitigated and including an Outline Method Statement. Other ecological impacts of the proposed development and how they would be avoided, mitigated or compensated, and ensuring no net loss of biodiversity and net gain where possible is also requested. Particular attention should be paid to compensate for the loss of House Martin nesting sites, and the mature vegetation of the site.

North Yorkshire Bat Group

- 2.15 The North Yorkshire Bat Group note the submitted survey demonstrates the existing dwelling to have high bat roost potential and therefore emergence surveys should be carried out during the period May to August to determine whether bats do roost at the property. The Bat Group agrees with the ecologists' recommendation that bat emergence surveys be conducted during the appropriate time of year and that a decision on the application should be deferred until after the results of the survey are available.

Riccall Parish Council

- 2.16 The Parish Council object to the current application and considers the proposed changes made since application ref. 2019/1350/OUT do not significantly address the concerns raised in their objection to the previous application.
- 2.17 The Parish Council considers the proposal is overcrowded, will overlook adjoining properties and impact upon residential amenity. Concerns that insufficient access and on-site manoeuvring for emergency vehicles is raised. Station Road has no capacity for on-street parking, the site entrance is almost opposite the Nisa car park and close to the junction and traffic lights.
- 2.18 The previously approved application, to retain the existing dwelling and two additional properties, is still seen as the most appropriate use for this site by the Parish Council and neighbouring residents.

Waste and Recycling Officer

- 2.19 The Waste and Recycling Officer notes the bin storage at the site entrance and confirms a presentation point is required given the private nature of the road. However, an enclosed bin store was considered to be a potential magnet for anti-social behaviour, and instead a simple area of hard standing to present bins on collection day was preferable.
- 2.20 The Waste and Recycling Officer clarifies that storage should be available at each property for 4 no. 240 litre wheeled bins.
- 2.21 The Waste and Recycling Officer confirms that the developer will be required to pay for additional waste and recycling containers.
- 2.22 Following reconsultation, the Officer was satisfied with the replacement of the bin store for a presentation point and the occupants' storage.

Contaminated Land

- 2.23 The Contaminated Land Consultant considers the submitted Phase 1 Report is acceptable, including the further proposed site investigation works contained therein. Conditions are recommended requiring: 1) investigation of land contamination prior to development; 2) a detailed remediation scheme prior to commencement of development; 3) verification of remedial works, and 4) reporting of unexpected contamination.
- 2.24 The applicants submitted a Ground Investigation Report, and the Contaminated Land Consultant has been reconsulted. No response has been received at the time of writing and an update, including any changes to proposed conditions, will be provide at the committee meeting.

Publicity

- 2.25 The application was advertised via the erection of a site notice and distribution of letters to adjoining occupiers. Following this publicity, 21 responses including the local Ward Member were received all in objection to the proposals. A summary of the concerns raised are listed below:

- Tamwood is a fine example of 1920s architecture and was the second house built on Station Rd as such set example for following development.
- As a group of 6 similar houses demonstrates Riccall's interwar history
- Loss of the building would alter streetscape of Station Road.
- Proposal is overdevelopment to maximise developer profits over good development.
- The previous planning permission is optimum for site.
- The proposed overdevelopment would set a precedent.
- The development is out of character with the village.
- Privacy and amenity of surrounding dwellings is compromised by way of overshadowing, overbearing, loss of daylight and sunlight, sense of privacy.
- Insufficient waste and recycling storage is proposed.
- No visitor parking is proposed leading to on-street parking.
- Station Rd already has many parked cars and is difficult for emergency vehicles, lorries, bin wagons to navigate and dangerous for pedestrians.
- The orchard and other trees provide many benefits to wildlife and habitat that will be lost.
- The brick boundary wall may be damaged in construction.
- Plans show incorrect north-south navigation.
- Riccall has had much development, now more akin to a town than village.
- A Monkey Puzzle Tree, an endangered species was cut down prior to planning.
- The proposal does not honour the charitable spirit of the former occupants.
- The proposal is immaterially different from the withdrawn 2019 application and shares the same issues of amenity.
- The base maps for the plans do not reflect the correct up-to-date setting of existing buildings including recent extensions and vegetation distorting the proposal.
- The comments of the Conservation Officer within determination of ref. 2018/0185/FUL were correct and this scheme ignores those.
- The proposal is contrary to SDLP Policy ENV25 which also covers sites adjacent Conservation Areas, i.e., the setting, not just those in it.
- The nuisance and highway impacts of construction will be unwelcome and may damage surrounding historic properties.
- The proposal will impact outlook for residents.
- Increase in light pollution.
- Boundary treatments are inappropriate.
- Infrastructure e.g., schools, GPs, internet, drainage have not kept up with development and this will be exacerbated.
- Development is not opposed providing it betters the environment for residents.
- The area should be kept as it was in the past as a reminder of village life.
- The site access is opposite the local shop where kerbside parking frequently occurs and will impact the proposed access.

3. SITE CONSTRAINTS

Constraints

- 3.1 The site is located within the defined Development Limits of Riccall.
- 3.2 The site is outside but immediately adjacent the Conservation Area, there are no other heritage assets on or near the site.
- 3.3 There are no designated assets of ecological value on or near the site.

3.4 The site sits within Flood Zone 1, the area of lowest flood risk.

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 National Planning Policy Framework (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 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 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 (CS) 2013

4.6 The relevant saved CS Policies are:

- SP1 Presumption in Favour of Sustainable Development
- SP2 Spatial Development Strategy
- SP4 Management of Residential Development in Settlements
- SP9 Affordable Housing
- SP15 Sustainable Development and Climate Change
- SP18 Protecting and Enhancing the Environment
- SP19 Design Quality

Selby District Local Plan (SDLP) 2005

4.7 The relevant saved SDLP Policies are:

- T1 Development in Relation to the Highway network
- T2 Access to Roads
- ENV1 Control of Development
- ENV2 Environmental Pollution and Contaminated Land
- ENV25 Control of Development in Conservation Areas
- RT2 Open Space Requirements for New residential Development

Supplementary Planning Policies and Guidance

4.8 Planning contributions are a material consideration and therefore the Council's Adopted Developer Contributions Supplementary Planning Document represents a material consideration in determining the application. The development plan also includes the Riccall Village Design Statement Supplementary Planning Document (VDS) and this also represents a material consideration.

National Planning Policy Framework 2019

4.9 The relevant chapters are:

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 9. Promoting sustainable transport
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment

5. APPRAISAL

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

- 1. Principle of Development
- 2. Conservation, Landscape & Character
- 3. Residential Amenity
- 4. Access & Highway Safety
- 5. Ground Conditions
- 6. Impact on Nature Conservation
- 7. Flood Risk & Drainage
- 8. Waste & Recycling
- 9. Planning Contributions

Principle of Development

Context

5.1. Saved CS Policy SP1 states 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. CS Policy SP1 is therefore consistent with national policy set out in Chapter 2 of the NPPF.

- 5.2. Saved CS Policy SP2A sets out the District's settlement hierarchy and directs development to the majority of new development to towns, however, CS Policy SP2A(a) states Designated Service Villages such as Riccall have some scope for additional residential growth.
- 5.3. Saved CS Policy SP2 also states proposals for development on non-allocated sites must meet the requirements of Saved CS Policy SP4. Saved CS Policy SP4 lists the types of residential development that will be acceptable within development limits. In relation to Designated Service Villages this relates to replacement dwellings, redevelopment of previously developed land, and "appropriate scale development" on greenfield land (including garden land and conversion/redevelopment of farmsteads).
- 5.4. Chapter 5 of the NPPF seeks to significantly boost the supply of homes. Paragraph 68 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out quickly.

