



Meeting: **PLANNING COMMITTEE**
Date: **WEDNESDAY, 5 OCTOBER 2022**
Time: **2.00 PM**
Venue: **COUNCIL CHAMBER - CIVIC CENTRE, DONCASTER ROAD, SELBY, YO8 9FT**
To: **Councillors M Topping (Chairman), C Richardson (Vice-Chair), I Chilvers, K Ellis, G Ashton, R Packham, P Welch, J Duggan and D Mackay**

Agenda

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

A copy of the Register of Interest for each Selby District Councillor is available for inspection at www.selby.gov.uk.

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

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

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

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

- 3. Chair's Address to the Planning Committee**
- 4. Minutes (Pages 1 - 8)**

To confirm as a correct record the minutes of the Planning Committee meeting held on 7 September 2022.

5. **Planning Applications Received (Pages 13 - 14)**
 - 5.1. **2022/0825/OUT - Royal Oak Inn, Main Road, Hirst Courtney (Pages 15 - 34)**
 - 5.2. **2021/0481/FUL - Sugar Hill Farm, Wingate Hill, Stutton (Pages 35 - 58)**
 - 5.3. **2019/0045/EIA - Land Between New Road and Wheldrake Lane (Pages 59 - 98)**
6. **Helios Renewable Energy Project NSIP Briefing Report (Pages 99 - 106)**

Janet Waggott

Janet Waggott, Chief Executive

Dates of next meetings (2.00pm) Wednesday, 9 November 2022
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Enquiries relating to this agenda, please contact Democratic Services on democraticservices@selby.gov.uk.

Recording at Council Meetings

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Agenda Item 4



Minutes

Planning Committee

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

Date: Wednesday, 7 September 2022

Time: 2.00 pm

Present: Councillor M Topping in the Chair

Councillors C Richardson (Vice-Chair), I Chilvers, G Ashton, J Duggan, D Mackay, S Duckett, R Musgrave

Officers Present: Hannah Blackburn – Planning Development Manager, Glenn Sharpe – Solicitor, Alison Hartley – Solicitor to the Council, Linda Drake – Planning Project Officer, Emma Howson – Senior Planning Officer, Gina Mulderrig – Democratic Services Officer

16 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R Packham, K Ellis and P Welch.

Councillor S Duckett was in attendance as a substitute for Councillor R Packham, and Councillor R Musgrave was in attendance as a substitute for Councillor K Ellis.

17 DISCLOSURES OF INTEREST

Councillor R Musgrave declared a prejudicial interest in agenda items 5.1, 2022/0031/EIA – Selby Station and 5.2, 2022/0032/LBC – Selby Station as he had been involved in the business case for the development as a Member of the Executive at Selby District Council. Councillor R Musgrave confirmed that he would leave the meeting during consideration thereof.

The Solicitor declared a prejudicial interest in agenda items 5.1, 2022/0031/EIA – Selby Station and 5.2, 2022/0032/LBC – Selby Station as he had advised the applicant throughout the application process. The Solicitor confirmed that he would leave the meeting during consideration thereof and

would be replaced by Solicitor to the Council.

Councillor M Topping declared a non-prejudicial interest in agenda items 5.1, 2022/0031/EIA – Selby Station and 5.2, 2022/0032/LBC – Selby Station as he had been party to the consultation process of the application in his capacity as a resident of Selby District. Councillor M Topping confirmed that he would not leave the meeting during consideration thereof.

Councillor R Musgrave declared a non-prejudicial interest in item 5.3, 2022/0188/FUL, Land Off Main Street, Skipwith, as he had previously been County Councillor in a ward containing Skipwith and had attended numerous Parish Council meetings where the application had been discussed. He did not leave the meeting during the consideration thereof.

18 CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

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

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

The Chair informed the Committee that the order of the agenda had been amended so that item 5.3, 2022/0188/FUL – Land off Main Street, Skipwith, would be taken first with the listed order continuing thereafter.

19 MINUTES

The Committee considered the minutes of the Planning Committee meeting held on 17 August 2022.

RESOLVED:

To approve the minutes of the Planning Committee meeting held on 17 August 2022 for signing by the Chairman.

20 PLANNING APPLICATIONS RECEIVED

The Planning Committee considered the following planning applications.

20.1 2022/0188/FUL - LAND OFF MAIN STREET, SKIPWITH, SELBY

Application: 2022/0188/FUL

Location: Land Off Main Street, Skipwith, Selby

Proposal: Change of use of land from agricultural to recreational area with new perimeter timber fence to 2 No sides with double gates, new pedestrian access and 3 No new rustic timber benches.

The Senior Planning Officer presented the application which had been brought before Planning Committee as there had been more than 10 letters of representation received which raised material planning considerations, and

where Officers recommended determination contrary to these representations.

This application had been deferred at the meeting of the Committee held on 6 July 2022 due to unresolved objections from the landowner. These had now been resolved.

Members noted that the application was for the change of use of land from agricultural to recreational area with new perimeter timber fence to 2 No sides with double gates, new pedestrian access and 3 No new rustic timber benches.

The Committee considered the Officer Update Note which corrected a typo in paragraph 5.3 and set out an additional condition due to a mismatch in the description of the fencing detailed in Plan 001 and the detailed fencing design shown on Plan 002. The additional condition stated that the fencing to be installed shall be timber of post and rail design as shown on drawing 002 and no other form of fencing shall be used.

Councillor R Musgrave informed the Committee he had previously been County Councillor for the Ward that included Skipwith and had attended Parish Council meetings in this capacity whilst the project and application had been discussed. He stated he was not prejudiced regarding the application.

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

RESOLVED:

That the application be GRANTED subject to the conditions set out in paragraph 7 of the report and the Officer Update Note.

Councillor R Musgrave excused himself from the Committee and joined the public gallery. The Solicitor left the meeting. The Solicitor to the Council joined the meeting remotely.

20.2 2022/0031/EIA - SELBY STATION, SELBY

Application: 2022/0031/EIA

Location: Selby Station, Selby

Proposal: External and associated internal alterations to Selby rail station, demolition in a conservation of the part of the station building, Selby Business Centre, the Railway Sports and Social Club, James Williams House, boundary walls along Ousegate at the entrance to Cowie Drive, and lean-to at the railway goods shed. Reconfiguration of the bus station, highway alignments along Station Road, Ousegate, the Crescent/Park Street Junction. Public realm and landscaping improvements at the Wharf on Ousegate, Station Road and Selby Park. The creation of an underpass tunnel beneath Bawtry Road and creation of a new surface car park at Cowie Drive and new pedestrian and

cycle access into the station from Cowie Drive. Inclusion of new bus stands, street furniture and EV bus charging points.

The Planning Project Officer presented the application which had been brought before the Planning Committee as it was accompanied by an Environmental Impact Statement. The application form also cited the Council as part applicant.

Members noted that the application was for the external and associated internal alterations to Selby rail station, demolition in a conservation of the part of the station building, Selby Business Centre, the Railway Sports and Social Club, James Williams House, boundary walls along Ousegate at the entrance to Cowie Drive, and lean-to at the railway goods shed. Reconfiguration of the bus station, highway alignments along Station Road, Ousegate, the Crescent/Park Street Junction. Public realm and landscaping improvements at the Wharf on Ousegate, Station Road and Selby Park. The creation of an underpass tunnel beneath Bawtry Road and creation of a new surface car park at Cowie Drive and new pedestrian and cycle access into the station from Cowie Drive. Inclusion of new bus stands, street furniture and EV bus charging points.

The Committee considered the Officer Update Note, including the updated recommendation; Members were now asked to DELEGATE the GRANTING of the permission to the Head of Planning following the expiration of consultation period, being the expiry of the press notice on 17th September 2022, and there being no further comments received raising new material planning considerations. The Update Note also detailed amendments to the wording of Condition 3, Condition 4 and Condition 20.

The Committee asked questions of the Officer about parking capacity and disruption to parking in the area throughout the works.

The Planning Project Officer confirmed the car parking spaces would increase from 87 to 213 and the installation programme would be determined by North Yorkshire County Council Highways Department to minimise disruption.

The progress of the installation of a lift at Selby Station was queried and the Planning Project Officer clarified that the lift was not part of this application but was scheduled to go ahead alongside this project as a separate application by Network Rail.

Members questioned the demolition of walls listed in section 1.5 of the report, in particular the boundary wall opposite Selby Station. The Planning Project Officer explained that the demolition was regrettable but necessary and that there had been no objections regarding the heritage of the wall, but it was recommended that it should be recorded prior to any demolition; this could be controlled through the condition.

The Committee asked about the removal and replacement of trees. The Planning Project Officer stated that the Landscaping Plan was yet to be

finalised and focus would be on biodiversity and finding appropriate replacements for the trees that were removed. There would be a net increase in the number of trees with the species chosen being suitable to the development and compensatory to the species removed where appropriate.

The pedestrianisation of Canal Bridge was questioned by Members with concerns about the length of the detour vehicle drivers would need to take, the possibility of accidents and the measures taken to keep vehicles from using the bridge whilst ensuring it could be used for traffic in the case of flooding or emergency.

The Planning Project Officer was not aware of any recorded accidents and confirmed there had been no objections regarding the proposed closure of Canal Bridge to vehicles. The Canal and River Trust had maintained the bridge and had previously expressed concern about the damage caused to it by vehicles, and therefore had no objection to the road being pedestrianised. Road layout, road markings and other measures to ensure vehicles could not use the bridge unless necessary would be determined in the conditions from North Yorkshire County Council Highways Department.

Members also question the provision of a crossing across Ousegate toward the Toll Bridge, stating that this led to an area with no attached footpath and that this would encourage pedestrians to cross the bridge using the highway which was a safety concern. The Planning Project Officer stated that the North Yorkshire County Council Highways Department had not submitted any concerns about the crossing.

The Committee brought to the notice of the Planning Project Officer the existence of a mural inside the Railway Sports and Social Club building which the application proposed to demolish. Members expressed the value of the artwork to the heritage of Selby and questioned the possibility of its inclusion in the new development at Selby Station. Officers were unaware of the artwork and stated they would contact the applicant to try and accommodate the request of the Committee.

Lee Addy, leaseholder at Selby Business Park, was in attendance at the meeting and spoke in objection to the application.

The Chairman, on advice from the Solicitor to the Council, informed the Committee that issues regarding leases were not part of the consideration of this application and were private business between landowners and tenants.

The Lead Executive Member for Communities and Economic Development, Councillor David Buckle, was in attendance at the meeting and spoke in favour of the application.

Tania Weston, Transforming Cities Fund Programme Manager at North Yorkshire County Council was in attendance to represent the applicant, North Yorkshire County Council, and spoke in favour of the application.

Members debated the application further and expressed discomfort at the inclusion of Canal Bridge in the development but praised the application as a whole noting that Selby Station was well overdue an update and the project was a significant investment that would regenerate the station and Selby as a whole. Concern was given to the impact on small businesses displaced by the scheme and lack of quantitative evidence the development would attract visitors to the town, but overall support was shown.

The Planning Development Manager proposed a further Condition on the landscaping of the development to reassure the concerns of the Committee regarding the number and species of trees scheduled for planting. The Planning Development Manager also proposed an Informative that any items of historical interest that remain within the Selby Railway Sports and Social Club building be offered to local interest groups for preservation or made available within the scheme.

It was proposed and seconded to DELEGATE the GRANTING of the permission to the Head of Planning following the expiration of consultation period, being the expiry of the press notice on 17th September 2022, and there being no further comments received raising new material planning considerations. A vote was taken on the proposal and was carried.

RESOLVED:

That the application be DELEGATED to the Head of Planning to GRANT following the expiration of consultation period, being the expiry of the press notice on 17th September 2022, and there being no further comments received raising new material planning considerations subject to the conditions set out in paragraph 7 of the report, the Officer Update Note and the further Landscape Condition and Informative proposed in the meeting as follows:

LANDSCAPE CONDITION

That no phase of the development shall commence (other than the demolition works allowed under condition 3) until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall:

- **include indications of all existing trees and hedgerows on the land;**
- **identify those to be retained and set out measures for their protection throughout the course of development;**
- **include details of the species, location, planting density and stock size on planting of all trees and**

shrub planting; and

- **include details of the measures for the management and maintenance of the approved landscaping**

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

Reason: In the interests of visual amenity in accordance with Policy ENV1 of the Local Plan and Core Strategy Policy SP19.

INFORMATIVE:

Your attention is drawn to the potential items of historical interest to the town of Selby that may remain within the Selby Railway Sports and Social Club building. Where possible and practical, these should be removed from the building prior to its demolition and offered to local interest groups for preservation or made available for public viewing within the scheme.

20.3 2022/0032/LBC - SELBY STATION, SELBY

Application: 2022/0032/LBC

Location: Selby Station, Selby

Proposal: Listed building consent for alterations to the Grade II listed Selby Railway Station including the demolition of the existing mid-twentieth-century station building, the construction of a replacement new pavilion style station building, creation of new access points and associated works.

The Planning Project Officer presented the application which had been brought before the Planning Committee as it related to planning application reference 2022/0031/EIA, and because Selby District Council were cited as part applicant with North Yorkshire County Council.

Members noted that the application was for listed building consent for alterations to the Grade II listed Selby Railway Station including the demolition of the existing mid-twentieth-century station building, the construction of a replacement new pavilion style station building, creation of new access points and associated works.

The Committee asked questions of the Planning Project Officer regarding

disability access and the provision of toilet facilities at Selby Station.

The Planning Project Officer confirmed that the installation of a lift had been approved as part of a separate application, there was ramped access scheduled to the station from the eastern side and level access was planned throughout the building. The Planning Project Officer stated that the existing toilet and changing facilities would be replaced but that there were no plans in this application to provide facilities on the other side of the train track.

It was proposed and seconded that the application be APPROVED. A vote was taken on the proposal and was carried.

RESOLVED:

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

The meeting closed at 3.24 pm.

Planning Committee

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

1. The legislation that allowed Councils to take decisions remotely came to an end on 7 May 2021. As such, Planning Committee meetings are now back to being held 'in person', but the Council still needs to be mindful of the number of attendees due to Covid-19. If you are planning to attend a meeting of the Committee in person, we would ask you to please let Democratic Services know as soon as possible. The meetings will still be available to watch live online.
2. If you are intending to speak at the meeting, **you can do so remotely or in person**. If you cannot attend in person and don't wish to speak remotely, **you will need to provide a copy of what you wanted to say so it can be read out on your behalf**.
3. The reports are taken in the order of business on the agenda, unless varied by the Chairman. The Chairman may amend the order of business to take applications with people registered to speak first, so that they are not waiting. If the order of business is going to be amended, the Chairman will announce this at the beginning of the meeting.
4. There is usually an officer update note which updates the Committee on any developments relating to an application on the agenda between the publication of the agenda and the committee meeting. Copies of this update will be published on the Council's website alongside the agenda.
5. You can contact the Planning Committee members directly. All contact details of the committee members are available on the relevant pages of the Council's website:

<https://democracy.selby.gov.uk/mgCommitteeMailingList.aspx?ID=135>
6. Each application will begin with the respective Planning Officer presenting the report including details about the location of the application, outlining the officer recommendations, giving an update on any additional representations that have been received and answering any queries raised by members of the committee on the content of the report.
7. The next part is the public speaking process at the committee. Speakers attending the meeting in person and are encouraged to comply with Covid-safe procedures in the Council Chamber such as social distancing, mask wearing (unless exempt), sanitising of hands etc.
8. Only **ONE** person may register to speak for each category of speaker, per agenda item - i.e., one objector, one parish representative, one ward member

and either the applicant, agent or their representative. Registering to speak is on a 'first come, first served' basis.