The proposal puts forward a development for housing on a small site within an existing settlement and as such meets both the aspirations of the local plan and the NPPF.

Assessment

- 5.5. Riccall is noted within the development plan as having scope for additional residential development and is therefore in compliance with CS Policy SP2. The site is unallocated and predominantly greenfield land owing to the large garden which surrounds the existing dwelling. The definition of Previously Developed Land set out in Annex 2 of the NPPF excludes land that is in built up areas such as residential gardens. The proposal does not therefore comply with this part of policy SP4 and neither does it constitute a replacement dwelling however, Saved Policy SP4 of the Core Strategy allows for development for housing which is considered to be of an 'appropriate scale development on greenfield land. Officers are therefore of the view that the proposal is acceptable in principle and as such complies with saved policy SP4 of the Core Strategy.
- 5.6. Chapter 68 c) of the NPPF states that Local Planning Authorities should support the development of windfall sites through decisions giving great weight to the benefits of using suitable sites within existing settlements for homes for which officers have attached significant weight.

Conservation, Landscape & Character

- 5.7 Saved CS Policy SP4(c) seeks to both preserve and enhance the character of the local area. Saved CS Policy SP4(d) requires development of garden land to be of an appropriate scale that is assessed as follows:

"..in relation to the density, character and form of the local area and should be appropriate to the role and function of the settlement within the hierarchy."

- 5.8 Relevant development plan policy includes: Saved policies SP18, SP19(b) of the Core Strategy, ENV1(5) and ENV25 of the Selby District Local Plan ENV25 and Chapters 112, 15 and 16 of the NPPF. These policies require conservation of

historic assets which contribute most to the District's character, and ensure development contributes positively to an area's identity and heritage in terms of scale, density and layout. Development within Conservation Areas should preserve or enhance the character or appearance of the conservation area. The VDS is a material consideration in determining the application. The VDS seeks to explain the context and character of the village to allow new forms of development in the village to be sympathetic. The VDS understands that new development will "look new" but expects this to be undertaken in a way that fits in with the context of the village. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') also imposes a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

- 5.9 Paragraph 193 of the NPPF requires great weight be given to the asset's conservation. The more important the asset, the greater the weight should be. Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification (Paragraph 194). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (Paragraph 196). Paragraph 197 of the NPPF requires the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.
- 5.10 NPPF Paragraph 127(c) states that decisions should ensure that developments:

"are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)."

Assessment

- 5.11 The Conservation Officer has been consulted and confirms that the existing dwelling is not classed as a non-designated heritage asset. Officers agree and therefore NPPF Paragraph 197 is not considered relevant. The only heritage consideration is the proposal's impact upon the setting of the Conservation Area.
- 5.12 The Conservation Officer notes the dwelling itself is a neutral contributor to setting but the spacious plot is positive in providing an attractive tree-lined view to the Conservation Area. The Conservation Officer then notes "*issues of general design/ impact on character*" that also "*result in a low level of harm to its overall significance.*"
- 5.13 The site is identified within the Village Design Statement (VDS) as being located in the Riccall Character Area. Officers note that the proposal incorporates a large number of the features of identified character: The proposal consists of detached houses with some irregular terraces and semidetached houses; roofs are all gabled and with the exception of plot 7 all eaves are front-facing; the houses are set behind short gardens with low walls and hedgerows; the footprints are generally rectangular with few extensions; buildings are two-storey; red multi brick and terracotta pantile are proposed; soldier-course brick lintels and stone cills are incorporated; decorative brick detailing at the eaves is shown; no roof lights are included.
- 5.14 The Conservation Officer raised concerns that the proposed dwellings are not characteristic of the area and in turn would have a harmful impact on the setting of

the Conservation Area. On this occasion, officers do not share this view as it. NPPF Paragraph 196 sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset (in this case the Conservation Area) the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use. Planning Practice Guidance defines this as anything that delivers economic, social or environmental progress.

- 5.15 The proposal will provide a net gain of six dwellings, the NPPF makes clear that the Government's objective is to significantly boost the supply of housing (Paragraph 59), whilst meeting housing delivery should be considered as a minimum rather than a ceiling (Paragraph 11). Officers consider the scheme will provide societal benefits in meeting housing need. New dwellings will provide economic benefits including increased spend in local shops. The proposal will make efficient use of land to provide housing in a sustainable location. Officers are therefore of the view that, the proposal will secure the optimal viable use for which significant weight has been attached.
- 5.16 Whilst the Council can demonstrate a 5-year housing land supply and it is accepted that the provision of seven homes is modest, this should be balanced against the low level of harm. The weight attached to the fact that the Council can demonstrate a 5-year supply of housing attracts little weight in the consideration of this proposal based on the low level of harm and that the overall message from the Government is to boost the supply of housing overall.
- 5.17 Officers consider that the revised design pays regard to preserving the character and appearance of the Riccall Conservation Area, complies with the VDS, and are of an appropriate scale, CS Policies SP18 & SP19(b), SDLP Policies ENV1(5), and SDLP Policy ENV25, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal is therefore considered to be acceptable taking account of the matters set out above.

Residential Amenity

- 5.18 CS Policy SP4(c) states that "*in all cases proposals will be expected to protect local amenity.*" SDLP Policy ENV1 provides eight broad aspirations for achieving 'good quality development' that should be taken into account where relevant. SDLP ENV1(1) requires "*the effect upon... the amenity of adjoining occupiers*" to be taken into consideration.

Assessment

- 5.19 The front elevation of Plot 1 is in accordance with the building line of The Limes to the west, the rear elevations of the respective properties are also broadly in line with one another. The side elevation to side elevation relationship ensures results in no overbearance. The rear elevation for Plot 1 sits at a right angle to the rear garden of Plot 4 and is separated by c.9.5m distance with a 1.8m fence on the boundary, Officers consider, given the separation and boundary treatment, that no significant adverse overlooking will occur. Given the building line is broadly oriented east-west, in accordance with the neighbouring properties no overshadowing will occur upon these properties.
- 5.20 Plot 2 sits in the middle of the terrace and shares the same building line as the adjoining properties, and in accordance with the above assessment no

overbearance or overshadowing will occur. The rear elevation faces the parking for Plots 2 & 4 and the side elevation for Plot 4 that contains a dining room window at ground floor and an en-suite window at first floor. Subject to the en-suite window being obscured no overlooking will occur.

- 5.21 The side elevation of Plot 3 is in approximately the same location as the existing dwelling, the proposed elevation is comparatively longer than the existing by c.1m and includes a blank gable as opposed to the hipped roof of the existing, however Officers do not consider that this will significantly change the existing relationship and does not create a significant adverse impact from either an overbearance or overshadowing perspective. The rear elevation shares the same relationship as Plot 2 and there are no side elevation windows, as a result no overlooking will occur.
- 5.22 Plots 4 and 5 are c.9m from the rear gardens of the properties on Main Street to the west and c.40m from their rear elevations. Given the extent of the Main Street properties' rear gardens, Officers consider no significantly adverse overlooking or overbearance will occur upon these properties. As described above no overlooking will result from the southern (side) elevation, in respect of the northern elevation the separation distance to Plot 5 and 6 to the north is c.13m and separated by a 1.5m fence, as such no overlooking will occur from the ground floor window. The first floor contains an en-suite and bedroom window that overlook the private drive and fronts of 6 & 7 and is not considered to be detrimental. The front elevations of Plots 4 and 5 are at right angles to the rear garden of 7 Station Rise to the east, separated by a distance of c.10.5m and proposed planting, Officers consider given the separation and satisfactory details of boundary treatment to be provided by condition no significant adverse overlooking will occur. Overshadowing will occur upon the rear gardens of Main St in the early morning and 7 Station Rise in the evening, however given the separation, orientation and times of the overshadowing it is not considered to be significantly adverse impact upon overshadowing.
- 5.23 The side elevation of Plot 6 is c.2m from the rear gardens of the Main Street properties and c.27m to their rear elevations. Given the extent of the Main Street properties' rear gardens Officers consider no significantly adverse overlooking or overbearance will occur upon these properties subject to the en-suite window on the first floor being obscured. Overshadowing will occur in the morning upon the Main Street properties and onto the side elevation of Plot 7 in the evening, however given the early morning overshadowing upon Main St properties and blank elevation of Plot 7 (save windows to non-habitable rooms) it is not considered a significantly adverse impact upon overshadowing would result.
- 5.24 Plot 7 is c.4.5m from the boundary of 7 & 9 Station Rise. The side elevation of Plot 7 overlaps 7 Station Rise, with a short section consisting of the garage/bedroom off-shot (without any rear windows) being c.7.5m from the corner of Plot 7 elevations, the rest of 7 Station Rise looks over the site through non-habitable room windows. 9 Station Rise is oblique to the Plot 7 building and the two dwellings do not face one another. Officers consider that this relationship will not give rise to a significant adverse overbearing presence. The building's relationship with adjoining properties makes overshadowing in the morning and afternoons fall principally on blank elevations or ancillary curtilage space and is not significantly adverse. The western (side) elevation faces the blank elevation of Plot 6, the eastern elevation contains no overlooking will occur.

- 5.25 The comments and recommended conditions from the EHO are noted and considered reasonable and appropriate to protect residential amenity, Officers recommend their inclusion on any approval.
- 5.26 In summary, subject to conditions officers consider that the proposals will not create significant adverse impacts that are prejudicial to the residential amenity of existing or future residents, and the proposals accord with CS Policy SP4 and SDLP Policy ENV1.

Access & Highway Safety

- 5.27 Saved SDLP Policy T1 stipulates development will only be permitted where existing roads have adequate capacity and can safely serve the development unless appropriate off-site highway improvements are undertaken by the developer.
- 5.28 Saved SDLP Policy T2 only allows for a new access or the intensification of the use of an existing access will be permitted provided where (1) there would be no detriment to highway safety; and 2) the access can be created in a location and to a standard acceptable to the highway authority.
- 5.29 Paragraph 109 of the NPPF states that planning applications should only be refused where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Assessment

- 5.30 The Local Highway Authority have no concerns in respect of refuse vehicles (that do not need to access the site), however the dwellings would be more than 45 metres from the adopted highway and as such on-site turning is required to enable vehicles to leave the site in a forward gear.
- 5.31 Officers note that the intention of the application is to construct the first section of the highway up to an adoptable standard. The furthest dwelling from the adoptable standard segment is within 45m and therefore there is no requirement to bring the residual road up to adoptable standards.
- 5.32 Officers consider that sufficient on-site parking and the site configured to allow manoeuvrability and vehicles to enter and exit in forward gear. Sufficient visibility splays are provided for the speed limit and nature of the road. Conditions are considered appropriate that require parking and manoeuvrability to be provided prior to the use of the dwellings and retained thereafter. Subject to these conditions the proposal is considered acceptable from a highway safety perspective in accordance with SDLP Policies T1 & T2 and paragraph 109 of the NPPF.

Ground Conditions

- 5.33 Saved CS Policy SP19(k) seeks to prevent development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water, light or noise pollution or land instability.
- 5.34 Saved SDLP Policy ENV2A states development that would be affected by unacceptable levels of noise, nuisance, contamination or other environmental pollution will be refused unless satisfactorily remediated or prevented. Paragraph

178 of the NPPF states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions

Assessment

- 5.35 The application is supported by a Phase 1 Contaminated Land Assessment. The Contaminated Land Consultant has assessed the application and advises that the Phase 1 Report is acceptable, including the further proposed site investigation works contained therein and the conditions laid out in the Consultant's response. Officers agree that the Phase 1 report is suitable and that the proposed pre commencement conditions are appropriate. Subject to these conditions the proposals are acceptable from a ground condition perspective and the proposals comply with CS Policy SP19 and SDLP Policy ENV2. Paragraph 179 of the NPPF states that the responsibility for securing a safe development rests with the developer/landowner.

Impact on Nature Conservation

- 5.36 Relevant policies in respect of nature conservation and protected species include Saved CS Policy SP18 of the Core Strategy. Saved CS Policy SP18 seeks to safeguard and, where possible, enhance the natural environment. This is achieved through effective stewardship by (inter-alia) safeguarding protected sites from inappropriate development, and ensuring development seeks to produce a net gain in biodiversity.
- 5.37 NPPF Paragraph 170(d) seeks for planning decisions to contribute to and enhance the natural environment by minimising impacts and providing net gains for biodiversity.

Assessment

- 5.38 The applicants have instructed emergence surveys and the results are expected imminently. An update, including any changes to proposed conditions, will be provided at the committee meeting.
- 5.39 The application is supported by a bat scoping report that confirms the house is highly suitable to support roosting bats and the garage is of lower suitability. The submitted report confirms that accordingly bat activity surveys are required and that these must be undertaken prior to determination of the planning application. The County Ecologist and Bat Group both agree that the emergence surveys are required prior to determination. The County Ecologist recommends this is incorporated within a wider Ecology Survey.

Flood Risk & Drainage

- 5.40 The site sits within Flood Zone 1, the area at lowest risk of flood risk. Saved CS Policy SP15A(d) seeks to ensure that development in areas of flood risk is avoided wherever possible through the application of the sequential test and exception test (if necessary). This policy is in line with NPPF Paragraph 155 which seeks to direct development away from areas at highest risk.

Assessment

- 5.41 The site is located within Flood Zone 1 i.e. the area of lowest risk and therefore development in this location complies with CS Policy SP15 and NPPF Paragraph 155.
- 5.42 There is no objection from Yorkshire Water in respect of foul drainage via the mains sewer.
- 5.43 In respect of foul drainage, whilst a number of methods of disposal are suggested within the submitted information, both the IDB and Yorkshire Water recommend sustainable drainage is sought first and foremost.
- 5.44 The applicants have undertaken percolation testing that demonstrates soakaways are not achievable. In accordance with the sustainable drainage disposal of hierarchy surface water via mains connection, and in this instance ultimately to Riccall Dam (Gosling Marsh Clough) is acceptable subject to a condition in accordance the IDB's recommendations in respect of run-off attenuation and flood volume storage the scheme is considered acceptable.
- 5.45 Officers agree and consider that in accordance with the sustainable drainage hierarchy, a condition to this effect is recommended.

Waste & Recycling

- 5.46 Saved CS Policy SP15B(a) supports the incorporation of facilities to support recycling. The Council's Adopted Developer Contributions Supplementary Planning Document (March 2007) is also a material consideration and requires development of 4 or more dwellings to provide bins at the applicant's expense.

Assessment

- 5.47 The Council's Waste & Recycling Officer raised initial concerns in respect of the proposed roadside bin store. The applicants have since submitted plans that replace the bin store with a simple presentation point and have demonstrated bin storage within each occupants' curtilage, a further revision has been submitted that rotates the presentation point 90 degrees anti-clockwise and, and the Waste & Recycling Officer considers this approach acceptable.
- 5.48 The draft Section 106 Agreement contains the requisite contributions for the waste and recycling provision.

Open Space

- 5.49 Saved SDLP Policy RT2 A of the Local Plan requires residential schemes of between 4 and 10 dwellings to provide a commuted payment to provide a commuted payment to enable the district council to provide new or upgrade existing facilities in the locality.