9. The following speakers may address the committee for **not more than 5 minutes each in the following order**:
 - (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 (in person or remotely via Microsoft Teams) 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).**

10. If registered to speak but unable to attend in person, speakers are asked to submit a copy of what they will be saying **by 3pm on Monday before the Committee meeting** (amended to the Tuesday if the deadline falls on a bank holiday).
11. Those registered to speak remotely are also asked to provide a copy of their speech so that their representation can be read out on their behalf (for the allotted five minutes) if they have technical issues and are unable to do so.
12. 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.
13. The number of people that can access the Civic Suite will need to be safely monitored due to Covid.
14. When speaking in person, speakers will be asked to come up to a desk from the public gallery, sit down and use the provided microphone to speak. They will be given five minutes in which to make their representations, timed by Democratic Services. Once they have spoken, they will be asked to return to their seat in the public gallery. The opportunity to speak is not an opportunity to take part in the debate of the committee.
15. Speakers doing so remotely (online via Microsoft Teams) will be asked to access the meeting when their item begins and leave when they have finished speaking. They can then watch the rest of the meeting as it is streamed live on YouTube.
16. 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.
17. The members of the committee will then debate the application, consider the recommendations and then make a decision on the application.

18. 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.
19. 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.
20. This is a council committee meeting which is open to the public.
21. 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
22. The arrangements at the meeting may be varied at the discretion of the Chairman.
23. 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.
24. Please note that the meetings will be streamed live on YouTube and are recorded as a matter of course for future viewing.
25. These procedures are being regularly reviewed.

Contact: Democratic Services
Email: democraticservices@selby.gov.uk

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Agenda Item 5

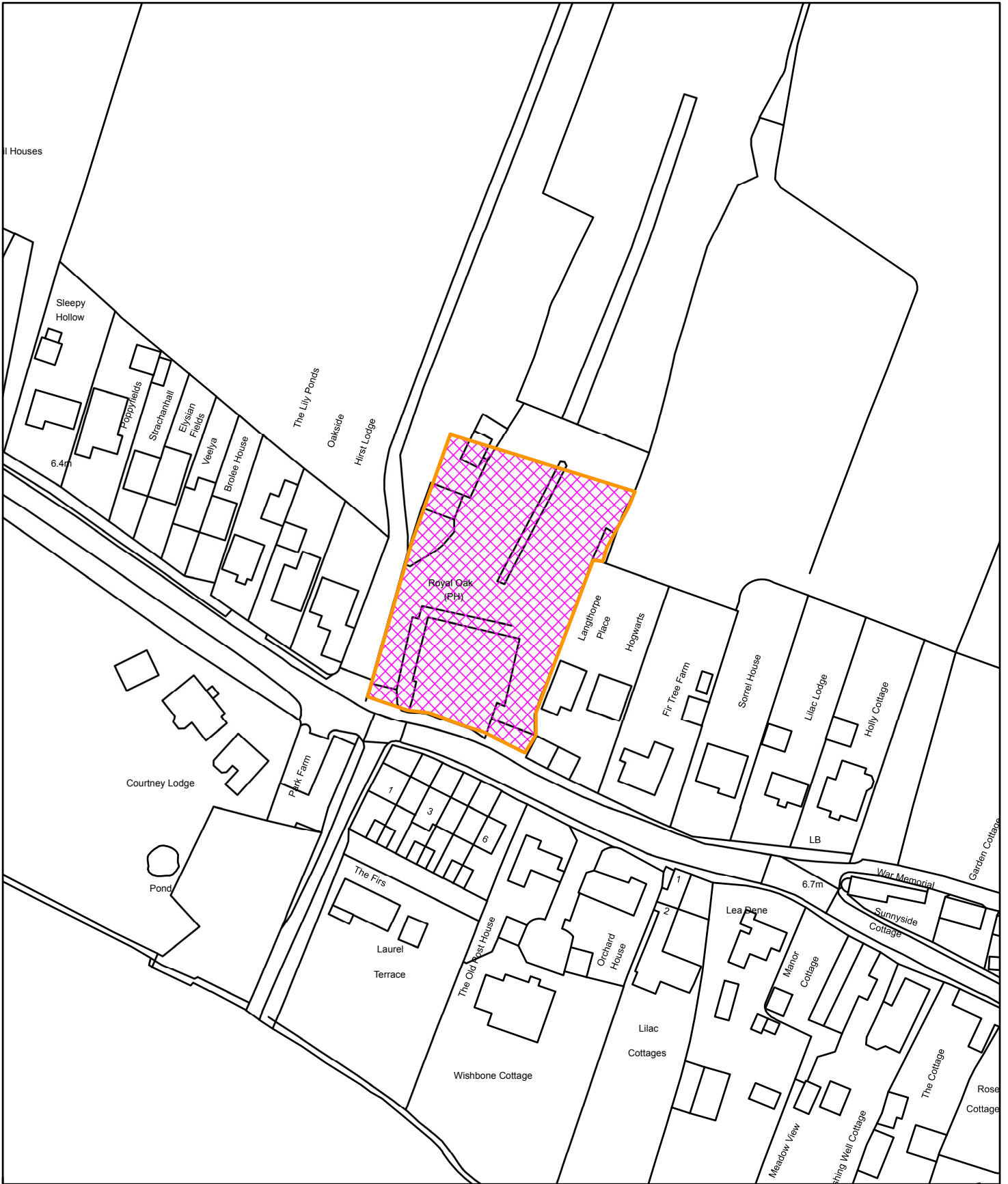
Items for Planning Committee – 5 October 2022

Item No.	Ref	Site Address	Description	Officer	Pages
5.1	2020/0825/OUT	Royal Oak Inn, Main Road, Hirst Courtney	Outline application with all matters reserved for erection of up to 7 dwellings	EMHO	15 - 34
5.2	2021/0481/FUL	Sugar Hill Farm, Wingate Hill, Stutton	Conversion of a barn into a 2 bedroom dwelling	IRSI	35 - 58
5.3	2019/0045/EIA	Land Between New Road and Wheldrake Lane	Outline application for redevelopment of the former North Selby Mine site to a leisure development comprising of a range of touring caravan and static caravans with associated facilities	MAEV	59 - 98

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Agenda Item 5.1

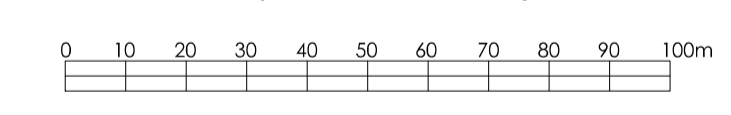
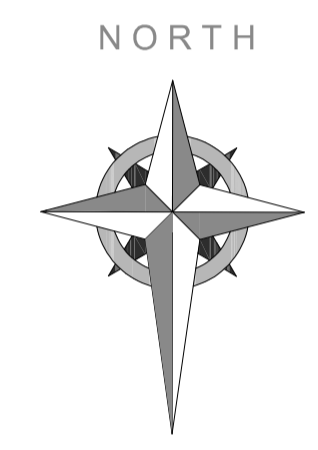
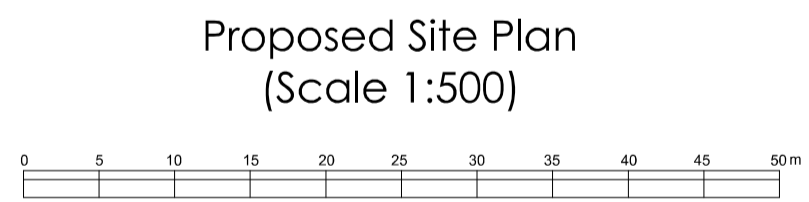
Royal Oak Inn, Main Road, Hirst Courtney
2022/0852/OUT



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Revision	Date	Revision Details
Rev.A	-	-
Rev.B	-	-
Rev.C	-	-
Rev.D	-	-
Rev.E	-	-
Rev.F	-	-
Rev.G	-	-
Rev.H	-	-
Rev.I	-	-
Rev.J	-	-

Client
Mr T Devanney

Drawn: IB

STATUS:

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Proposed Site Plan & Location Plan

Scale: 1:500 & 1:1250 Date: 18.07.2022 Rev /

Drawing Number: 210-2022-001

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Report Reference Number 2022/0852/OUT

To: Planning Committee
Date: 5th October 2022
Author: Emma Howson (Planning Officer)
Lead Officer: Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2022/0852/OUT	PARISH:	Hirst Courtney Parish Council
APPLICANT:	Mr T Devanny	VALID DATE:	26th July 2022
		EXPIRY DATE:	20th September 2022
PROPOSAL:	Outline application with all matters reserved for erection of up to 7 dwellings		
LOCATION:	Royal Oak Inn Main Road Hirst Courtney Selby North Yorkshire YO8 8QT		
RECOMMENDATION:	REFUSAL		

This application has been brought before Planning Committee at the request of the Ward Councillor, on the following grounds: That the site of the former public house has been disused for a lot of years and is an eyesore for the village, which needs addressing; and, that there is a public house close by and this application will much improve the character and appearance of the village.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site comprises of the Royal Oak Inn on Main Street, in the village of Hirst Courtney and the large car park to the rear of the site. The public house has been closed since 2015 according to the documentation submitted by the applicant.
- 1.2 The frontage of the site including the public house itself is within the defined development limits of Hirst Courtney, however the rear car park, and the field beyond are outside the development limit.
- 1.3 Hirst Courtney is designated as a Secondary Village, with defined development limits within the Development Plan.

- 1.4 The site has been put forward by the landowner as part of the Local Plan Review, but has not been allocated as a residential site, as Hirst Courtney is not considered an appropriate location for residential growth in line with the Council's housing strategy.
- 1.5 This is a revised submission following the refusal of a previous application 2021/1478/OUT for outline consent for up to 9 dwellings on a slightly larger site, which also encompassed an area of the campsite to the rear of the car park. This was refused by Planning Committee on the 6th April 2022 for the following reasons:
- 1. The application site sits partly within the Development Limit of the Secondary Village of Hirst Courtney as defined in the development plan, though largely outside of it. Whilst part of the site may be considered as 'previously developed' the proposal would exceed the limited scale of development considered acceptable in open countryside and as such would undermine the Spatial Development Strategy that aims to deliver sustainable development with the District. This would be contrary to Policies SP1, SP2 and SP4 of the Selby District Core Strategy Local Plan and advice in the NPPF.*
 - 2. The proposal would lead to the loss of a community facility. It is not considered that it has been demonstrated that a suitable alternative facility has been identified or that a suitable marketing exercise has been undertaken or that it has been marketed on reasonable terms. The proposed development is therefore considered to be contrary to paragraph 84(d) of the NPPF and Saved Policy S3B of the Selby District Local Plan.*
 - 3. Hirst Courtney is predominately a linear settlement. The proposed development pattern would be inconsistent with local character and the surrounding pattern of development. The proposal would be seen as a form of development that would substantially extend built development into the countryside and would be poorly related to the existing built-up limits of the village. As a result, it would represent an undue visual intrusion into the open countryside, that would harm the open character of the application site. The proposal is therefore considered to be in conflict with Saved Policies ENV1 (1) and (4) of the Selby District Local Plan and Policies SP18 and SP19 of the Selby District Core Strategy Local Plan and advice contained in Section 12 of the NPPF.*
 - 4. The development includes the demolition of the public house and an associated outbuilding. No bat surveys have been undertaken, and it is not therefore possible for the LPA to determine whether mitigation may be required, and if so, what level of mitigation would be appropriate and whether this can be readily incorporated into the scheme. It is considered that permitting the proposed development without the above information would have the potential to cause considerable harm to a protected species. This would be contrary to both national legislation and Selby District Core Strategy Local Plan Policy SP18(1) and (3) and Saved Selby District Local Plan Policy ENV1(5).*

The Proposal

- 1.6 The application is submitted in Outline with all matters reserved for erection of up to 7 dwellings, following demolition of the existing public house. An indicative layout has been provided showing 3 frontage dwellings, an access located on the western side of the site and 4 rear dwellings, but this does not form part of the application matters to be considered.

Relevant Planning History

1.7 There have been numerous applications for extensions and alterations to the public house from 1980 until 1998. The following historical applications are considered to be relevant to the determination of this application:

- CO/1999/0856 - Erection of building to allow the relocation of existing milk store/ milk distribution business on land to the rear. Decision: PER, Date: 23-DEC-99.
- CO/2003/1315 - Outline application for the erection of a residential development comprising of 12 terraced and 2 semi-detached properties including shop to the ground floor of Unit 2 (following demolition of existing public house). Decision: WDN Date: 12-JAN-04.
- CO/2004/1091 - Outline application for the erection of a detached dwelling on land to the side. Decision: WDN, Date: 01-NOV-04
2010/1236/COU - Change of use of land to caravan and camping site with associated amenity block on land to the rear. Decision: REF, Date: 16-MAR-11 Allowed on appeal APP/N2739/A/11/2150203 6th October 2011.
- 2012/0142/DPC - Discharge of conditions 4 (materials), 5 (landscaping scheme), 6 (visibility lines) and 7 (Signage on site) of approval 2010/1236/COU for the change of use of land to caravan and camping site with associated amenity block on land to the rear. Decision: COND Date: 30-APR-12.
- 2016/1390/FUL - Proposed erection of two detached dormer bungalows, incorporating the conversion of the existing milk store. Decision: REF, Date: 25-APR-17.
- 2017/1022/COU - Section 73 to vary condition 03 (occupation) of approval APP/N2739/A/11/2150203 for change of use of land to caravan and camping site with associated amenity block on land to the rear. Decision: PER, Date: 08-NOV-17.
- 2018/0297/FUL - Proposed extension to existing milk store to be used for residential in conjunction with existing planning permission to be used as a dwelling, Decision: REF, Date: 12-JUN-18
The following historical application is considered to be relevant to the determination of this application.
- 2021/1111/CAR – Community Right to Bid Application. Withdrawn.
- 2021/1478/OUT - Outline application for erection of up to 9 dwellings following demolition of existing public house (all matters reserved), Decision: REF, Date: 08-APR-22.

2. CONSULTATION AND PUBLICITY

2.1 **Parish Council** - Hirst Courtney and West Bank Parish Council is in favour of this application for the following material reasons:

- The proposal will improve the amenity of the village because the dwellings will replace a redundant public house that is becoming increasingly dilapidated in

appearance. The condition of the building has been an issue within the Parish for some time.

- The proposal will utilise a brownfield site.
- The proposal will improve highway safety as the dwellings are set back from the road which improves visibility.
- The proposal will enhance the village as it will bring new residents into the community.
- The proposal will significantly help to sustain the community as an additional seven dwellings would increase the number of Band D equivalents in the parishes of Hirst Courtney and West Bank. This would help to maintain services provided by the Parish Council such as street lighting, playground maintenance and grass verge cutting.

2.2 **NYCC Highways Canal Rd – No objections.**

The design standard for the site is Manual for Streets and the required visibility splay is 2.4 metres by 45 metres. The available visibility is 2.4 metres by 45 metres. Whilst it is noted that the outline application has all matters reserved the applicant will need to ensure that any reserved matters application accounts for NYCC residential design guide and therefore the layout will need to provide either a shared surface with a 4.5m core, a 2.0m service margin and a 0.5m hard margin, or a traditional construction of a 5.5m carriageway and a 2.0m footway. Onsite turning will need to accommodate all service vehicles. Consequently, the Local Highway Authority recommends conditions.

2.3 **Yorkshire Water-** If planning permission is to be granted, conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure.

2.4 **Selby Area Internal Drainage Board – No objection. Conditions recommended.**

2.5 **Environmental Health -** Although only 7 dwellings are proposed, this application site is closely bordered on the eastern, western and southern sides by existing dwellings. The demolition of the existing disused Public House on the application site and the construction of 7 new dwellings will have the potential to adversely impact upon the existing residents that surround the site by way of noise, vibration, dust and dirt. It is therefore recommended that conditions are attached relating to the provision of a construction management plan; restrictions on the hours of work and mitigation measures if the use of piled foundations is to be applied.

2.6 **County Ecologist -** When the bat survey was undertaken, no roosts were detected, but there were indications of previous, probably transient activity in the roof void of one building. While the conclusions of the survey are considered reasonable and proportionate, it is recommended that surveys are updated if the existing buildings remain standing 12 months after the survey report was completed (i.e. July 2023). NB this does not apply to the flat-roofed buildings referred to as Buildings 4 & 5 in the bat survey report; these would not need re-surveying if they remain in present condition.

Should Selby District Council be minded to approve this application, it is recommended that a Condition be attached to adhere to the recommendations on Mitigation and Enhancement set out in sections 1, 9 & 10 of the bat survey report (Bat, breeding bird and Barn Owl survey - Royal Oak Inn, Selby by MAB Environment & Ecology Ltd, dated July 2022). This includes supervised demolition of the roof

space which produced signs of transient bat activity and installation of 4 integral bat roost features (bricks/boxes) in the new development.

When a detailed planning application is submitted, the applicant will need to demonstrate that they can deliver net gains for biodiversity in line with the requirements of the NPPF. There should be little difficulty in doing so as the site is almost all buildings or hard surfaces at present, so simple measures like planting native-species hedges as garden boundaries would represent welcome net gains for nature. However, the applicant will need to consider this and may find it useful to look at the government's Small Sites Metric, which provides a simple tool for quantifying losses and gains for biodiversity on this type of site (The Small Sites Metric - JP040 (naturalengland.org.uk))

2.7 **Contaminated Land Consultant** - The Phase 1 report only relates to part of the site and therefore does not provide a complete picture and may miss potential contamination sources. A contamination assessment which relates to the whole site and considers all possibly contamination sources will need to be provided. It is therefore recommend that planning conditions relating to land contamination are attached to any approval.

2.8 **Publicity** – The application was advertised by site notice and press notice.

In total 8 letters of support have been received on the grounds of:

- The proposal would provide needed housing
- Improve the character and appearance of the area
- The existing business is unviable and will not reopen

One letter of objection has been received. This objects on the grounds of noise and the loss of a view over the open fields.

3. **SITE CONSTRAINTS**

Constraints

3.1 The frontage of the site, including the main public house building lies within the defined development limits of Hirst Courtney. A larger proportion of the site located to the rear of the public house, which includes the car parking area, lies outside the development limits and therefore is located within open countryside. The site is located within Flood Zone 1.

4 **POLICY CONSIDERATIONS**

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

4.2 The development plan for the Selby District comprises various documents including the Selby District Core Strategy Local Plan (adopted 22nd October 2013), 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, the Minerals and Waste Joint Plan (adopted 16 February 2022),

and the Church Fenton and the Appleton Roebuck and Acaster Selby neighbourhoods plans.

- 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 and additional sites took place in early 2021. The Pre-submission Publication Local Plan is currently subject to a period of formal consultation prior to submission to the Secretary of State for Examination. Given the stage of the emerging Local Plan, the policies contained within it are attributed no weight and as such are not listed in this report.
- 4.4 The National Planning Policy Framework (July 2021) (NPPF) replaced previous iterations of the NPPF. The NPPF does not change the status of an up-to-date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2021 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

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

Selby District Core Strategy Local Plan

- 4.6 The relevant Core Strategy Policies are:

SP1 Presumption in Favour of Sustainable Development
SP2 Spatial Development Strategy
SP4 Management of Residential Development in Settlements
SP5 The Scale and Distribution of Housing
SP8 Housing Mix
SP9 Affordable Housing
SP10 Rural Housing Exception Sites
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
H2 Location of New Housing Development
H2B Housing Density
T1 Development in Relation to the Highway Network
T2 Access to Roads
S3 Local Shops

5 APPRAISAL

5.1 The main issues to be considered when assessing this application are:

- Principle of Development
- Loss of Community Facility
- Character and Appearance of Area
- Ecology
- Highways
- Flood Risk and Drainage
- Land Contamination
- Housing Mix
- Affordable Housing
- Other Issues

Principle of Development

- 5.2 This outline application would provide 7 no. houses, which would contribute towards the delivery of housing in the district and to the provision of housing in the rural area.
- 5.3 Policy SP1 of the Core Strategy outlines that "when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 14 of the NPPF.
- 5.4 Core Strategy Policy SP2A adopts a hierarchical Spatial Development Strategy that focuses new development within existing settlements best placed to provide services to support new residents and achieve sustainable patterns of development. This policy is therefore consistent with the guidance in the NPPF especially at Paragraph 79, which covers sustainable development in rural areas.
- 5.5 At SP2A(b) it states that "Limited amounts of residential development may be absorbed inside Development Limits of Secondary Villages where it will enhance or maintain the vitality of rural communities and which conform to the provisions of Policy SP4 and Policy SP10." Policy SP10 relates to the provision of Rural Housing Exception Sites, which the application is not proposing.
- 5.6 SP2A(c) continues, "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". Policy SP13 'Scale and Distribution of Economic Growth' relates to the delivery of employment sites and therefore the focus for development within open countryside is either such sites that contribute towards the local economy or propose the provision of rural affordable housing under Policy SP10.
- 5.7 Policy SP4 allows for development of non-allocated sites in Secondary Villages, providing they are for the following types of development: conversions, replacement

dwelling, redevelopment of previously developed land, filling of small linear gaps in otherwise built-up residential frontages, and conversion/redevelopment of farmsteads. Policy SP4(c) and (d) also apply and require more detailed consideration of scale, form, density and design.

- 5.8 The application site relates to an existing public house and its car park and curtilage area. The public house and land to the front of the site lies within the Development Limit of the Secondary Village of Hirst Courtney, but the larger proportion of the site, encompassing the rear car parking area, falls outside the development limit and is therefore considered to be open countryside.
- 5.9 Whilst policies SP2 and SP4 do allow for a limited amount of housing growth within Secondary Villages, the largest proportion of the site would be outside the defined development limits in open countryside, where only limited forms of development are supported in line with the Spatial Development Strategy as set out above.
- 5.10 Even if the whole site was located within the defined Development Limits of Hirst Courtney, it would not fall entirely within any of the forms of development which are considered to be acceptable in principle within the defined Development Limits of Secondary Villages, as set out in Policy SP4 as referenced in Policy SP2A(b), as the proposal does not involve conversion, replacement of existing dwellings and is not formally a farmstead. Turning to the remaining categories:
- 5.11 The NPPF provides a definition of previously developed land that considers it to be 'land which is or was occupied by a permanent structure, including the curtilage...although it should not be assumed that the whole of the curtilage should be developed'. Paragraph 120 c) gives substantial weight to the use of brownfield land within settlements for homes and d) supports the development of under-utilised land and buildings especially where land supply is constrained. The car parking area and the public house could be considered as 'previously developed land' as set out in the NPPF.
- 5.12 As the proposal requires the demolition of the existing public house to allow for the erection of the proposed houses, it could not be properly described as 'the filling of a small linear gap in an otherwise built-up residential frontage'; the demolition of an existing building that is not insignificant in size is required to 'create' a gap and this demolition is an activity that requires planning permission as a building operation under Section 55 of the Town and Country Planning Act 1990 as amended.
- 5.13 The application is in outline with all matters reserved, but the indicative site layout shows the development of seven houses across the full length and width of the site. Whilst it is noted that the layout is indicative, it would be difficult to accommodate 7 no. dwellings along the frontage of the site and would therefore require development within the car park to the rear, which is outside development limits. The development of the land outside the development limits would extend the existing built form on the site in a northerly direction and beyond the existing linear form created by the single depth buildings on the north side of the village's Main Road. Whilst the land is partly covered in hardstanding that would fall within the curtilage of the public house, as the definition of previously developed land makes clear, it should not be assumed that the whole of the curtilage should be developed. The erection of houses would increase the density and massing of development on the site from the replacement of the public house with 7 no. houses. It would not be characteristic with the adjacent linear built form along the northern side of the main road within the settlement and

would be harmful to the open character of the site, the wider area and that of the land beyond the development limit.

- 5.14 It is noted that the planning statement within the application states that the revised proposal of 7 no. houses sits within development limits, this is not however the development limits of the settlement, but the end of the hardstanding area within the site. The site does fall within the area that could be considered to be 'previously developed land' as the site has been reduced in scale so that it no longer contains any land within the field to the north.
- 5.15 In summary, the proposal seeks to provide 7 no. dwellings, which would contribute towards the District's housing supply, though it is noted that the Council has a healthy housing land supply. Whilst the development of the front section of the site within Development Limits for housing would potentially be acceptable in principle, as it would replace existing buildings with linear development that would be similar in density and form to the properties either side of the application site, overall the larger part of the site that falls outside development limits and would exceed the limited scale of development considered acceptable in open countryside.
- 5.16 Therefore, the proposed development would not meet the criteria in Core Strategy Policies SP2 and SP4 and would therefore undermine the Spatial Development Strategy in the development plan, that aims to deliver sustainable development, would be detrimental to the overall character of the area and would not contribute and improve the local economy. The application should therefore be refused unless material considerations indicate otherwise.

Loss of Community Facility

- 5.17 NPPF para 84(d) sets out a requirement to retain community facilities including public houses. Saved Policy S3B of the Local Plan states:

'Outside Selby, Tadcaster and Sherburn in Elmet, proposals involving a loss of retailing (Class A1) use, or loss of a public house (Class A3*), will not be permitted unless:*

1) It can be demonstrated that there is alternative provision for a similar type of use within reasonable walking distance; or

2) It can be shown that the business is no longer viable for retail purposes within its existing use class, and that it has remained unsold or unlet for a substantial period of time, despite genuine and sustained attempts to market it on reasonable terms.

- 5.18 The applicant's statement sets out that the public house has been empty for approximately 6 years. The nearest alternative facility appears to be the Sloop Inn at Temple Hirst, which is approximately 8 minutes walk from the Royal Oak along an unlit pathway which connects the two villages. It is not considered that this meets the requirement of point 1 of Policy S3B.
- 5.19 The planning statement states that a 3-year marketing campaign has been undertaken. Only a marketing brochure has however been provided, with no details of where the property has been advertised, or for how long, or any details of any offers or interest has been included.

- 5.20 It is expected that before a community facility is lost that a suitable level of marketing has been completed and all offers considered, and also that it is marketed to provide for any other form of community facility i.e. shop, community hall etc. No evidence has been provided that meets this requirement. In fact, the estate agents brochure suggests that it may be suitable for residential development.
- 5.21 In addition the asking price of £600k seems a high value for a site which is not operating and requires investment. Especially when you consider other sites which are presently available in the local area and the fact that the valuation has not been independently verified:
- The Ship (near Goole) trading with large car park freehold £275k (daveyco.com)
 - Fully Refurbished Pub with Guest Rooms and large car park – Cambleforth leasehold £1 (Sidney Phillips Ltd)
 - Dog and Gun (YO7) with 4 bed managers accommodation - £599k freehold (Sydney Phillips Ltd)
 - Black Bull (Escrick) 8 guest rooms but presently closed £399k (Everard Cole Ltd)
 - Hope & Anchor (Goole) detached freehouse and restaurant, large car park and beer garden with 0.5 acres - £325k freehold (Daltons Business)
 - The Dotterel Inn – (Reighton) Open pub with letting rooms, camping site providing room for 11 caravans, dining space for 100 people, beer garden, car park and two bedroomed bungalow providing owners accommodation - £700k freehold (Daltons Business).
- 5.22 It is not considered that the submission provides the relevant level of information or a suitable level of marketing to state that a community use would not be viable. It is noted that the public house requires investment and has been closed for a length of time, however this is not grounds for lesser marketing. A comparable appeal for a closed pub which was in a considerable state of disrepair was dismissed at appeal (Appeal reference APP/E2734/W/17/3184236). The Inspector did not agree that even in this state it was agreeable that a suitable level of marketing had occurred to rule out a community use.
- 5.23 The proposal is not therefore considered to accord with paragraph 84(d) of the NPPF or Saved Policy S3B of the Local Plan.

Impact on the Character and Appearance of the Local Area

- 5.24 Relevant policies in respect to design and impact on the character and appearance of the area, include Local Plan Policy ENV1 (1) and (4) and Core Strategy Policy SP19. Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF. Relevant guidance within the NPPF that relates to design is included in Section 12 which seeks to achieve well-designed places.
- 5.25 The application site comprises of a large detached public house, which has been extended on several occasions. The property sits on the road frontage with a large car park to the rear. The car parking area is covered in a hard standing but, with the exception of a small number of lights and an outbuilding beyond the car park, the site is open in nature.

- 5.26 Hirst Courtney is predominately a linear settlement with very little in the way in backland development. The application is in outline, but the indicative site plan shows development extending across the length and width of the site, which it would need to do in order to accommodate seven houses. The front properties face on to the highway whilst plots 4-7 face on to a private driveway. In contrast to the existing character of the area, the proposal would introduce residential development onto land beyond and to the rear of the public house. Such a development pattern would be inconsistent with local character and the surrounding pattern of development. Furthermore, due to the location of the proposal, it would be seen as a form of development that would substantially extend built development into the countryside and would be poorly related to the existing built-up limits of the village. As a result, it would represent an undue visual intrusion into the open countryside, that would harm the open character of the application site.
- 5.27 The proposal is therefore considered to be in conflict with Saved Policies ENV1 (1) and (4) and Core Strategy Policy SP18.

Ecology

- 5.28 Core Strategy Policy SP18 (1) and (3) seeks to protect and enhance biodiversity within the District whilst Saved Policy ENV1(5) seeks to protect wildlife habitats.
- 5.29 Paragraph 180 of the NPPF states 'When determining planning applications, local planning authorities should apply the following principles:
a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 5.30 Bats and Great Crested Newts are European Protected Species, the potential presence of which must be taken into account by the Local Planning Authority, in accordance with their duties to safeguard protected species. Their potential presence is a material consideration which must be taken into consideration in the determination of a planning application.
- 5.31 The application is supported by relevant ecological surveys, which set down recommendations and mitigation measures to be undertaken as part of the development process. It is recommended that any approval includes a condition requiring these measures to be followed. This overcomes reason no.4 of the previous refusal.
- 5.32 Based on the development being undertaken in line with the measures set out in the reports the proposal would be in accordance with both national legislation and Core Strategy Policy SP18(1) and (3) and Saved Local Plan Policy ENV1(5).

Highway Safety

- 5.33 Policies ENV1(2) and saved policies T1 and T2 of the Local Plan requires development to ensure that there is no detrimental impact on the existing highway network. Paragraph 110 of the NPPF seeks a safe and suitable access and only supports refusal of development on highway grounds if there would be unacceptable impacts on highway safety.

- 5.34 The application is in outline with all matters reserved and thus no details of the access have been provided. The applicant has provided an indicative layout, which shows that access can be provided into the site, however this does not form part of the application and is reserved for later consideration.
- 5.35 The Highway Authority have recommended conditions in relation to any future access to the site and it is considered that these would be relevant to the outline consent even though the matters are reserved as these set out the parameters as to what would be required to be fulfilled at the reserved matters stage.

Flood Risk and Drainage

- 5.36 Relevant policies in respect to flood risk, drainage and climate change include Policy ENV1(3) of the Selby District Local Plan and Policies SP15 of the Core Strategy.
- 5.37 The site is situated within Flood Zone 1, which has a low probability of flooding. The use is a more vulnerable flood risk classification, which is appropriate in Flood Zone 1. The application form states that surface water is to be discharged into the mains sewer. No objections have been raised by Yorkshire Water of the Internal Drainage Board, however conditions are recommended. It is considered appropriate that any planning approval would include the recommended conditions.