Assessment

- 5.50 Following consultation with the Parish Council, no costed schemes were submitted for the provision of new facilities. In accordance with SDLP Policy RT2 and the Developer Contributions Supplementary Planning Document, the funds will

therefore be available for the Parish Council to upgrade existing facilities. The draft Section 106 Agreement includes this contribution and is considered to be acceptable.

6 CONCLUSION

- 6.1 The proposed development is considered acceptable in principle. Officers have considered the proposals against all material considerations that arise from the development. Given the application is submitted in outline with all matters reserved, much of the detailed assessment of the acceptability of the scheme will take place within any future reserved matters application, however, this report demonstrates that the site can deliver the proposed development without any adverse impacts subject to the recommended conditions and further assessment through the Reserved Matters application.
- 6.2 The proposal seeks to deliver housing development within an existing settlement that is in accordance with the aspirations of both local and national planning policy. The Government's objective is to significantly boost the supply of homes (para 59 NPPF) and small/medium sized sites are considered to make an important contribution to meeting the housing requirement (para 68 NPPF).
- 6.3 On balance, taking into account all of the material planning considerations above, the proposal is considered to be sustainable development as set out in the NPPF and as such recommended accordingly. The representations put forward by interested parties and consultees have been taken into account, however, officers have attached significant weight to the delivery of housing in line with National Planning Policy.

7 RECOMMENDATION

- 7.1 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 and documents listed below:

- Site Location Plan ref.001 Rev.P00
- Proposed Site Plan ref.105 Rev.P03
- Proposed Floor Plans Plots 1 – 3 Ref.110 Rev.P00
- Proposed Elevations Plots 1 – 3 Ref.130 Rev.P00
- Proposed Floor Plans Plots 4 – 5 Ref.410 Rev.P00
- Proposed Elevations Plots 4 – 5 Ref.430 Rev.P01
- Proposed Floor Plans Plot 6 Ref.610 Rev.P00
- Proposed Elevations Plot 6 Ref.630 Rev.P00
- Proposed Elevations Plot 6 Ref.631 Rev.P00

- Proposed Floor Plans Plot 7 Ref.710 Rev.P00
- Proposed Elevations Plot 7 Ref.730 Rev.P00

Reason:

For the avoidance of doubt.

03.No development approved by this permission shall be commenced until the Local Planning Authority, in consultation with Ouse & Derwent Internal Drainage Board, has approved a scheme for the disposal of surface water and foul sewage.

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

The following criteria should be considered for the disposal of surface water:

- For the redevelopment of a brownfield site, the applicant should first establish the extent of any existing discharge to that watercourse.
- Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140 litres per second per hectare or the established rate whichever is the lesser for the connected impermeable area).
- Discharge from “greenfield sites” taken as 1.4 litres per second per hectare (1:1 year storm).
- Storage volume should accommodate a 1:30 year event with no surface flooding and no overland discharge off the site in a 1:100-year event. A 30% allowance for climate change should be included in all calculations. A range of durations should be used to establish the worst-case scenario.

Reason:

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

04.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.

05. 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:-

- a) evidence that surface water disposal via infiltration or watercourse are not reasonably practical.
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason:

To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

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

Reason:

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.

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

Reason:

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.

08. There shall be no piling on the site until a schedule of works identifying those plots affected and setting out mitigation measures to protect residents from noise and vibration has been submitted to and approved in writing by the local planning authority. The piling shall thereafter be carried out in accordance with the approved scheme.

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.

09. 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.

10. 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.

11. 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.

12. 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.

13. Prior to occupation of the approved scheme, a landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type, species, siting, planting distances and the programme of planting of trees, hedges and shrubs. The duly approved landscaping scheme shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason:

To ensure appropriate landscaping of the site in the interests of visual amenity.

14. Prior to occupation of the approved dwellings, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall have been submitted to and approved in writing by the Local Planning Authority.

The approved boundary treatment shall be completed prior to occupation of the approved dwellings. Development shall be carried out in accordance with the approved details and retained and maintained in accordance with the approved details.

Reason:

To safeguard privacy and ensure satisfactory levels of amenity for future occupiers of the proposed dwellings and that of neighbouring dwellings having had regard to Policy ENV1 of the Selby District Local Plan.

15. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition 2:
 - a. 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 SDLP Policies T1 & T2 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

16. Prior to any development above ground, details of the materials to be used in the construction of the exterior walls and roof shall be submitted to and approved in writing by the Local Planning Authority, and only the approved materials shall be utilised.

Reason:

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

INFORMATIVES

01. The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.
02. A sewer connection request under Section 106 Water Industry Act 1991 will be required and should be submitted to Yorkshire Water.
03. Under the IDB'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.

8 Legal Issues

Planning Acts

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

Human Rights Act 1998

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

Equality Act 2010

- 8.3 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

- 9.1 A S106 agreement will be entered into upon the issue of a planning approval providing contributions to open space improvement and provision of waste and recycling facilities.

10 Background Documents

10.1 Planning Application file reference 2019/0905/FUL and associated documents.

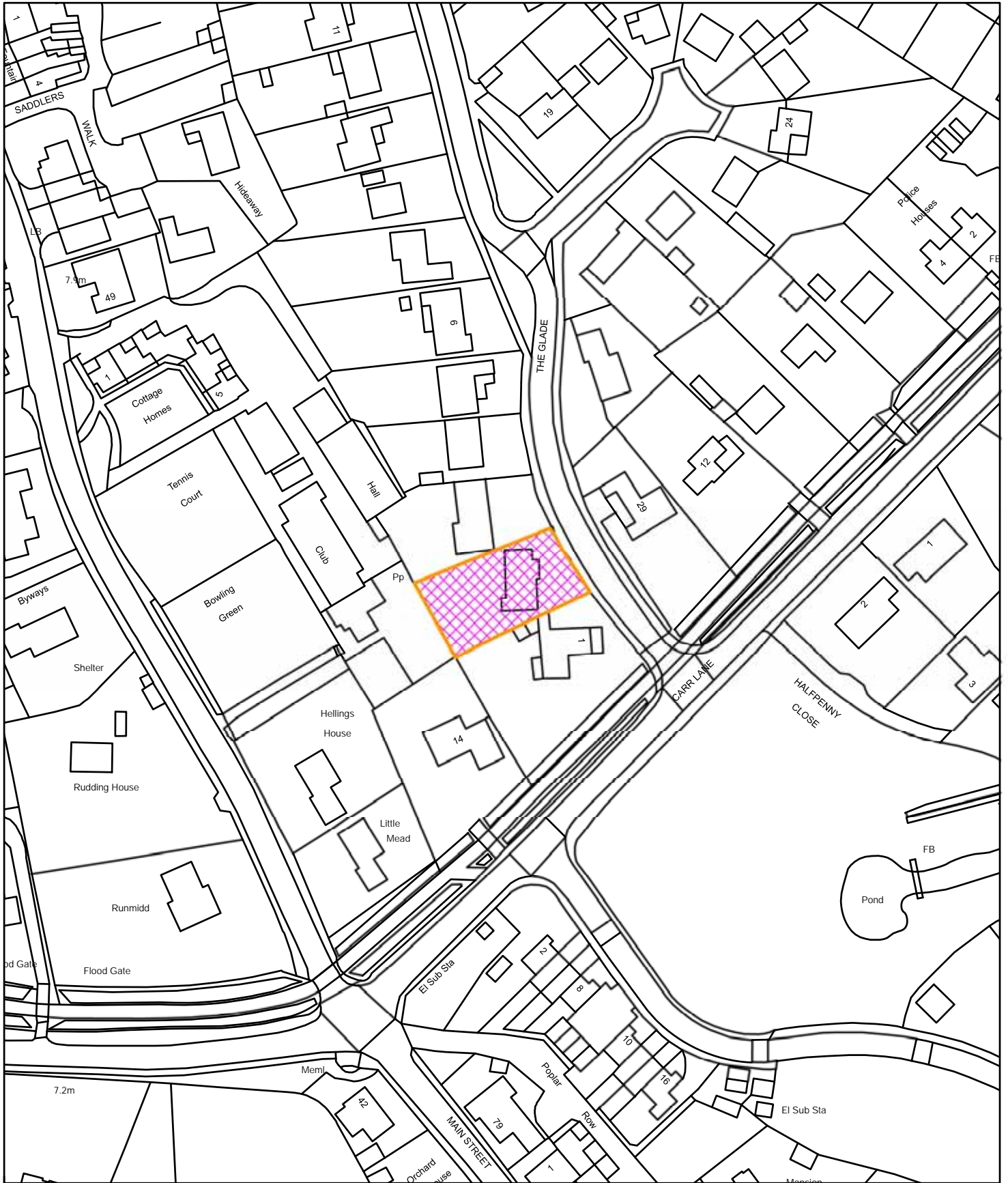
Contact Officer: Chris Fairchild, Senior Planning Officer

Appendices: None

This page is intentionally left blank

Agenda Item 5.5

2 The Glade, Escrick
2021/0081/HPA



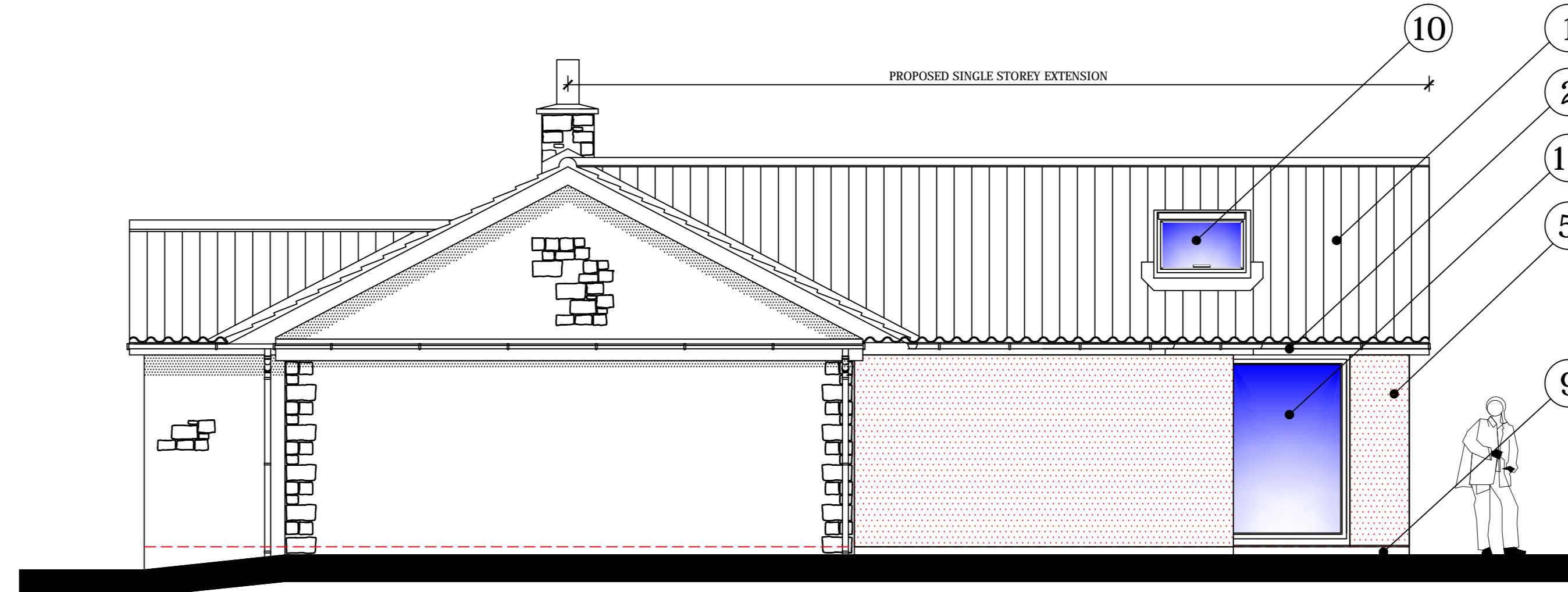
Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings © Crown Copyright
Selby District Council Licence No. 100018656
This copy has been produced specifically for Planning and Building Control purposes only.
No further copies may be made.