Land Contamination

- 5.38 Saved Local Plan 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. Policies SP18 and SP19 of the Core Strategy seeks to prevent development from contributing to unacceptable levels of, inter alia, soil pollution and in doing so reflects national policy in paragraph 185 of the NPPF.
- 5.39 The application has been submitted with a contaminated land report, which does not identify any significant potential contamination sources but also does not cover the whole area of the application site. It is therefore considered that the site requires further investigation and pre-commencement conditions in relation to land contamination are considered appropriate to be attached to any approval. This would accord with Policy ENV2 of the Local Plan and the NPPF.

Housing Mix

- 5.40 Policy SP8 of the Core Strategy states that all proposals for housing must contribute to the creation of mixed communities by ensuring the types and sizes of dwellings provided reflect the demand and profile of the households evidenced from the most recent strategic housing market assessment and robust housing needs assessment whilst having regard to the existing mix of housing in the locality.
- 5.41 Chapter 10 of the HEDNA sets out the need for different sizes of homes. Delivery of family-sized housing remains a requirement in both urban and rural locations of the district. Based on the evidence, it is expected that the focus of new market housing provision will be on 2-and 3-bed properties. Continued demand for family housing can be expected from newly forming households. There may also be some demand for medium-sized properties (2- and 3-beds) from older households downsizing and looking to release equity in existing homes, but still retaining flexibility for friends and family to come and stay.

- 5.42 The HEDNA does not specify smaller sub areas i.e. per village, however it is important that any housing proposal reflects the general approach of the SHLAA and HEDNA in terms of housing mix within the development. This could be secured at the outline planning stage through condition if approved.

Affordable Housing

- 5.43 Policy SP9 of the Core Strategy and the accompanying Affordable Housing Supplementary Planning Document set out the affordable housing policy context for the District. Policy SP9 outlines that for schemes of less than 10 units or less than 0.3ha a fixed sum will be sought to provide affordable housing within the District. The Policy notes that the target contribution will be equivalent to the provision of up to 10% affordable units. The calculation of the extent of this contribution is set out within the Affordable Housing Supplementary Planning Document which was adopted on 25 February 2014.
- 5.44 The NPPF is however a material consideration in the determination of planning decisions and postdates the Core Strategy. At paragraph 64 it states that 'Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)'.
- 5.45 Major development is defined in the NPPF for housing as development where 10 or more homes are provided, or the site has an area of 0.5 hectares or more. As the application proposes the erection of seven dwellings on a site which has an area of less than 0.5 hectares, it is not considered to be major development. Having had regard to Policy SP9 and the material considerations of the Affordable Housing SPD and the NPPF, it is considered that, on balance, the application is acceptable without an affordable housing contribution.

Other Issues

- 5.46 The NPPF sets out the requirements for sustainable development and within paragraph 186 the need to take opportunities to improve air quality and mitigate impacts of travel. It is recommended that a condition is attached to any planning approval requiring the provision of electric vehicle charging points for each residential property. to improve the access to sustainable transport and to improve air quality across the District.
- 5.47 Concerns have been raised with regards to the waste collection from the site, this would be a matter associated with the access arrangements and therefore can be considered at reserved matters stage.
- 5.48 Environmental Protection have raised concerns with regards to the impact of the demolition and construction works on the residential amenity of the neighbouring property and it is recommended that conditions including the requirement for a construction management plan, restricted hours of work and mitigation measures for piling foundations are attached to any planning approval.

6 CONCLUSION

- 6.1 The planning statement submitted as part of this application states that the revised proposal overcomes the four reasons for refusal of the previous application, however

a large area of the application site is still situated outside defined Development Limits and, whilst part of the site may be considered as 'previously developed', the proposal is not considered to be sustainable and would undermine the growth strategy within the Local Plan. This would be contrary to Core Strategy Policies SP1, SP2 and SP4 and advice in the NPPF at paragraph 120.

- 6.2 The proposal would lead to the loss of a community facility. It has not been demonstrated that a suitable alternative facility has been identified or that a suitable marketing exercise has been undertaken or that it has been marketed on reasonable terms. The proposed development is therefore considered to be contrary to paragraph 84(d) of the NPPF and Saved Policy S3B of the Local Plan.
- 6.3 Hirst Courtney is predominately a linear settlement. The proposed development pattern would be inconsistent with local character and the surrounding pattern of development. The proposal would be seen as a form of development that would substantially extend built development into the countryside and would be poorly related to the existing built-up limits of the village. As a result, it would represent an undue visual intrusion into the open countryside, that would harm the open character and visual appearance of the application site. The proposal is therefore considered to be in conflict with Saved Policies ENV1 (1) and (4) and Core Strategy Policy SP18.
- 6.5 Therefore, whilst the support from the local community for the proposals is acknowledged, it is considered that the proposal cannot be supported in principle due to the location of the site largely outside of Development Limits of the Secondary Village and therefore in open countryside, the loss of a community facility, and the harm to the character and appearance of the area from the erection of seven houses on a site that extends significantly beyond the Development Limits and existing linear form of the village. No harm has been identified with regards to highway safety, flood risk, land contamination, housing mix, ecology, affordable housing, and other environmental considerations. On balance, the application is recommended for refusal.

7 RECOMMENDATION

This application is recommended to be REFUSED for the following reasons:

1. The application site sits partly within the Development Limit of the Secondary Village of Hirst Courtney as defined in the development plan, though largely outside of it. Whilst part of the site may be considered as 'previously developed' the proposal would exceed the limited scale of development considered acceptable in open countryside and as such would undermine the Spatial Development Strategy that aims to deliver sustainable development with the District. This would be contrary to Policies SP1, SP2 and SP4 of the Selby District Core Strategy Local Plan and advice in the NPPF.
2. The proposal would lead to the loss of a community facility. It is not considered that it has been demonstrated that a suitable alternative facility has been identified or that a suitable marketing exercise has been undertaken or that it has been marketed on reasonable terms. The proposed development is therefore considered to be contrary to paragraph 84(d) of the NPPF and Saved Policy S3B of the Selby District Local Plan.
3. Hirst Courtney is predominately a linear settlement. The proposed development pattern would be inconsistent with local character and the surrounding pattern of

development. The proposal would be seen as a form of development that would substantially extend built development into the countryside and would be poorly related to the existing built-up limits of the village. As a result, it would represent an undue visual intrusion into the open countryside, that would harm the open character of the application site. The proposal is therefore considered to be in conflict with Saved Policies ENV1 (1) and (4) of the Selby District Local Plan and Policies SP18 and SP19 of the Selby District Core Strategy Local Plan and advice contained in Section 12 of the NPPF.

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 2022/0852/OUT and associated documents.

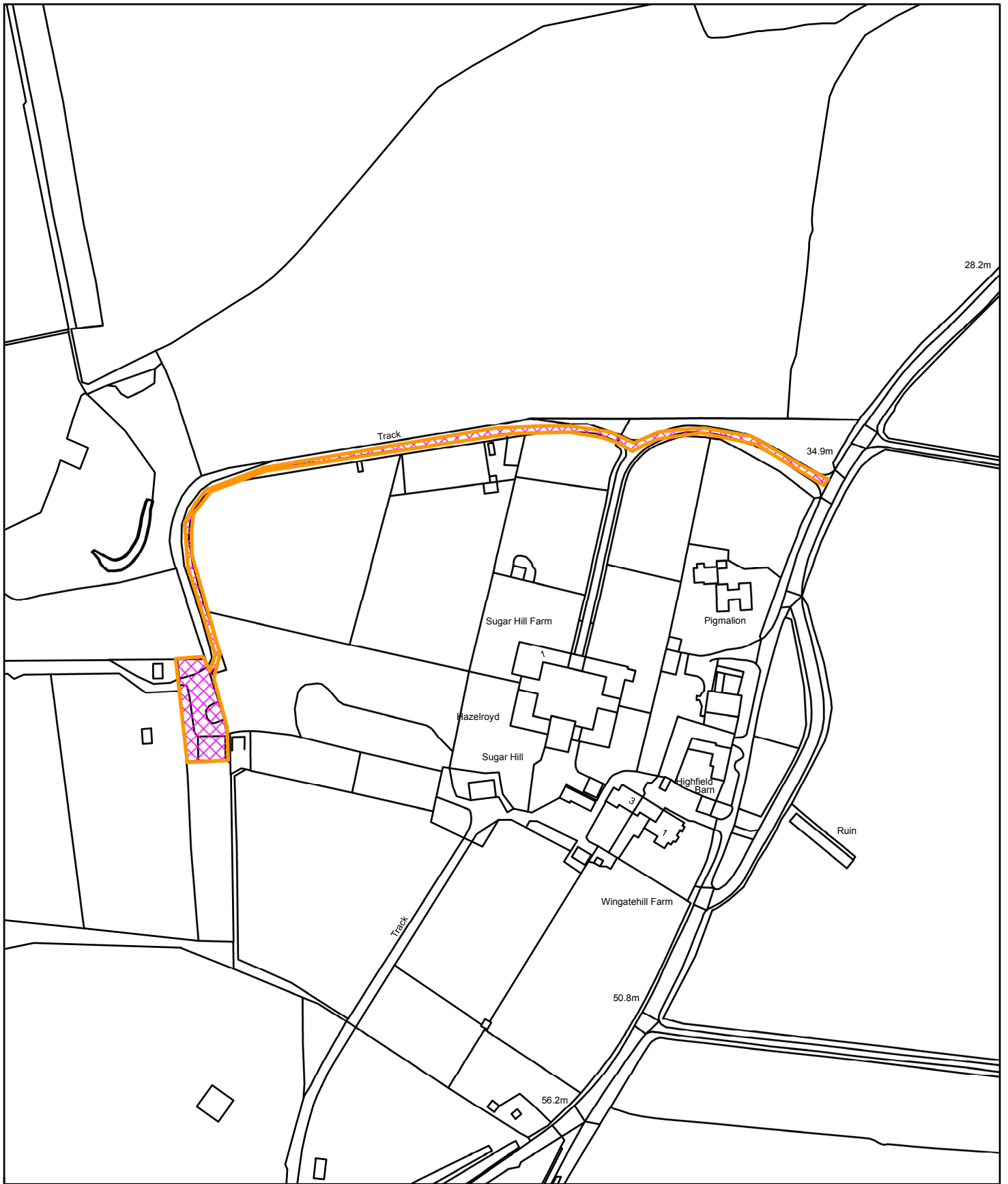
Contact Officer: Emma Howson (Planning Officer)

Appendices: None

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Agenda Item 5.2

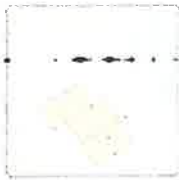
Sugar Hill Farm, Wingate Hill, Stutton
2021/0481/FUL



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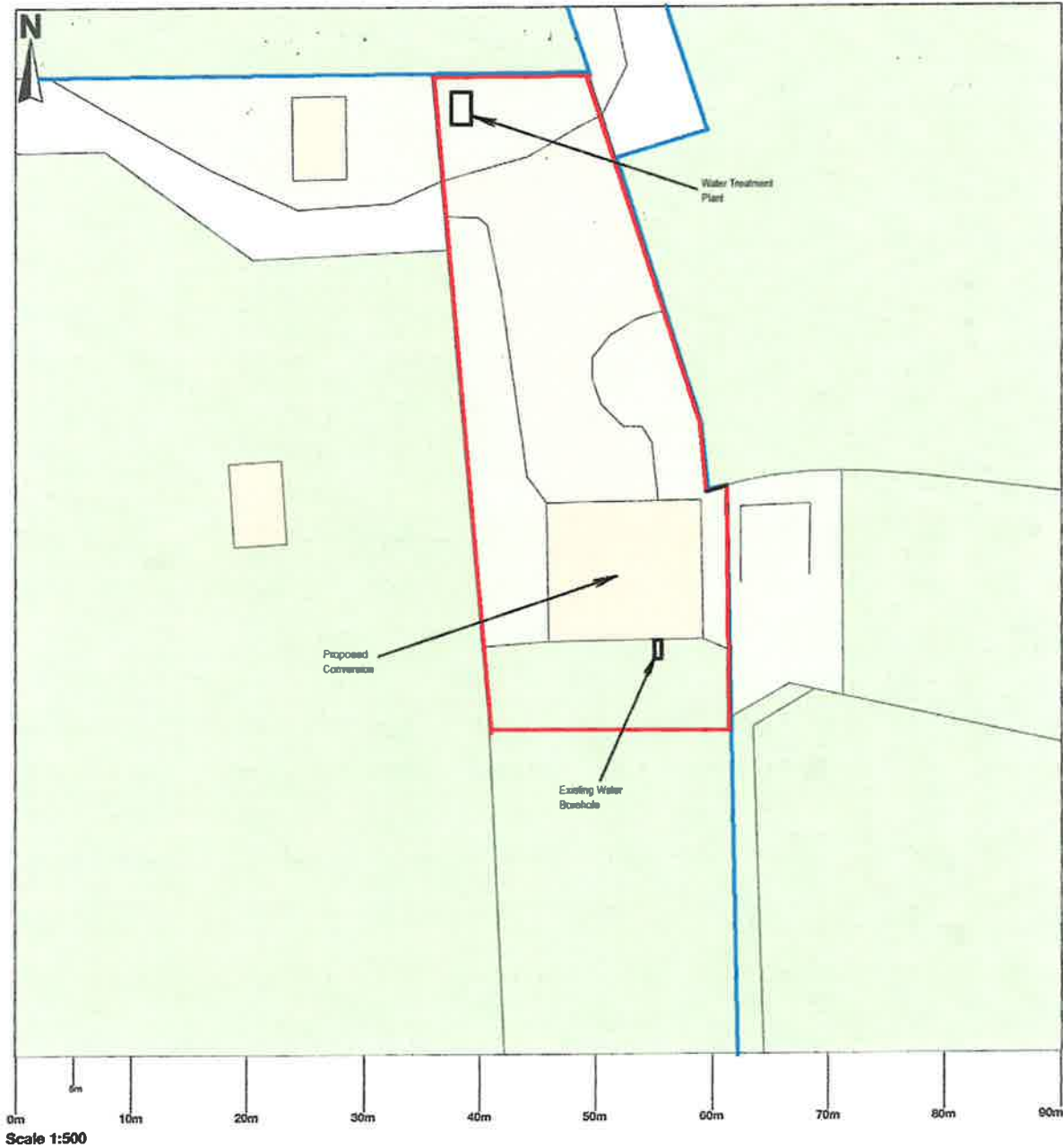


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Conversion on Land at Sugar Hill

REF 2021/0481/FUL



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Report Reference Number 2021/0481/FUL

To: Planning Committee
Date: 5th October 2022
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APPLICATION NUMBER:	2021/0481/FUL	PARISH:	Stutton With Hazlewood Parish Council
APPLICANT:	Mr Michael Annely	VALID DATE:	7th May 2021
		EXPIRY DATE:	2nd July 2021
PROPOSAL:	Conversion of a barn into a 2 bedroom dwelling		
LOCATION:	Sugar Hill Farm Wingate Hill Stutton Tadcaster North Yorkshire LS24 9NF		
RECOMMENDATION:	APPROVE		

This application has been brought before Planning Committee as the proposal is recommended to be approved contrary to the requirements of the Development Plan (namely Criterion 1 of Policy H12 of the Selby District Local Plan 2005), but it is considered that there are material considerations which would justify approval of the application.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located further west of a small group of residential properties sited remotely from Stutton village. There are agricultural fields surrounding the site and it is accessed via an existing access track through the north-east corner of the site. The field to the west of the site lies within the ownership of the applicant and there is an access to it in the north-west corner of the site. The site is located outside any defined development limits and therefore lies within countryside and also lies within the Green Belt.
- 1.2 The site comprises an existing stable block building built following approval of planning application 2007/0510/FUL that was later extended following approval reference 2011/1038/FUL. There is a substantial area of hardstanding to the north of the building and the site is enclosed by a low post and mesh fencing with a hedgerow planted internally along it on the west, low post and rail fence with some vegetation

along it on the north, a low timber post and rail/mesh fencing with some trees and other vegetation on the east and the southern elevation of the building together with a low metal field gate form the southern boundary of the current curtilage of the building. It is noted that the application site is slightly larger than the established curtilage of the building due to a small part of the field to the south of the building being incorporated in the proposals and there is no clearly defined southern boundary of the application site.