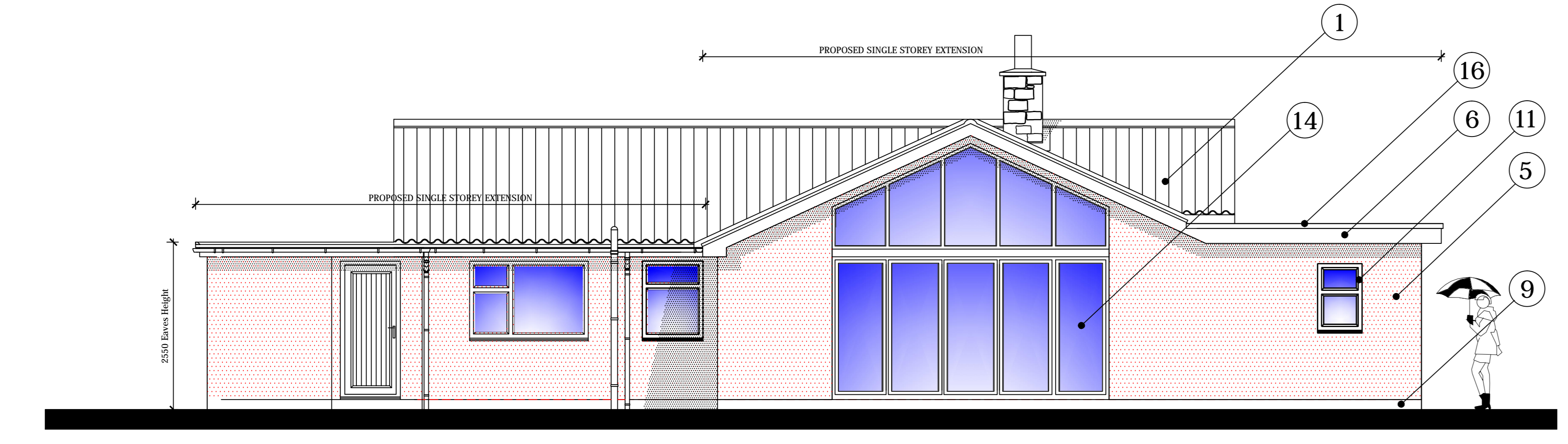
This page is intentionally left blank



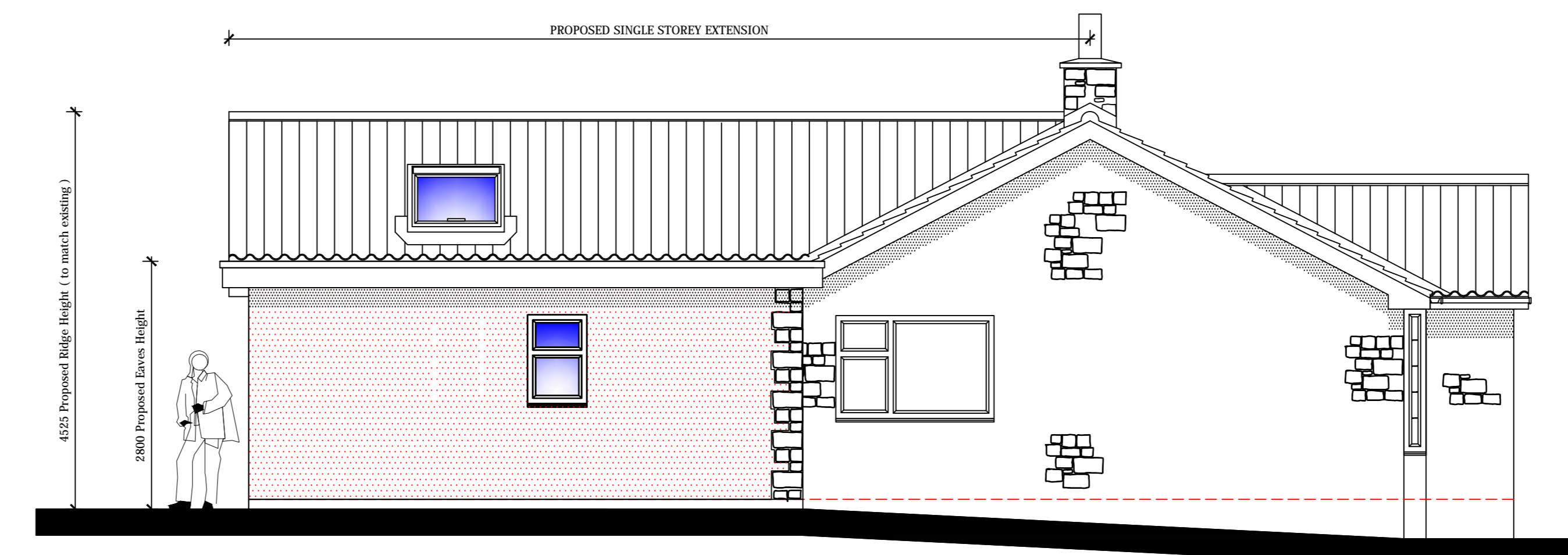
PROPOSED EAST ELEVATION



PROPOSED NORTH ELEVATION



PROPOSED WEST ELEVATION

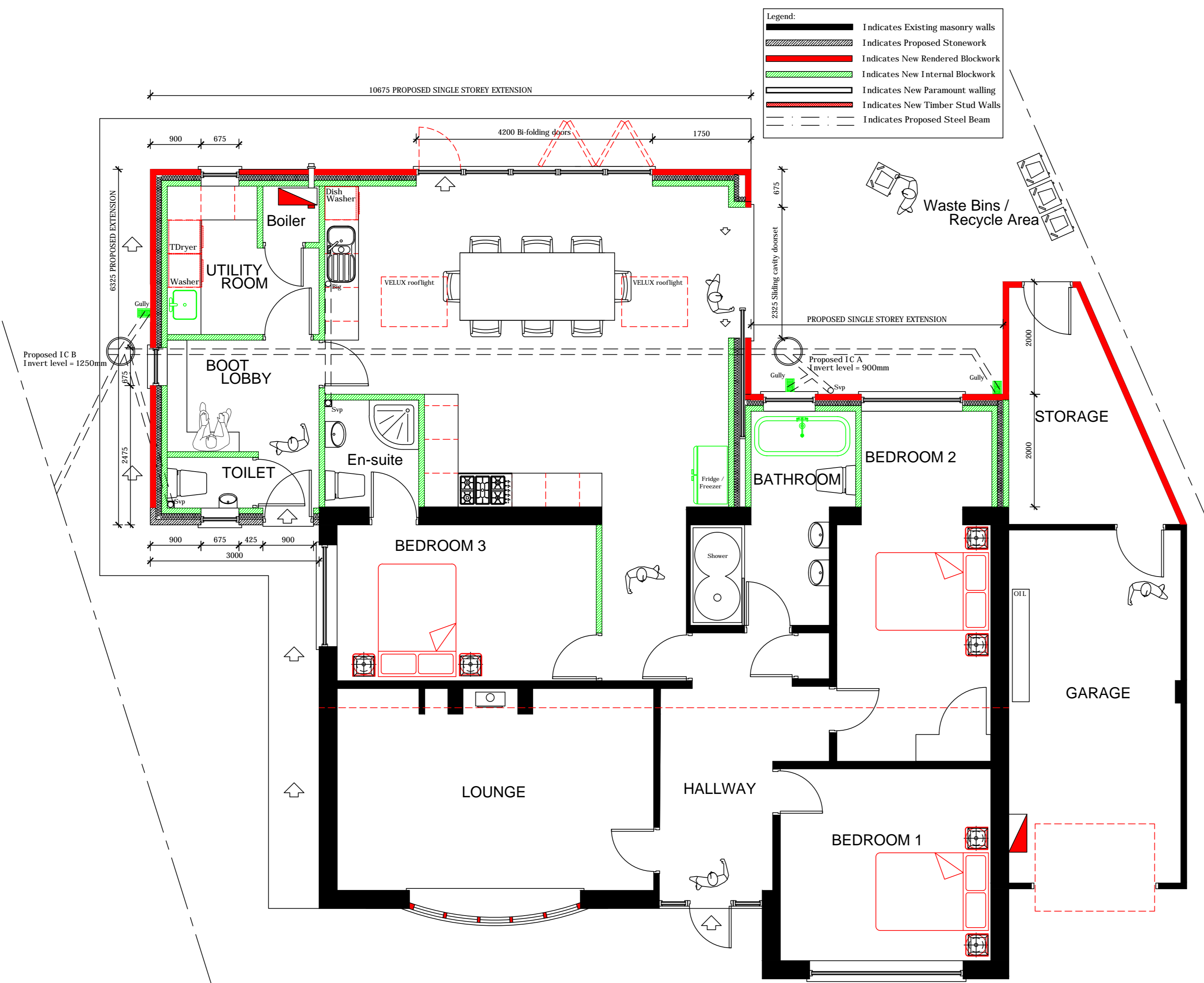


PROPOSED SOUTH ELEVATION

LEGEND OF EXTERNAL MATERIALS:

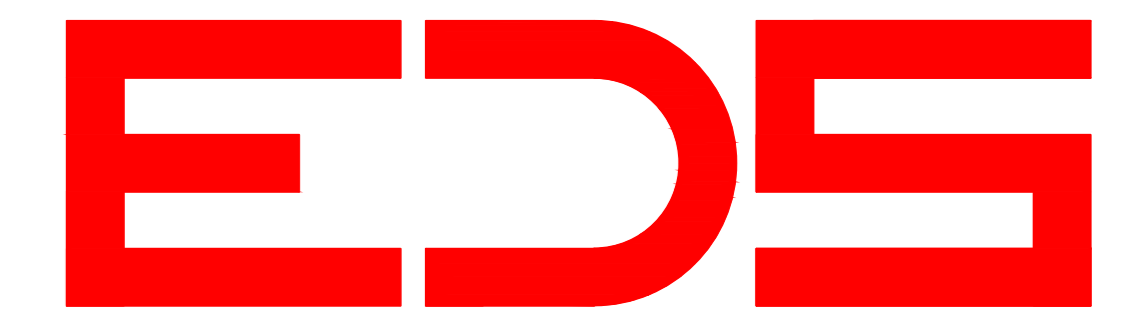
- | | | | |
|---|---|----|--|
| 1 | EXISTING MARLEY "DOUBLE ROMAN" ROOF TILES TO BE REPLACED WITH A "TERRAZZO" TRIFURCO SLATE TILE - COLOUR: CHARCOAL GREY | 10 | PROPOSED VELLUX ROOFLIGHT TO ROOF ABOVE EN-SUITE TO MASTER BEDROOM TYPE - UPVC DOOR - WHITE FRAME COLOUR - GRAPHITE GREY |
| 2 | PROPOSED UPVC "OGEE" PROFILE GUTTERING & ROOF RAINWATER PIPES & BAYS COLOUR: ANTHRACITE GREY | 11 | PROPOSED REPLACEMENT UPVC DOUBLE GLAZED FRONT DOOR COLOUR - WHITE TO REAR ELEVATION & GREY TO REAR ELEVATION |
| 3 | PROPOSED LAR WALL CLADDING ON BATTERS - AN BREATHABLE MEMBRANE OF MARLEY GENERAL PAINT CEMENT BOTH VERTICAL & HORIZONTAL CLADDING - 800MM SLICK - COLOUR: CEI SILVER GREY | 12 | PROPOSED COMPOSITE MAIN ENTRANCE DOOR / SIDEWAYS |
| 4 | PROPOSED YORKSHIRE STONE MASONRY WALL FINISH TO MATCH EXISTING COMPLETE WITH NATURAL SAND CEMENT MORTAR WITH STRUCK POINTED JOINTS | 13 | PROPOSED REPLACEMENT UPVC DOUBLE GLAZED FRONT STYLE DOOR / FRAMES TO MASTER & GUEST BEDROOMS COLOUR - GREY |
| 5 | PROPOSED "K" BRAND RENDERED CONCRETE BLOCKWORK TO MATCH EXISTING WALLS COLOUR - WHITE | 14 | PROPOSED REPLACEMENT UPVC DOUBLE GLAZED FRONT STYLE DOOR / FRAMES TO MASTER & GUEST BEDROOMS COLOUR - GREY |
| 6 | PROPOSED UPVC FACIA, SOFFIT & BARGE BOARDS TO ALSO REPLACE EXISTING DEFECTIVE BOARDING AS REQUIRED COLOUR - GREY | 15 | PROPOSED PFC ALUMINIUM UP & OVER GARAGE DOORSET COLOUR: GRAPHITE GREY |
| 7 | PROPOSED CHIMNEY STACK CONSTRUCTED FROM YORKSHIRE STONE TO MATCH EXISTING COMPLETE WITH NATURAL SAND CEMENT MORTAR WITH STRUCK POINTED JOINTS | 16 | PROPOSED SINGLE PLY MEMBRANE ROOF COVERED TO FLAT ROOF COLOUR: GRAPHITE GREY |
| 8 | PROPOSED UPVC ACCESS DOORS COMPLETE WITH SECURITY LOCKING OVERS COLOUR - ANTHRACITE GREY | 17 | PROPOSED PFC ALUMINIUM SLIDING "CAVITY" DOORSET COLOUR: GRAPHITE GREY |
| 9 | PROPOSED CLASS "B" BLUE ENGINEERING BRICKWORK BELOW GFC LEVEL | | |

AMENDED DRAWING



PROPOSED GROUND FLOOR PLAN

REVISION 'J' (MARCH 2021)
 Drawing revised to address issues raised by Escrick Parish Council including :-
 1. Removal of screen wall to waste / recycle area.
 2. Introduction of rear single storey extension between new kitchen extension & external storage structure.



Client:
MR & MRS M. THOMAS

Site Address :
 2, THE GLADE,
 ESCRICK,
 NR. SELBY
 YO19 6JH.

Project:
 PROPOSED SINGLE STOREY SIDE & REAR
 EXTENSIONS, INCLUDING INTERNAL
 ALTERATIONS TO EXISTING BUNGALOW.

Drawing Title:
 GENERAL ARRANGEMENT : (PLANNING)
 PROPOSED GENERAL ARRANGEMENT OF
 FLOOR PLANS & ELEVATIONS.

Drawing Scale : Date :
 1:50 APRIL, 2020

Drawing Number: Rev:
H.CON.05.20.02 J

This page is intentionally left blank



Report Reference Number: 2021/0081/HPA

To: Planning Committee
Date: 19 May 2021
Author: Jac Cruickshank (Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2021/0081/HPA	PARISH:	Escrick Parish Council
APPLICANT:	Mr Milton Thomas	VALID DATE: EXPIRY DATE:	29th January 2021 26th March 2021
PROPOSAL:	Erection of rear/side extensions to existing detached bungalow and garage and internal alterations to create additional living accommodation		
LOCATION:	2 The Glade Escrick York YO19 6JH		
RECOMMENDATION:	GRANT		

This application has been brought before Planning Committee as it has been called in by the local ward Councillor.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located within the development limits of the settlement of Escrick.
- 1.2 The application site comprises of a single storey detached dwelling, which has a driveway to the side of the property and garden areas to the front and rear. The host dwelling benefits from a flat-roofed garage, which is attached to the side (north) elevation. The dwelling is located on The Glade, which is residential in nature.
- 1.3 The application is a resubmission of 2020/0449/HPA, that was overturned and refused at Planning Committee on 23rd December 2020. The refused scheme included the lifting of the existing roof, loft conversion and installation of 2no. dormers to the front elevation and the erection of a two-storey extension to the side

and rear elevations. These elements of the proposal have subsequently been omitted from the current proposal.

The Proposal

- 1.4 The application is seeking permission for the erection of a single storey side and rear extension. During the application process, two sets of amended plans were submitted. The revisions to the scheme have removed the enclosed bin store area, reconfigured the 'storage' room to the rear of the garage and increased the size of bedroom 2 and the shared bathroom.

Relevant Planning History

- 1.5 The following historical applications are considered to be relevant to the determination of this application.

2020/0449/HPA (REF – 23/12/2020) Erection of two storey rear and side extension, single storey side extension, roof lift and loft conversion to create additional living accommodation and the erection of 2no. dormers to the front elevation. Refused for the following reasons:

01. The proposed development, by virtue of its size, scale and design, would: be visually dominant; a disproportionate addition to the host dwelling: and would lead to overdevelopment of the application site. This would have a significant and negative impact on the character and appearance of the area. The proposal would therefore be contrary to Policy ENV1 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within Section 12 of the NPPF.

02. The extent of the alternations would turn a small 2 bed bungalow into a large 4 bed two storey dwelling. This would negatively affect the housing mix in the settlement where the demand for small single storey dwellings is not matched by the limited supply. The proposal is, therefore, contrary to Policy SP8 of the Core Strategy, which requires that all proposals for housing must contribute to the creation of mixed communities by ensuring that the types and sizes of dwellings provided reflect the demand and profile of households.

2. CONSULTATION AND PUBLICITY

- 2.1 **Neighbour Comments** – This application has been advertised by site notice resulting in no letters of representation being received.
- 2.2 **Parish Council** - No objections to the amended plans received on 8th March 2021 (revision J).
- 2.3 **Internal Drainage Board** – No objections to the proposal. Recommended a condition relating to drainage is attached to any permission granted.

3 SITE CONSTRAINTS

Constraints

- 3.1 The application site is located within the defined development limits of Escrick, which is a Designated Service Village with defined Development Limits as identified in the Core Strategy.

- 3.2 The application site is located part within Flood Zone 2, which has been assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% - 0.1%), or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (0.5% - 0.1%) in any year.

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
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

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 area
- 3) Impact on residential amenity
- 4) Flooding

The Principle of the Development

5.2 The application site is located within the defined development limits of Escrick and the application is seeking consent for the erection of a single storey side and rear extension. There is nothing in the NPPF to identify this type of development as being unsustainable or preclude in principle development of this type in this location.

5.3 The proposal also seeks to maintain the bungalow's current height and overall single storey form, with no first-floor extension like previously applied for. This overcomes the second reason for refusal on application 2020/0449/HPA, where the concern was that the first-floor extension would negatively affect the housing mix in the settlement, i.e., the demand for small single storey dwellings is not matched by the limited supply.

Design and impact on the character and appearance of the area

5.4 Relevant policies in respect to design and impact on the character and appearance of the area include Policy ENV1 (1) and (4) of the Selby District Local Plan and Policy SP19 "Design Quality" of the Core Strategy. Significant weight should be attached to 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 127, 130 and 131.

5.5 The host dwelling has a pitched roof with eaves to a maximum height of 2.8 metres and ridge to a height of 4.6 metres from ground level. The host dwelling benefits from a flat-roofed garage, which is attached to the side elevation and a small flat-roofed extension to the rear.

5.6 The proposed development would include the erection of a single storey side and rear extension. The proposed development would comprise of an extension with a pitched roof and flat roof. The pitched roof would have a ridge line and eaves to match the host dwelling. The flat roof extension would have a maximum height of 2.8 metres. The proposed extension would project out from the rear elevation of the host dwelling by a maximum of 6.3 metres. The proposed extension would span the full width of the rear elevation and would extend beyond the existing side (south) elevation of the host dwelling, by an additional 3 metres.

5.7 In considering the impact the proposed development would have on the character of the local area, the proposed extension would predominantly be to the rear

elevation and would not be visible from the highway or within the street scene. The flat roofed extension, which would project out beyond the existing south elevation would be visible from the main highway, but would be well set-back and would appear subordinate to the host dwelling. The proposal is also considered to overcome the planning committee's previous concerns of the former proposal that was regarded as being visually dominant; a disproportionate addition to the host dwelling: and would lead to overdevelopment of the application site. This revised proposal is much more subordinate in terms of its scale and impact on the wider street scene.

- 5.8 Having regard to the above, it is considered that the proposals are of an appropriate design and given their size and siting would not have a significant impact on the character and appearance of the area. The proposals are therefore in compliance with Policy SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan and the advice contained within the NPPF.

Impact on Residential Amenity

- 5.9 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the size, scale and massing of the development proposed.
- 5.10 With regards to overlooking, the proposed development would introduce several additional openings to the side and rear elevations at ground floor level. However, any potential for overlooking would be mitigated by the existing boundary treatments, which consist of a close boarded timber fence and a mature Leylandii hedge.
- 5.11 With regards to overshadowing and oppression, the proposed development would bring the dwelling closer to the shared boundary with no.1 The Glade. However, during the site visit it was noted that the shared boundary benefitted from mature tree planting, which would offset any potential for overshadowing. The proposed development would include extending the flat roofed garage, which would bring the dwelling closer to the shared boundary with no. 3 The Glade. However, any increase in overshadowing would be largely off-set by the existing close boarded fence boundary treatment.
- 5.12 Having regard to the above, it is considered that the proposal would not have any significant adverse impact on the amenities of the occupiers of any neighbouring residential properties. The amenities of the adjacent residents would therefore be preserved in accordance with Policy ENV1 (1) of the Selby District Local Plan.

Flooding

- 5.13 The application site is located within Flood Zone 2 which has been assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% - 0.1%), or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (0.5% - 0.1%) in any year.
- 5.14 NPPF paragraph 164 States that "Applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in

footnote 50". The NPPG defines minor development and includes minor non-residential extensions (industrial/commercial/leisure, etc. extensions) with a footprint less than 250 square metres. A sequential and exception test is therefore not required in this instance.

- 5.15 An FRA was submitted with the proposal which states that floor levels within the proposed development will be set no lower than existing levels and flood proofing of the proposed development has been incorporated where appropriate. The FRA is considered to be acceptable. The proposed scheme is therefore in accordance with the advice contained in within the NPPF and NPPG.

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 the proposed development would not have a detrimental effect on the character and appearance of the area or on the residential amenity of the occupants of neighbouring properties. The application is therefore considered to be in compliance with Policies ENV1 of the Selby District Local Plan, Policies SP1, SP15 and SP19 of the Core Strategy and the advice contained within the NPPF.

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.

H.CON.05.20.02J	Proposed Plans and Elevations	Dated 05/03/2021
H.CON.05.20.01B	Existing Plans and Elevations	Dated 22/01/2021

Reason:

For the avoidance of doubt.

03. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those of the existing building in colour and texture.

Reason:

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

04. No development approved by this permission shall be commenced until the Local Planning Authority, in consultation with Ouse & Derwent Internal Drainage Board, has approved a Scheme for the provision of surface water drainage works. Any such Scheme shall be implemented to the reasonable satisfaction of the Local

Planning Authority before the development is brought into use. The following criteria should be considered:

- The suitability of soakaways, as a means of surface water disposal, should first be ascertained in accordance with BRE Digest 365 or other approved methodology.
- If soakaways are not feasible, then the Board may consider a proposal to discharge surface water to a watercourse (directly or indirectly).
- For the redevelopment of a brownfield site, the applicant should first establish the extent of any existing discharge to that watercourse.
- Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
- Discharge from "greenfield sites" taken as 1.4 lit/sec/ha (1:1yr storm).o Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.
- A 30% allowance for climate change should be included in all calculations.
- A range of durations should be used to establish the worst-case scenario.

Reason:

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

05. The development shall be carried out in accordance with the flood mitigation measures as set out in the Flood Risk Assessment submitted with the application received by the Local Planning Authority on 29th January 2021.

Reason:

In the interests of flood risk and flood risk reduction and in order to comply with the advice contained within the NPPF and NPPG.

Drainage Informative:

Under the Board's Byelaws the written consent of the Board is required prior to any discharge (directly or indirectly) into any watercourse within the Board's District. The Board's comments have been made following consideration of the information provided by the applicant through the Planning Authority. Should these details change the Board would wish to be re-consulted.

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 **2021/0081/HPA** and associated documents.

Contact Officer: Jac Cruickshank (Planning Officer)

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.



DISTRICT COUNCIL

Tel: 01757 705101
www.selby.gov.uk

Planning Committee 2021-22



John Cattanaach, Chair (C)
Cawood and Wistow
01757 268968
jcattanaach@selby.gov.uk



Mark Topping (C)
Derwent
mtopping@selby.gov.uk



Keith Ellis (C)
Appleton Roebuck & Church Fenton
01937 557111
kellis@selby.gov.uk



John Mackman, Vice-Chair (C)
Monk Fryston
01977 689221
jmackman@selby.gov.uk



Ian Chilvers (C)
Brayton
01757 705308
ichilvers@selby.gov.uk

Page 143



Don Mackay (SI&YP)
Tadcaster
01937 835776
dbain-mackay@selby.gov.uk



Steven Shaw-Wright (L)
Selby East
07711200346
sshaw-wright@selby.gov.uk



Robert Packham (L)
Sherburn in Elmet
01977 681954
rpackham@selby.gov.uk



Paul Welch (L)
Selby East
07904 832671
pwelch@selby.gov.uk

Substitute Councillors



Chris Pearson (C)
Hambleton
01757 704202
cpearson@selby.gov.uk



Richard Musgrave (C)
Appleton Roebuck & Church Fenton
07500 673610
rmusgrave@selby.gov.uk



Tim Grogan (C)
South Milford
tgrogan@selby.gov.uk



David Buckle (C)
Sherburn in Elmet
01977 681412
dbuckle@selby.gov.uk



John McCartney (SI&YP)
Whitley
01977 625558
jmccartney@selby.gov.uk



Keith Franks (L)
Selby West
01757 708644
kfranks@selby.gov.uk



Stephanie Duckett (L)
Barby Village
01757 706809
sduckett@selby.gov.uk



John Duggan (L)
Riccall
jduggan@selby.gov.uk

(C) – Conservative (L) – Labour (SI&YP) – Selby Independents and Yorkshire Party Group