- 1.3 The existing stable block is constructed with a solid concrete floor, concrete blockwork up to a height of approximately 1.6m and timber clad externally above the blockwork. The west elevation consists of green profiled metal sheets with the door finished in the same material. The existing window openings have timber frame with no glazing but are currently boarded up with timber and the door in the west elevation has metal sheet cover. The roof is constructed of timber rafters fixed to ridge boards and supported internally with timber posts and the roof covering is metal corrugated roof sheets. It is noted from a site visit that the foundations which are visible above the ground level are slightly extending beyond the elevations of the building. Overall, the building is in good condition.
- 1.4 During the course of the application the red line was amended to include access up to the adopted highway. This access road is in the ownership of multiple landowners and the application form was amended accordingly and correct certificates were served.

The Proposal

- 1.5 This application seeks consent for the conversion of the existing stable block to a two-bedroom dwelling.

Relevant Planning History

- 1.6 The following historical applications are considered to be relevant to the determination of this application.
 - Application Number CO/1991/1190 (8/70/57F/PA) for the proposed change of use of approximately 125 acres of land to use as a golf course at Sugar Hill Farm, Stutton was approved in February 1992
 - Application Number CO/1994/1126 (8/70/57M/PA) for the use of land as a practice area and the erection of golf driving range with associated car parking and lighting at Sugar Hill Farm, Wingate Hill, Stutton was approved in April 1996
 - Application Number 2006/1379/FUL (8/70/183/PA) - outline application for an American barn containing eight internal stables (including layout, appearance, access and scale) Stables in Field West of Sugar Hill Farm, Wingate Hill, Stutton was refused in December 2006
 - Application Number 2007/0510/FUL (8/70/183A/PA) resubmission of previously refused application 8/70/183/PA (2006/1379/FUL) the erection of stable block and tack room at Stables in Field West of Sugar Hill Farm, Wingate Hill, Stutton was approved in June 2007

- Application Number 2011/1038/FUL for the proposed extension of existing stable block of three units, to accommodate three further stable units at Stables in Field West of Sugar Hill Farm, Wingate Hill, Stutton was approved in January 2012

2. CONSULTATION AND PUBLICITY

2.1 **Parish Council** – Stutton-cum-Hazlewood Parish Council asks that the following concerns be taken into account when considering the application and state that the development should not go ahead:

- the proposed development is within a green belt area.
- There are concerns regarding sustainability and that conversions of agricultural buildings for domestic purposes/residential property produce the associated trappings of domestic life which are not suitable or appropriate for the green belt area.
- There is for example no suggestion that this conversion is required for agricultural workers.

2.2 **Contaminated Land Consultant** – Confirmed that the Screening Assessment Form shows that the site is currently occupied by a stable, and previous to this has been used as pasture for cows since the late 1800's with the building being used as a hay barn. No fuel or chemicals are known to have been stored onsite and no past industrial activities or waste disposal activities have been identified onsite or nearby, so contamination is not suspected to be present. The Screening Assessment Form does not identify any significant potential contaminant sources, so no further investigation or remediation work is required. However, a condition related to unexpected contamination is recommended to be attached.

2.3 **Ainsty (2008) Internal Drainage Board** – advised that the site sits outside of the Board's drainage district and that there are no Board maintained watercourses in the vicinity. On this basis they advised that “it is not considered that the proposal will have a material effect on the Board's operations and therefore the Board has no comment to make”.

2.4 **Environmental Health** – The application and amended plans/information have been considered. Given the close proximity of this proposed conversion to other nearby residential properties, it is recommended that the applicant considers the hours of work so as not to adversely impact upon neighbouring properties in the form of noise nuisance.

2.5 **Natural England** – Confirmed have no comments to make on this application and referred the Council to Standing Advice and that a view should be sought from own ecology services.

2.6 **County Ecologist** – responses were provided by County Ecology as follows:-

First response: No ecological information has been submitted with the application and the photos alone are not sufficient to be certain that the building does not support roosting bats or nesting birds. It is therefore recommended an ecologist is commissioned to check the current structure for any evidence of bats and birds. If bats and birds are absent from the building, then no further survey or mitigation will be required.

Second response: NYCC Ecologist advised that he is satisfied that the building has been adequately assessed with regards to bats and since the building has negligible

potential to support bats no further survey work or specific mitigation is required. NYCC Ecologist is also pleased to see the recommendation for inclusion of artificial bat roost structures are part of the new development (2 bat boxes on the converted building as ecological enhancement, as set out in section 8 of the survey report 'Bat survey: preliminary roost assessment - Barn to the rear of Sugar Hill Farm, Stutton, Tadcaster by Verity Webster, dated October 2021'). This is supported as a way of providing enhancement measures for bats. There is no information within the report with regards to nesting birds. From the photos and information provided on bats it is considered that the building is no ideal to support nesting birds, but NYCC Ecologist still recommended adding an informative to the permission which recommends that the demolition works are undertaken outside of the bird nesting season or the building is first checked for nesting birds by a suitably qualified ecologist.

Third response: The NYCC ecology team has been re-consulted regarding amended plans for this application and confirmed that their previous comments still apply and that there are no further observations to add.

- 2.7 **North Yorkshire Bat Group** – No response received during the statutory consultation period.
- 2.8 **Yorkshire Wildlife Trust** – No response received during the statutory consultation period.
- 2.9 **Yorkshire Water Services Ltd** – No response received during the statutory consultation period.
- 2.10 **NYCC Heritage & Archaeology** – Confirmed that there are no known archaeological sites in the area indicated or within the immediate vicinity and that there is no objection to the proposal and no further comments make.
- 2.11 **NYCC Highways Canal Rd** – Confirmed no objections to the proposals.
- 2.12 **Public Consultation** – Site notices were posted on 27th May 2021. No representations have been received as a result of this advertisement.

3 SITE CONSTRAINTS

Constraints

- 3.1 The site is located outside defined development limits and therefore lies within the open countryside in planning policy terms. It is also located in the Green Belt and within the Locally Important Landscape Area. The site falls in flood zone 1 (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 various documents including the Selby District Core Strategy Local Plan (adopted 22nd October 2013), 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, the Minerals and Waste Joint Plan (adopted 16 February 2022), and the Church Fenton and the Appleton Roebuck and Acaster Selby neighbourhoods plans.
- 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 and additional sites took place in early 2021. The Pre-submission Publication Local Plan is currently subject to a period of formal consultation prior to submission to the Secretary of State for Examination. Given the stage of the emerging Local Plan, the policies contained within it are attributed no weight and as such are not listed in this report.
- 4.4 The National Planning Policy Framework (July 2021) (NPPF) replaced previous iterations of the NPPF. The NPPF does not change the status of an up-to-date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2021 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

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

Selby District Core Strategy Local Plan 2013 (SDCS)

- 4.6 The relevant Core Strategy Policies are:
- SP1 – Presumption in Favour of Sustainable Development
 - SP2 – Spatial Development Strategy
 - SP3 – Green Belt
 - SP9 – Affordable Housing
 - SP15 – Sustainable Development and Climate Change
 - SP18 – Protecting and Enhancing the Environment
 - SP19 – Design Quality

Selby District Local Plan 2005 (SDLP)

- 4.7 The relevant Selby District Local Plan Policies are:
- ENV1 – Control of Development
 - ENV2 – Environmental Pollution and Contaminated Land
 - ENV15 – Locally Important Landscape Area
 - H12 – Conversion to Residential Use in the Countryside

- T1 – Development in Relation to the Highway Network
- T2 – Access to Roads

National Planning Policy Framework (NPPF)

4.8 The relevant sections are:

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

Other relevant documents

4.9 The application site falls outside the scope of the **Stutton Village Design Statement**.

5 APPRAISAL

5.1 It is considered that the main issues for consideration in the determination of this application are as follows:

1. The principle of the development
 - *Green Belt*
 - *Conversions to residential use in the countryside*
2. Design and impact on the character and appearance of the area
3. Impact on residential amenity
4. Impact on highway safety
5. Nature conservation and protected species
6. Flood risk, drainage and climate change
7. Land contamination
8. Affordable housing

The principle of the development in the Green Belt

5.2 The application site is located outside the defined development limits of any settlements and is therefore located within open countryside that is designated as Green Belt. The application proposes the conversion of an existing stables building to a dwelling (Use Class C3). As such, national guidance contained within the NPPF, policies SP1, SP2A(d) and SP3 of the SDCS and Policy H12 of the SDLP are relevant.

Green Belt

5.3 Policy SP2A(d) of the SDCS sets out that in Green Belt, development must conform to policy SP3 and national Green Belt policies. SDCS policy SP3B states that in accordance with the NPPF, within the defined Green Belt, planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted.

- 5.4 The decision-making process when considering proposals for development in the Green Belt is in three stages, and is as follows:-
- a) It must be determined whether the development is appropriate or inappropriate development in the Green Belt.
 - b) If the development is appropriate, the application should be determined on its own merits.
 - c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted unless there are very special circumstances which outweigh the presumption against it.
- 5.5 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 5.6 The guidance within the NPPF paragraph 149 states "A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt" other than for specified exceptions including [amongst other things] "the extension or alteration of a building provided it does not result in disproportionate addition over and above the size of the original building".
- 5.7 Paragraph 150 of the NPPF sets out which forms of development are not considered inappropriate development in the Green Belt. As per paragraph 150 (d) the reuse of buildings provided that the buildings are of permanent and substantial construction and (e) material changes in the use of land are not considered inappropriate provided that openness is preserved and there is no conflict with the purposes of including land within it.
- 5.8 NPPF Paragraph 137 confirms that the essential characteristics of Green Belts are their openness and their permanence. Openness is, in effect, the absence of development and it has both a spatial and visual aspect to it. Paragraph 138 sets out the five purposes the Green Belt serves which include assisting in safeguarding the countryside from encroachment.
- 5.9 In terms of the impact of the proposals on the openness of the Green Belt, it should be noted that there is no specific definition of 'openness' in the NPPF, but in the Green Belt context, it is generally held to refer to freedom from, or absence of, development.
- 5.10 Assessing the impact of a proposal on the openness of the Green Belt, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:
- spatial and visual aspects, in other words, the visual impact of the proposal may be relevant, as could its volume;
 - the duration of the development, and its remediability, taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and

- the degree of activity likely to be generated, such as traffic generation.
- 5.11 Whilst the proposals include minor changes to the external dimensions of the building due to the introduction of timber cladding over the existing blockwork, there are no extensions or other additions to it and the proposed alterations would therefore not result in a disproportionate addition over and above the size of the original building. This element of the proposals would therefore be considered to be appropriate development in the Green Belt in accordance with Paragraph 149 of the NPPF.
- 5.12 The proposal involves the re-use of an existing building and the material change of use of the land surrounding it to residential use. As set out in Paragraph 5.7 of this report, the re-use of the buildings is not inappropriate where it relates to buildings of permanent and substantial construction and, for both re-use of buildings and material change of use of land, openness is preserved and there is no conflict with Green Belt purposes.
- 5.13 The existing building is a barn previously used as stables with the well-established enclosed curtilage and an existing vehicular access in the north-east corner of the site. The proposal is to convert the building to a dwelling with associated operational development including incorporation of a small area to the south of the building to serve as private amenity space. A structural report reference Y-JG-SRS-10118-22 dated 24th May 2022, prepared by Lightly & Lightly Surveys LHL Group, was submitted which concludes that the building is of simple agricultural construction and is in a structurally sound condition, and also sets out some repair and improvement works which would be required if the building was to be converted to residential use.
- 5.14 The proposed change of use would retain the overall appearance of the building and the residential curtilage would be restricted to the existing enclosed curtilage of the stables building with the additional 6.5 metres wide strip of grassed area to the south of the building included for the use as private garden area. The area surrounding the building has well-established boundaries as described in Paragraph 1.2 of this report and the area to the north is already an area of hardstanding related to the building to be converted. The site is accessed via an existing track to the north-east leading to the nearest adopted highway which is at a distance from the site of over 300 metres to the east.
- 5.15 Upon review of the planning history of the site it is noted that the curtilage of the existing building remained the same as originally approved, but the scheme proposes to include a strip of land approximately 6.5 metres in depth which currently forms part of the field immediately to the south of the building; this would be used as a private garden area. Whilst this is noted, the additional strip of land is very limited in size and is well-screened from any public views by the existing built form to the east of the site consisting of mainly farmhouses and converted to residential uses agricultural buildings and their curtilages and by the existing mature vegetation surrounding the site and the fields nearby. There are no public rights of way or public highways in close proximity that would allow views. Also, there are no outbuildings or other structures proposed anywhere within the site which is considered acceptable and can be secured via a suitable condition.
- 5.16 Furthermore, it is indicated on the application form that existing boundaries of the site would remain as described in Paragraph 1.2 of this report. These boundary treatments consist of timber post and rail/timber post and mesh fence with hedgerow planting and these are considered to be sympathetic to open countryside location. In addition, a condition can be added to secure matching boundary treatments and

planting of the hedge along the southern boundary to ensure that the boundary treatments are appropriate as well as the retention of the other boundaries.

- 5.17 In terms of duration of the development and irremediability, the site is unlikely to be returned to the use for the stables as noted from the Design & Access Statement submitted with the application, which states that the equine hobby has come to an end due to a number of factors. Also, no changes to existing boundary treatments are proposed as noted from the application form and the appropriate southern boundary treatment can be secured via a condition. Furthermore, the ability to construct any extensions, additional buildings, fences and structures which could impact on the openness of the Green Belt, can be controlled by a condition removing permitted development rights in relation to the site.
- 5.18 The proposal is to create 1 small scale residential unit and it is considered that this would not significantly increase the activity on the site compared to the use for the stabling of horses. As such, the degree of activity generated by the proposal is not considered to significantly affect openness in this instance.
- 5.19 Given that the proposal is mostly contained within the existing site and development, the conversion of the building and creation of a residential curtilage are considered to preserve the openness of the Green Belt and the purposes of including the land within it. These elements of the proposal would therefore not constitute inappropriate development in a Green Belt in accordance with paragraph 150 of the NPPF. It is however recommended that permitted development rights should be removed from the property and the curtilage to ensure that the openness of the Green Belt is not harmed in the future.
- 5.20 Having considered all of the above and subject to aforementioned conditions the proposals are therefore considered to be appropriate development in the Green Belt and would therefore not conflict with policies SP1, SP2 and SP3 of the SDCS and national planning policy contained within the NPPF.

Conversions to residential use in the countryside

- 5.21 The application site is located within countryside in planning policy terms and the proposed scheme is for the conversion of the stables building to a dwelling.
- 5.22 The application site is a former stable block on a site that is no longer used for its intended purpose as noted from the submitted Design & Access Statement. The stables building was granted planning consent in 2007 with a subsequent approval for its extension in 2011.
- 5.23 SDCS policy SP2A(c) states that the re-use of buildings is permitted in the countryside preferably for employment purposes 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 where it would meet rural affordable housing need (SP10), or other special circumstances. SP13 seeks to bring sustainable economic growth in rural areas through local employment opportunities. As the proposal is not for the reuse of the building for employment purposes in line with policy SP13, the proposal does not strictly accord with policy SP2, though the inclusion of the word 'preferably' is noted, and it is considered that this does not exclude residential re-use of buildings.

- 5.23 Paragraph 79 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. To deliver this, planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Isolated homes in the countryside are discouraged in paragraph 80 of the NPPF, unless for specified circumstances including re-use a redundant or disused building. Having had regard to the above, it is noted that whilst the proposed development would be considered isolated given its distance from any of the nearby residential properties but the development would re-use a disused building and would enhance the immediate setting.
- 5.24 Policy H12 of the SDLP (adopted 2005) stipulates the criteria in which conversions will be permitted. Criterion 1 of policy H12 allows proposals for the conversion of rural buildings to residential uses provided “...it can be demonstrated that the building, or its location, is unsuited to business use or that there is no demand for buildings for those purposes in the immediate locality”. The proposal does not meet the criteria and is therefore contrary to the requirements of the development plan. However, the approaches taken by policy SP2A(c) and Paragraph 79 of the NPPF are significantly different to that taken in policy H12 as they do not require the more onerous tests set out in H12(1), with SP2A(c) merely expressing a preference for employment uses where proposals involve the re-use of a building, and paragraph 79 of the NPPF promoting sustainable housing where it will enhance or maintain the vitality of rural communities. It is therefore considered that Policy H12 of the SDLP should be given limited weight due to the conflict between the requirements of Criterion (1) of the policy and the less onerous approach set out both in the SDCS and within the NPPF.
- 5.25 Criteria (3) and (4) of SDLP Policy H12 require that “*the building is structurally sound and capable of re-use without substantial rebuilding*” and “*the proposed re-use or adaptation will generally take place within the fabric of the building and not require extensive alteration, rebuilding and/or extension*”.
- 5.26 In terms of criterion (3), it is noted that a structural report has been submitted with the application which concludes that the building is in a structurally sound condition and is capable of conversion and repair without the need for demolition or substantial reconstruction. As such and having noted the condition of the building during the site visit by the Case Officer, it is considered that the proposal would comply with criterion (3) of SDLP Policy H12.
- 5.27 In terms of criterion (4), the proposals would involve replacement of roof material and replacement of the existing timber cladding and small-scale internal works necessary for the conversion to a residential use, and no extensions are proposed. As such, and having considered the nature and scale of works to the building to be converted, it is considered that the proposals would not result in extensive alterations and the proposals would generally take place within the fabric of the existing building. the repair and improvement works are not considered to be extensive and would be those reasonably required to convert the building to residential use. on this basis, it is considered that the proposal would comply with criterion (4) of SDLP Policy H12.
- 5.28 The remaining criteria of SDLP Policy H12 relate to the impacts of the proposed conversion and will therefore be assessed further in this report. Having had regard to the above, the proposals are considered to be acceptable in principle taking account of Policy H12 of the SDLP, Policy SP2 of the SDCS and national policy contained within the NPPF.

Design and impact on the character and appearance of the area

- 5.29 The application site is located within the open countryside and in the Green Belt and is also located in a Locally Important Landscape Area. Therefore, policies ENV1, ENV15 and H12 of the SDLP, Policy SP19 of the SDSC and section 12 of the NPPF are relevant.
- 5.30 SDLP Policy ENV1 (1) requires development to take account of the effect upon the character of the area, with ENV1 (4) requiring the standard of layout, design and materials to respect the site and its surroundings. Significant weight will be attached to the SDLP Policy ENV1 as it is broadly consistent with the aims of the NPPF.
- 5.31 Policy ENV15 of the SDLP emphasizes the importance of conservation and enhancement of the traditional character of buildings and quality of the landscape.
- 5.32 SDLP Policy H12 criterion (5) requires that the conversion of the building and ancillary works, such as creation of a residential curtilage and the provision of satisfactory access and parking arrangements, would not have a significant adverse effect on the character and appearance of the area or the surrounding countryside
- 5.33 Policy SP19 of the SDSC requires that “Proposals for all new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside. Both residential and non-residential development should meet the following key requirements:
- A) Make the best, most efficient use of land without compromising local distinctiveness, character and form;
 - B) Positively contribute to an area's identity and heritage in terms of scale, density and layout.”
- 5.34 The proposal as originally submitted was not considered to be a conversion due to the following:
- construction of stone wall outer skin which is considered as building a new building around the existing structure,
 - the wall material (stone) is fundamentally different from the existing (blockwork and timber cladding),
 - the alterations to openings which included significant enlargement of existing openings and creation of two new large openings were considered to result in an overly domestic appearance of the building which was not considered to reflect its agricultural character.
- 5.35 The scheme as amended has addressed the above concerns by removing of the proposed outer skin and proposing to re-use the existing outer walls instead, change of external wall material to timber cladding and alterations to window openings to ensure that the existing openings are not significantly altered. Whilst it is noted that timber cladding is now proposed to cover all of the elevations fully, this is the arrangement that was originally approved for the stable block but was never fully implemented. The slate roof is also considered acceptable at this location and its details can be secured via a condition. Also, the window openings as now proposed would mostly re-use the existing openings and very limited number of new openings is proposed which is reflective of the existing arrangement and of the agricultural character of the existing building. Furthermore, the windows and doors would be timber framed which is also considered acceptable and can be secured via a

condition together with the details of their colour. As such, it is therefore considered that the proposal as amended would be reflective of the existing stable block building, would respect its rural character and would be complementary to the rural setting it is located within.

- 5.36 The development will be served off an existing access track and would utilise the existing hardstanding to the north of the building for access, parking and turning. The access, parking and manoeuvring areas would be located in the grounds of the former stables and are deemed to be reasonable in their size and nature and as they are confined to the area of the former stables and would retain rural character of the site. Whilst the southern boundary would be moved outwards by approximately 6.5 metres to provide a private amenity space and would include a part of a larger field, it would provide adequate private amenity space to the rear of the proposed dwelling, would not extend beyond the existing eastern or western boundaries of the field thus not appearing out of context and would not be visible from any of the public points of view. In addition to this, the appropriate to the countryside location boundary treatments such as low post and rail timber fence and hedge planting along the southern boundary can be secured via a condition to reduce the pressure for any future garden extensions at this rural location. Furthermore, it is considered reasonable and necessary to add a condition removing permitted development rights for any alterations to the boundaries.
- 5.37 In terms of landscaping, it is noted from the submitted Design & Access Statement that natural landscape will remain unaffected and no removal of any existing trees or hedge will take place. Whilst there was no landscaping plan submitted with the application related to boundary treatments, details of species, density of planting or external hard landscaping materials, it is considered that these matters can be adequately addressed by imposition of an appropriate condition.
- 5.38 Having taken into account all of the above, it is therefore not considered that the proposal would cause adverse impacts on the rural character of the area or its visual amenity. As such, the proposal is considered to accord with Policies ENV1, ENV15 and H12 of the SDLP, Policy SP19 of the SDCS and section 12 of the NPPF subject to conditions.

Impact on residential amenity

- 5.39 Relevant policies in respect to the impacts on residential amenities include policies ENV1 and H12 of the SDLP which is consistent with NPPF policy at paragraph 130(f) which seeks a high standard of amenity for existing and future users.
- 5.40 There are no residential properties within the vicinity of the site and the building itself is already present within the site with no extensions proposed. As such, it is not considered that any detrimental impacts of overlooking, overshadowing or overbearing would be caused to any of the nearby residential properties or the proposed conversion itself.
- 5.41 Also, the vehicular access to the site already exists and is adequately distanced from any of the nearby residential properties. As such it is not considered that any significant disturbance from vehicular movements would be caused as a result of the proposals.
- 5.42 It is noted that the east elevation of the proposed conversion would have no openings which is considered acceptable. However, given that it is adjacent to and is facing the

grounds of the property known as Wingate End (one of Wingate Hill Farm cottages), it is considered reasonable and necessary to remove permitted development right to create new openings in this elevation to protect amenities of existing and future occupiers.

- 5.43 The site only contains one building which is proposed to be converted and as such it is not considered that any impacts of odour would be caused to the future residents of the proposed conversion. Also, Environmental Health Officer (EHO) has been consulted who advised that given the close proximity of this proposed conversion to other nearby residential properties, it is recommended that the applicant considers the hours of work so as not to adversely impact upon neighbouring properties in the form of noise nuisance. The comments of the EHO are noted and having considered the scale and nature of the proposals, it is considered that this matter can be adequately addressed via an informative rather than a condition.
- 5.44 Having taken into account all of the above, it is therefore considered that the proposed development would not cause any unacceptable impacts on residential amenities of any of the neighbouring properties or the future occupiers of the proposed conversion. The proposals would therefore comply with policies ENV1 and H12 of the SDLP and paragraph 130 of the NPPF.

Impact on highway safety

- 5.45 Policy in respect to highway safety and capacity is provided by the NPPF and SDLP policies ENV1(2), H12 and T2. Parking standards are stated in Appendix 4 of the SDLP and the Interim Parking Standards Documents from NYCC dated 2015. Both the local development plan and NYCC standards require a 2-bedroom property in a rural area to have 2 parking spaces.
- 5.46 The layout plan shows the site will be served off the existing access to the stables. No highway safety issues are expected to arise from the intensification of the access as the lane has a low number of traffic movements.
- 5.47 Whilst parking areas are not indicated on the layout plan, it is noted that the hardstanding area to the north of the building is of a substantial size and can comfortably accommodate parking area for two cars and associated turning area. Also, it is indicated on the application form that there are 6 parking spaces currently on the site and that those would be retained which is considered acceptable. NYCC Highways have reviewed the proposals and have raised no objections to the proposals.
- 5.48 Having taken into account all of the above, it is considered that the proposal would not result in a detrimental impact on highway safety in accordance with policies ENV1, H12 and T2 of the SDLP and the advice contained within the NPPF.

Nature conservation and protected species

- 5.49 Protected species include those protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. The presence of protected species is a material planning consideration.
- 5.50 NYCC Ecologist has been consulted who initially advised that no ecological information has been submitted with the application and the photos alone are not sufficient to be certain that the building does not support roosting bats or nesting

birds, and recommended the current structure is checked for any evidence of bats and birds.

- 5.51 The applicant was advised of the above comments and following discussions with the Applicant, Bat Survey: Preliminary Roost Assessment has been submitted. the Bat Survey Report concluded that the building is considered to have negligible suitability for roosting bats as no bats or signs of the presence of bats were found during the external and internal inspection of the building and that the proposals are very unlikely to have any negative impact upon bats or bat roosts in the locality. The Bat Survey report recommended that no further survey work or mitigation is required and that 2 bat boxes should be installed on or integrated into the newly converted structure on site or on trees in the locality.
- 5.52 NYCC Ecologist was reconsulted who advised that the building has been adequately assessed with regards to bats and since the building has negligible potential to support bats no further survey work or specific mitigation is required. NYCC Ecologist is also pleased to see the recommendation for inclusion of artificial bat roost structures as part of the new development which is supported as a way of providing enhancement measures for bats. NYCC Ecologist also noted that there is no information within the report with regards to nesting birds but from the photos and information provided on bats considers that the building is unlikely to support nesting birds. However, NYCC Ecologist still recommended adding an informative which recommends that any demolition works are undertaken outside of the bird nesting season, or the building is first checked for nesting birds by a suitably qualified ecologist.
- 5.53 There are no other known constraints with respect to nature conservation or protected species which would be impacted by the proposals.
- 5.54 Having regard to the above, it is considered that the proposed development is acceptable in respect of nature conservation and protected species and is therefore in accordance with policy ENV1 (5) of the SDLP, Policy SP18 of the SDCS and the advice contained within the Section 15 of the NPPF.

Flood risk, drainage and climate change

- 5.55 Relevant policies in respect to flood risk, drainage and climate change include policy ENV1 of the SDLP, policy SP15 of the SDCS and policies contained within the Section 14 of the NPPF.
- 5.56 The site lies within Flood Zone 1, which has a low probability of flooding. The surface water drainage is already in place and the proposal will not increase impermeable areas. IDB had no comments to make and as such and given the above, the surface water drainage is considered acceptable. Foul water is proposed to be disposed of via a package treatment plant and the supporting information clarifies why other foul drainage arrangements would not be appropriate for this site and that the equipment would be serviced and emptied by a sewerage undertaker. Having reviewed this information, it is considered that the proposed foul drainage solution is acceptable and that there would be no increase in flooding elsewhere as a result of the development.
- 5.57 Policy SP15 (B) of the SDCS states that to ensure development contributes toward reducing carbon emissions and are resilient to the effect of climate change schemes should where necessary or appropriate meet 8 criteria set out within the policy.

Having had regard to the nature and scale of the proposal, it is considered that its ability to contribute towards reducing carbon emissions, or scope to be resilient to the effects of climate change is so limited that it would not be necessary and, or appropriate to require the proposals to meet the requirements of criteria of SP15 (B) of the Core Strategy. Therefore, having had regard to Policy SP15 (B) it is considered that the proposal is acceptable.

- 5.58 Having considered all of the above, it is therefore considered that the proposal is acceptable in terms of flood risk, drainage and climate change in accordance with policy ENV1 (3) of the SDPL, policies SP15 and SP19 or the SDCS and the advice contained within the NPPF.

Land contamination

- 5.58 SDLP policy ENV2 states that development that would be affected by unacceptable levels of noise, nuisance, contamination or other environmental pollution will be refused unless satisfactorily remediated or prevented. Policies SP18 and SP19 of the SDCS seek to prevent development from contributing to unacceptable levels of, inter alia, soil pollution and in doing so reflects national policy set out in the paragraph 185 of the NPPF.
- 5.59 The application is supported by a Contaminated Land Screening Assessment Form which was assessed by the Council's Contaminated Land Consultant who raised no objections in respect of contaminated land subject to a condition relating to reporting of unexpected contamination.
- 5.60 Subject to the aforementioned condition, it is considered that the proposal would be acceptable in respect of land contamination in accordance with policy ENV2 of the SDLP, policies SP18 and SP19 of the SDCS and the advice contained within the NPPF.

6. CONCLUSION

- 6.1 The application seeks permission to convert an existing rural building to provide one residential unit, including the change of use of the surrounding land to provide domestic curtilage.
- 6.2 it is considered that the proposal meets the exceptions set out in Paragraph 149 and 150 of the NPPF and the proposal therefore is not considered to be inappropriate development within the Green Belt. The proposed development, subject to the recommended conditions, would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it and would accord with both national and local Green Belt policy.
- 6.3 Whilst the proposal is contrary to Selby District Local Plan 2005 Policy H12 criteria 1 which requires a sequential approach to considering the re-use of buildings in rural areas to a business use in the first instance, this is superseded by the approach taken in Selby District Core Strategy 2013 and NPPF, both of which are considered to be more up to date than Policy H12 and as such, limited weight is attached to the preference for the business use and the proposal meets the rest of the criteria contained in policy H12. As such, the fact the proposal is contrary to criterion 1 of policy H12 should not be a reason to withhold permission.

- 6.4 The building is structurally capable of being converted and the alterations preserve its former agricultural appearance. Furthermore, subject to the relevant conditions, it is considered that the proposals would not create any adverse impacts on residential amenity, highway safety, land contamination, ecology, flood risk or drainage. The proposal is therefore considered to comply with policies ENV1, ENV2, ENV15, H12 and T2 of the Selby District Local Plan 2005, policies SP1, SP2, SP3, SP9, SP15, SP18 and SP19 and Selby District Core Strategy 2013 and 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 not be carried out otherwise than in strict and complete accordance with the plans as listed as follows:

Drawing No LOC01 A – Location Plan

Drawing No 02 – Layout Plan (received 07.05.2021)

Drawing No 03 – Existing Floor Plans (received 29.04.2021)

Drawing No 04 – Existing Elevations (received 07.05.2021)

Drawing No 05A revision CP2 – Proposed Floor Plan (received 09.06.2022)

Drawing No CP1 – Proposed Elevations (received 13.08.2021)

Reason:

To ensure that no departure is made from the details approved and that the whole of the development is carried out in accordance with the approved details in order to ensure the development accords with policies ENV1 and H12 of the Selby District Local Plan 2005, policies SP2 and SP3 of the Selby District Core Strategy 2013 and paragraphs 80 and 150 of the NPPF.

03. Conversion works hereby approved shall only be limited to those as described in the Structural Report reference Y-JG-SRS-10118-22 dated 24th May 2022 and no existing structural elements such as floor slab, blockwork and elements supporting the roof shall be removed.

Reason:

For the avoidance of doubt and in the interests of protecting the structural integrity of the building to accord with policies ENV1 and H12 of the Selby District Local Plan 2005, policy SP3 of the Selby District Core Strategy 2013 and paragraphs 80 and 150 of the NPPF.

04. The development hereby approved shall be undertaken in accordance with the mitigation strategy set out in section 8 of the Bat Survey: Preliminary Roost Assessment produced by Verity Webster and dated October 2021.

Reason:

In the interests of protecting and enhancing biodiversity and to comply with policy ENV1 of the Selby District Local Plan 2005 and policy SP18 of the Selby District Core Strategy 2013.

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, garages, outbuildings, porches, roof, dormer windows, flues or other structures other than those hereby approved shall be constructed without the prior written approval of the Local Planning Authority.

Reason:

In the interests of preserving the character of the building and to protect the landscape character of the local area and the openness of the Green Belt to comply with policies ENV1 and ENV15 of the Selby District Local Plan 2005 and policies SP3 and SP19 of the Selby District Core Strategy 2013.

06. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no openings shall be inserted in the east gable end of the dwelling hereby approved without the prior written approval of the Local Planning Authority.

Reason:

In the interests of preserving the character of the building and to protect the amenities of the future occupiers of the dwelling hereby approved to comply with policies ENV1 of the Selby District Local Plan 2005 and policy SP19 of the Selby District Core Strategy 2013.

07. The boundary treatments comprising of a low post and rail/mesh fencing and hedge/other planting along the east, west and north boundaries shall be retained for the lifetime of the development.

Reason:

In the interests of preserving the character of the building and to protect the landscape character of the local area and the openness of the Green Belt to comply with policies ENV1 and ENV15 of the Selby District Local Plan 2005 and policies SP3 and SP19 of the Selby District Core Strategy 2013.

08. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further hardstanding shall be created and no boundary treatments other than those hereby approved shall be constructed without the prior written approval of the Local Planning Authority.

Reason:

In the interests of preserving the character of the building and to protect the landscape character of the local area and the openness of the Green Belt to comply with policies ENV1 and ENV15 of the Selby District Local Plan 2005 and policies SP3 and SP19 of the Selby District Core Strategy 2013.

09. The window frames for the development hereby approved shall be constructed in timber and no other materials shall be used without the prior written consent of the Local Planning Authority.

Reason:

In the interest of visual amenity and to protect the character of the building in order to comply with policies ENV1, ENV15 and H12 of the Selby District Local Plan 2005 and policy SP19 of the Selby District Core Strategy 2013.

10. The doors and door frames for the development hereby approved shall be constructed of timber and shall be maintained and retained as such throughout the lifetime of the development.

Reason:

In the interest of visual amenity and to protect the character of the building in order to comply with policies ENV1, ENV15 and H12 of the Selby District Local Plan 2005 and policy SP19 of the Selby District Core Strategy 2013.

11. Prior to commencement of the development, the details of the external timber cladding and roof tiles shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of preserving the character of the building and to protect the landscape character of the local area to comply with policies ENV1, ENV15 and H12 of the Selby District Local Plan 2005 and policy SP19 of the Selby District Core Strategy 2013.

12. Prior to commencement of the development hereby approved, the landscaping plan, including the existing and proposed planting, the details of the existing and proposed boundary treatments and external landscaping materials shall be submitted to and approved in writing by the Local Planning Authority and the development shall be undertaken in accordance with the approved details.

Reason:

In the interests of preserving the character of the building and to protect the landscape character of the local area and the openness of the Green Belt to comply with policies ENV1, ENV15 and H12 of the Selby District Local Plan 2005 and policies SP3 and SP19 of the Selby District Core Strategy 2013.

13. 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.

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. Given the close proximity of this proposed conversion to other nearby residential properties, it is recommended that the applicant considers the hours of work so as not to adversely impact upon neighbouring properties in the form of noise nuisance.
03. THE COAL AUTHORITY

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

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 2021/0481/FUL and associated documents.

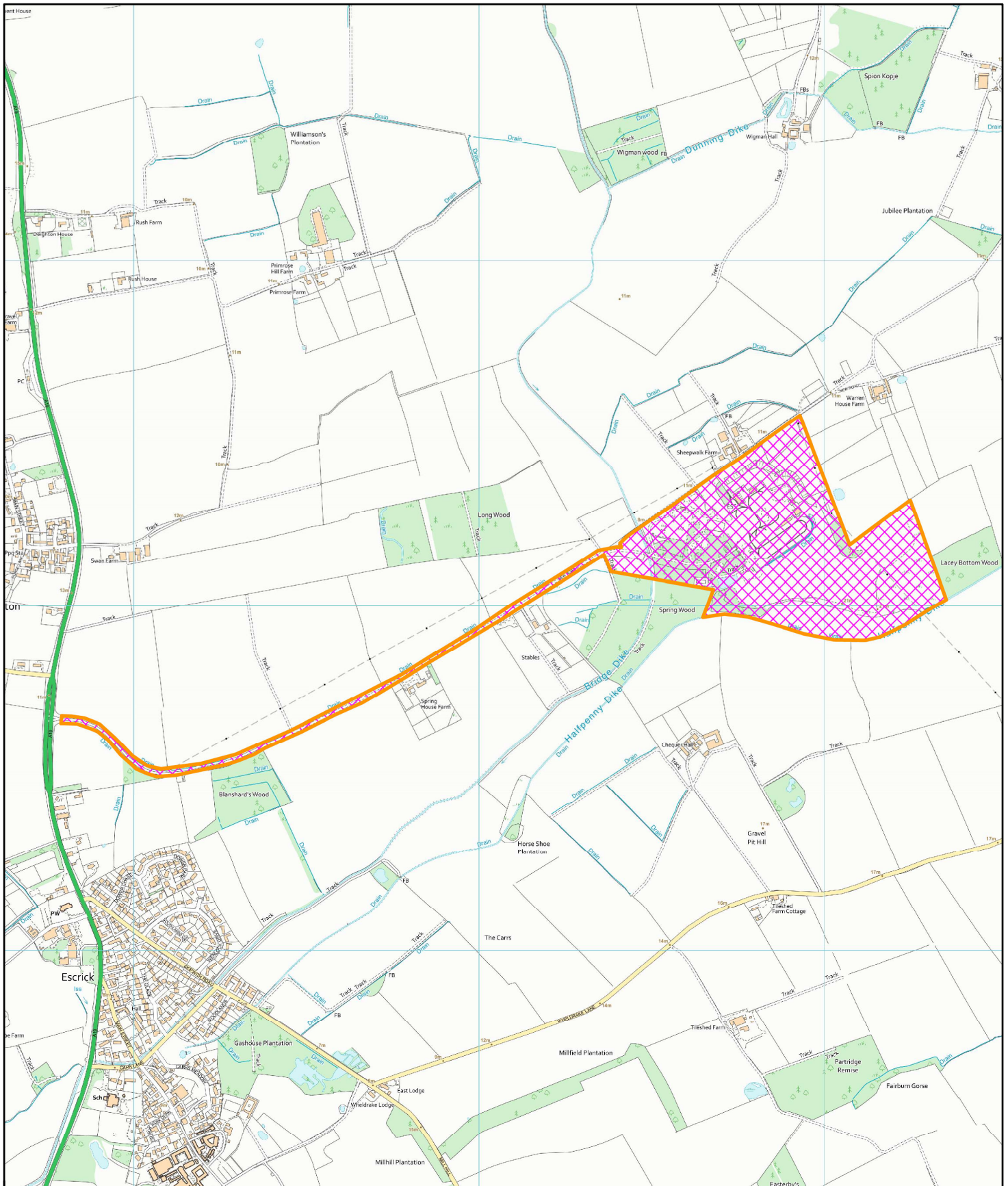
Contact Officer: Irma Sinkeviciene (Senior Planning Officer)

Appendices: None

Agenda Item 5.3

Land between New Road and Wheldrake Lane, Escrick

2019/0045/EIA



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Key

- Site Boundary
- Existing contours at 1m intervals
- Proposed northern screening mound contours at 1m intervals
- Existing built development limits
- Existing roads to be re-used
- Proposed vehicular routes, surfaced with recycled crushed material from site, indicative layout shown subject to detailed design.
- Proposed recreational footpaths, surfaced with recycled crushed material from site
- Proposed support facilities buildings (reception/ shop, shower/toilet blocks, cafe/ bar).
- Proposed area for touring caravans and campers
- Proposed area for static caravans
- Existing (E) and proposed ponds, all designed and managed as amphibian habitat
- Existing tree and shrub cover to be retained
- Proposed native species woodland, hedgerow and shrubby understorey planting.
- Proposed close board treated timber screening fence, natural colour.
- Proposed stockproof fence, treated timber posts with straining wires and light pattern stockproof mesh.
- Site of Importance for Nature Conservation (SINC) boundary
- Open mosaic, tussocky grassland, ruderal and woodland fringe habitats, all to be managed in accordance with good nature conservation practice to support species diversity
- Existing agricultural grassland, to be managed as species-rich grassland
- Informal recreation and dog off leash zones. Dogs to be kept on leash in all other zones outside the development footprint.

Design Approach

Based on the parameters plan, this indicative masterplan has been prepared to illustrate the potential layout of the site.

The proposed scheme would re-develop the former mine site as a leisure proposal. The site would be developed as a visually self-contained scheme using existing landform and vegetation cover combined with new landscape interventions, to create three distinct character zones:

- Woodland, developed amongst existing mature trees and woodland cover at the western edge of the site;
- Bowl, developed across the flat, enclosed bowl created by the former pithead within the middle of the site, with a light woodland character to be created;
- Valley, formed along the valley landform created by mining to the south and east of the site, with a more open character and retained as an open mosaic habitat, reflecting existing SINC designation of the area.

The Woodland area would contain touring caravan and camper van uses whilst the Bowl would hold static caravans. Depending on market requirements part of the Woodland or Bowl areas may be used to accommodate lodges. An informal landscape buffer, incorporating tree planting, ponds and species-rich grassland would be provided to create separation between the Bowl and Valley zones.

The scheme would be constructed in phases, broadly from west to east, with part of the Woodland and Bowl character zones being initially developed, supported by appropriate facilities buildings. The pace of implementation would be dependent on market conditions and the demand for each type of accommodation.

Existing hard surfaces and foundations would be broken out and existing buildings demolished. Arisings would be crushed and graded as recycled aggregate for use within the site with any surplus exported to market.

Access to the development would be from the A19, utilising the existing New Road junction and road. Existing approach roads within the site would be retained and extended using recycled site aggregate to create an informal network of stone surfaced routes allowing vehicle access to accommodation and pitches. Pitches, parking areas and footpaths would also be surfaced with recycled site aggregate.

Site facilities buildings would be low key, only containing uses typically required to support this type of leisure development. These uses would include a reception and small shop at the site entrance, toilet/ wash blocks and a possible cafe/ licensed bar, all set within the Woodland zone. Architectural design of the facility buildings would either be of traditional red brick and red pantile construction (as seen at Sheepwalk Farm) or contemporary design incorporating natural and/or visually recessive materials (for example timber clad walls with cedar shingle or matt aluminium zinc roof cladding). Crushed stone and precast concrete paver surfaces would provide local access to facility buildings.

A series of informal footpaths would be created through the site, with links to the surrounding public right of way network and providing access to nearby villages including Escrick and Wheidrake. Existing public rights of way running through the site would be retained on their existing alignments.

Utility supplies would either re-use or adapt existing facilities or would be brought to site via the existing access road. Waste water management would involve adaptation or replacement of the existing treatment plant and would utilise existing outfall arrangements.

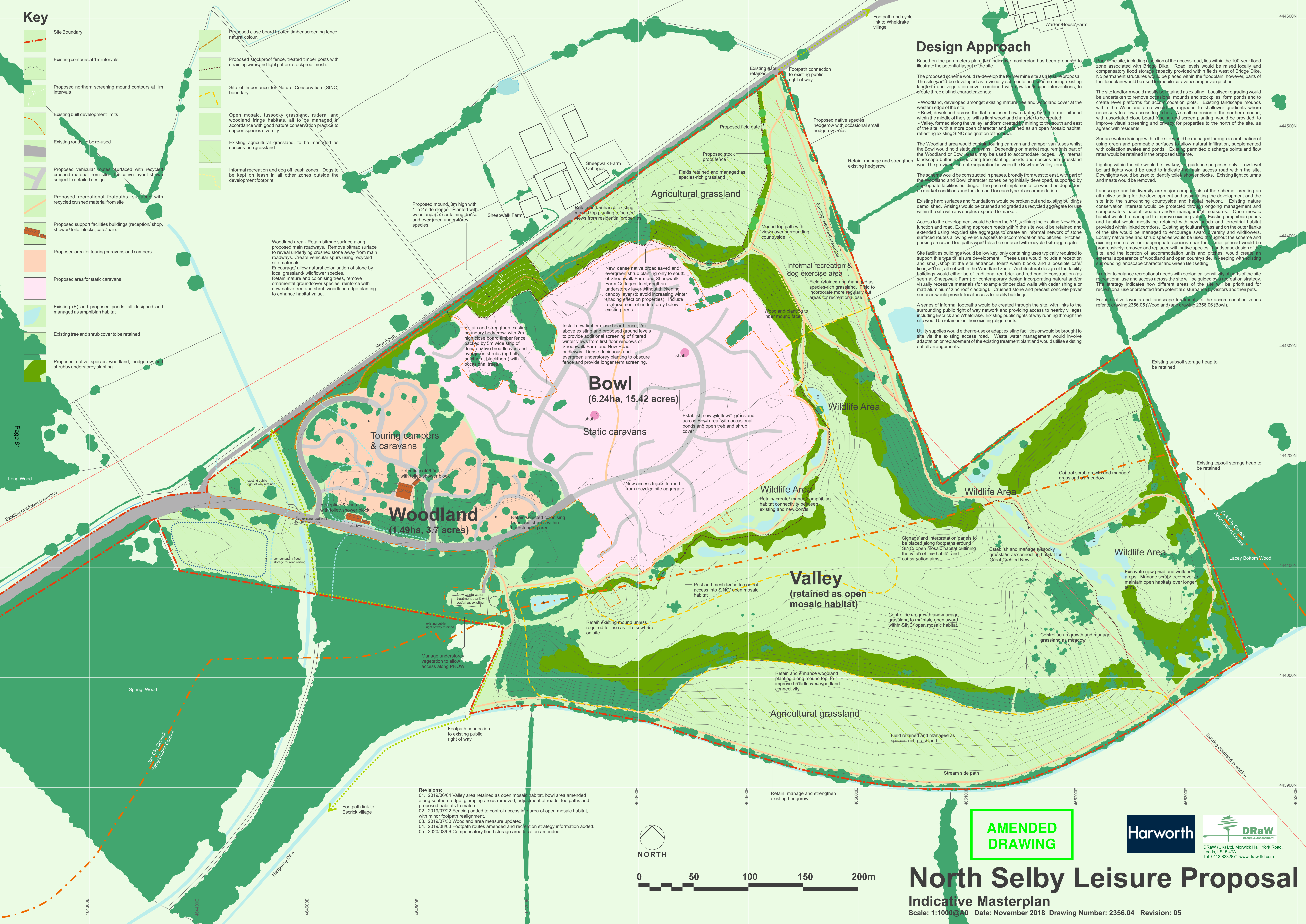
Surface water drainage within the site would be managed through a combination of using green and permeable surfaces to allow natural infiltration, supplemented with collection swales and ponds. Existing permitted discharge points and flow rates would be retained in the proposed scheme.

Lighting within the site would be low key, for guidance purposes only. Low level bollard lights would be used to indicate the main access road within the site. Downlights would be used to identify toilet/shower blocks. Existing light columns and masts would be removed.

Landscape and biodiversity are major components of the scheme, creating an attractive setting for the development and assuaging the development and the site into the surrounding countryside and habitat network. Existing nature conservation interests would be protected through ongoing management and compensatory habitat creation and/or management measures. Open mosaic habitat would be managed to improve existing value. Existing amphibian ponds and habitat would mostly be retained with new ponds and terrestrial habitat provided within linked corridors. Existing agricultural grassland on the outer flanks of the site would be managed to encourage sward diversity and wildflowers. Locally native tree and shrub species would be used throughout the scheme and existing non-native or inappropriate species near the former pithead would be progressively removed and replaced with native species. Landscape design of the site, and the location of accommodation units and pitches, would create an overall appearance of woodland and open countryside, keeping with existing surrounding landscape character and Green Belt setting.

In order to balance recreational needs with ecological sensitivity aspects of the site recreational use and access across the site will be guided by recreation strategy. This strategy indicates how different areas of the site will be prioritised for recreational use or protected from potential disturbance by visitors and their pets.

For indicative layouts and landscape treatments of the accommodation zones refer to drawing 2356.05 (Woodland) and drawing 2356.06 (Bowl).



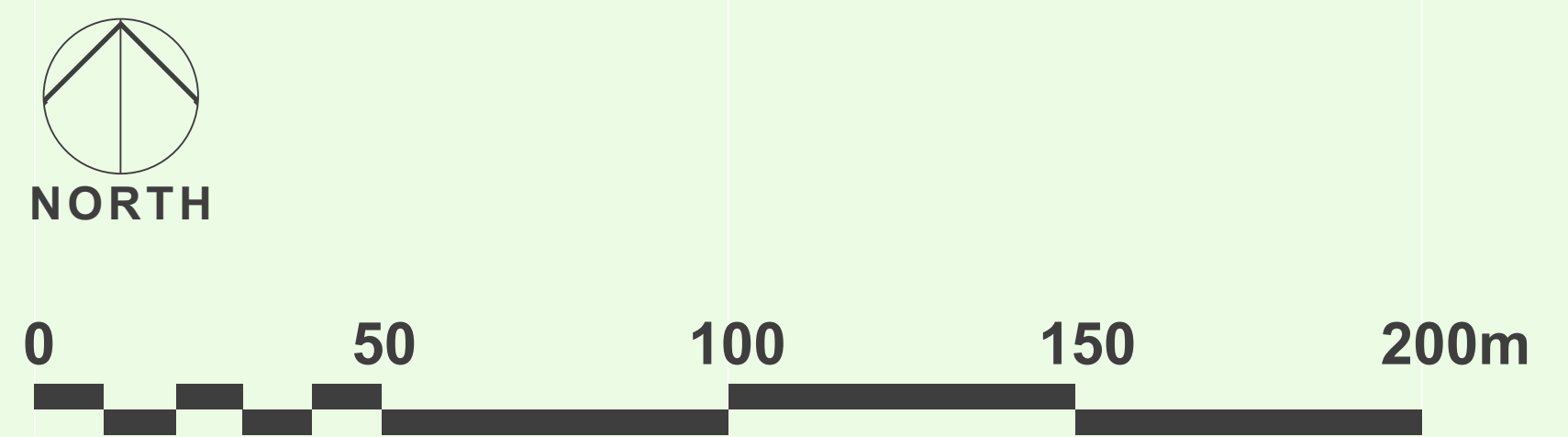
Revisions:
 01. 2019/06/04 Valley area retained as open mosaic habitat, bowl area amended along southern edge, glamping areas removed, adjustment of roads, footpaths and proposed habitats to match.
 02. 2019/07/22 Fencing added to control access into area of open mosaic habitat, with minor footpath realignment.
 03. 2019/07/30 Woodland area measure updated.
 04. 2019/08/03 Footpath routes amended and recreation strategy information added.
 05. 2020/03/06 Compensatory flood storage area and retention amended

AMENDED DRAWING

Harworth
 Design & Assessment

DRaW
 Design & Assessment

DRaW (UK) Ltd, Morwick Hall, York Road, Leeds, LS15 4TA
 Tel: 0113 8232871 www.draw-td.com



North Selby Leisure Proposal

Indicative Masterplan

Scale: 1:1000 @ A0 Date: November 2018 Drawing Number: 2356.04 Revision: 05

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Report Reference Number 2019/0045/EIA

To: Planning Committee
Date: 5th October 2022
Author: Martin Evans (Principal Planning Officer)
Lead Officer: Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2019/0045/EIA	PARISH:	Escrick Parish Council
APPLICANT:	Harworth Estates Investments	VALID DATE: EXPIRY DATE:	14th January 2019 15th April 2019
PROPOSAL:	Outline application for redevelopment of the former North Selby Mine site to a leisure development comprising of a range of touring caravan and static caravans with associated facilities.		
LOCATION:	Land Between New Road And Wheldrake Lane Wheldrake Lane Escrick York		
RECOMMENDATION:	Approve		

This application has been brought before Planning Committee as it is EIA development.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The site is 36.4ha in area with 12.6ha being within the Selby District Council administrative area and 23.8ha being within the City of York Council administrative area. This is known as a cross-boundary application. Almost the entire Selby portion of the site has been designated as a Site of Importance to Nature Conservation (SINC). The whole site is within the countryside designated as Green Belt. Almost the entire site is within flood zone 1 (low risk) with peripheral sections within flood zone 2 (medium risk) and flood zone 3 (high risk). The site comprises a former satellite coal mine site that was part of the Selby Mine Complex with operations ceasing in the year 2000. The Selby portion contains an area of landscaped bunds to the south of the former pithead. Two public rights of way connect into or run through the site as follows: footpath 35.28/2/1, which runs from Escrick in the south west and enters the site on its southern edge near the junction of Spring Wood/ Halfpenny Dike; and bridleway 23/5/10 that runs along the site boundary immediately south of the existing waste water treatment plant before turning north along Bridge Dike through the western edge of the site to New Road in

the north. The villages of Escrick, Deighton and Wheldrake lie at distances of approximately 1.81km, 1.89km and 2.42km from the site respectively. There are isolated dwellings or agricultural holdings surrounding the site.

The Proposal

- 1.2 This is an application for outline planning permission for proposed redevelopment of a former mine to leisure development comprising of static caravans and touring caravans/campervans along with associated facilities including details of access. All other matters are reserved. An application has also been submitted to, approved and varied by City of York Council under the provisions for cross boundary developments (see relevant planning history section below).
- 1.3 Access to the site is gained from an existing approximately 1.7km (1 mile) long road via its junction with the A19 north of the village of Escrick. The application has been revised since first submission and now proposes holiday accommodation split into two areas - 1.49ha of land available within the existing car parking area for use by touring campers and caravans (Woodland) and 6.24ha of land available within the existing mine pithead for static caravans (Bowl). It is likely that the proposed caravans would fall within the definition of a caravan in the 1960 Caravan Sites and Control of Development 1960, in that they would be a structure designed for human habitation which is capable of being moved from one place to another. There would be associated engineering works to create bases for the caravans, internal access roads and utility service connections. The application indicates the erection of a reception and shop (150sq.m.) and café bar (200sq.m.). An amended parameters plan has been submitted, the purpose of which is to show development zones. The plan shows the administrative boundary between the two Council areas and that development within the Selby District Council portion of the site is very limited with the 'valley' retained as open mosaic habitat. Proposals within the Selby portion includes:
- Proposed recreational footpaths, surfaced with recycled crushed material from site, around the periphery of the site.
 - Proposed stockproof fence, treated timber posts with straining wires and light pattern stockproof mesh to control access to the SINC.
 - Retention, management and strengthening of existing hedgerows to the southern site boundary.
 - Retention and enhancement of woodland planting along the mound top.
 - Signage and interpretation panels to be placed along footpaths around SINC/ open mosaic habitat outlining the value of this habitat and conservation aims.
 - Twelve new ponds.
- 1.4 The application is considered to be EIA development as it falls within Schedule 2: Category 12 (Tourism and Leisure) Class c holiday villages. City of York Council provided a screening and scoping opinion in 2018 to confirm this, and the application is accompanied by an Environmental Statement (ES). In addition to the ES, the application is supported by a Planning Statement, Design and Access Statement, Tourism Supporting Statement and a Statement of Community Involvement. The latter outlines the pre-application consultation and public exhibitions to facilitate engagement with the local community. The application includes an Environmental Statement which examines a wide range of topics including:

- Landscape and Visual Considerations
 - Nature Conservation and Ecology
 - Noise
 - Air Quality and Dust
 - Transportation and Traffic
 - Hydrology, Drainage, Flood Risk and Contamination
 - Cultural Heritage
 - Rights of Way
 - Climate Change Adaption
 - Alternatives
 - Cumulative Impact Assessment
- 1.5 On the 10th June 2019 the Council made a Regulation 25 request (under the EIA Regulations 2017) requiring additional information from the applicant. The request entailed the requirements of the NYCC Ecologist in their first response below and the requirements of Highways England in their first response below.
- 1.6 On the 13th September 2019 the Council received the information required by the Regulation 25 request, as well as revised indicative masterplan, parameters plan and cross sections. This information was readvertised.
- 1.7 On the 22nd September 2020 the Council received:
- Amended indicative masterplan 2356.04 Rev 05
 - Amended recreational strategy plan 2356.08 Rev 01
 - Amended parameters plan 2356.02 Rev 03
 - Site drainage strategy
- 1.8 On the 15th August the Council received the below. This was readvertised along with the information noted in paragraph 1.7:
- Agreement to the amended description of development

Relevant Planning History

- 1.9 The site has a significant planning history the most relevant of which is as follows. Outline consent (ref. C/8/999/18/PA) was granted in 1978 for the use of the site in connection with the mine complex, with reserved matters approval for the mine buildings and landscaping being granted in 1981 (ref. C/8/999/18G/PA). UK Coal submitted a planning application to City of York Council in 2000 (ref. 00/00680/FUL) for the retention of the mine buildings and their reuse for B1 (office and light industrial), B2 (general industrial) and B8 (storage and distribution) purposes, but was withdrawn prior to determination.
- 1.10 Following legal advice in 2010, City of York Council took enforcement proceedings to require the removal of all plant, buildings and machinery from the site in order to comply with conditions of the outline and reserved matters consent. This was appealed by the landowner, but was held in abeyance by the Planning Inspectorate until alternative use of the site was investigated and was subject to due process through planning. Full planning permission (ref. 12/03385/FULM) was granted by City of York Council in 2014 for the demolition of the mine buildings and construction of an anaerobic digestion combined heat and power facility and horticultural glasshouse (entirely within the City of York Council area).

Subsequently, in 2018, the enforcement notice was withdrawn following removal of the majority of plant, buildings and machinery and the implementation of the 2014 permission. A certificate of lawfulness to confirm implementation of the 2014 permission was granted in 2017 (ref. 16/02791/CLD) by City of York Council.

1.11 Further City of York Council planning history is as follows:

- 19/00078/OUTM Outline application for redevelopment of the former North Selby Mine site to a leisure development comprising of a range of touring caravan and static caravans with associated facilities (revised scheme). Approved 7/8/2020. Deadline for submission of reserved matters is 7/8/2023.
- 20/01546/FUL Variation of condition 4 of permitted application 19/00078/OUTM (redevelopment of the former North Selby Mine site to a leisure development comprising of a range of touring caravans and static caravans with associated facilities) to remove limit of 28 nights occupation in any one calendar year. Approved 18/3/2021.

2. CONSULTATION AND PUBLICITY

2.1 **Environmental Health:** The comprehensive comments submitted by Public Protection at City of York Council cover all conditions to propose in terms of the section of the development within Selby District.

2.2 **Planning Policy:** A summary of key policy issues and commentary on each is provided with additional comments with regards to green belt considerations being subsequently provided.

2.3 **Waste and Recycling:** No comment.

2.4 **Landscape Architect:** Generally supportive of the application and recommends the following be secured as reserved matters and or legal agreement: tree survey and protection measures; details of hard and soft landscaping; landscape maintenance and aftercare for new planting; improvement and maintenance of the PROW within the area of the site; long term maintenance and management plan for existing and proposed landscape, maintained for the duration of the development.

2.5 **North Yorkshire County Council Highways:** Initially requested a transport assessment to show expected journeys to and from the site; TRICS parameters; assessment of the impact of the generated journeys to the south-east and west on key junctions on North Yorkshire's highway network; it may be necessary to undertake sensitivity testing on the trip distributions. In further responses, following consideration of an additional technical note, no objection was raised.

2.6 **North Yorkshire County Council Archaeology:** No objection.

2.7 **North Yorkshire County Council Public Right of Way:** Recommends an informative regarding the adjacent public right of way.

2.8 **NYCC Lead Local Flood Authority:** The submitted documents demonstrate a reasonable approach to the management of surface water on the site. Conditions are recommended regarding a scheme restricting the rate of development flow runoff from the site, exceedance flow routes and percolation testing.

2.9 **North Yorkshire County Council Ecology:** Agrees with the conclusion of no likely significant effects upon Skipwith Common SAC and the Lower Derwent Valley SAC & SPA. In relation to North Selby Mine SINC, concerns are raised that the development as proposed will lead to direct and indirect impacts upon the SINC. Mitigation and compensation for the identified impacts is not considered sufficient to offset the impacts of the development and 'secure a measurable net gain' as set out in the NPPF. It is recommended that further measures are considered to avoid the loss of this habitat of principal importance by reviewing the layout of the development. Further information is required regarding invertebrates. A great crested newt derogation licence will be required; the method statement to deal with construction impacts is considered appropriate; site operation impacts are more difficult to manage and it is therefore recommended that there are ponds and terrestrial habitat which are not accessible by the public. In relation to pond 3 it is recommended that a buffer of terrestrial habitat is retained around the pond and access is limited –as such development within the 'Bowl' area of the site should be pulled back from pond 3 and the recreational footpath should be diverted away from the pond. Further water vole surveys are required prior to works taking place. Bat mitigation requires minimal lighting and no lighting in sensitive areas. Further bat surveys may be required if there is a delay in removing buildings. Vertebrates-presence/absence surveys are required any mitigation necessary. Any areas on site which provide essential mitigation, compensation and enhancement for the scheme will need to have monitoring and management plans in place to ensure that the mitigation and compensation functions remain in the long term. Monitoring plans will need to include targets and identify trigger points when interventions would need to take place.

Designated sites

Key changes which have been made to address impacts upon the habitats for which North Selby Mine SINC has been designated include:

- Removal of development from the 'Valley' part of the site
- Removal of the glamping area of the development from the 'Woodland' part of the site
- Proposed fencing of footpaths to address concerns about disturbance
- A monitoring and management plan for the SINC

It is considered that the first three of these measures will reduce impacts upon the features for which the SINC has been designated. The extent of development should be confined to the development limits for static caravans (Bowl) and touring caravans (Woodland) as set out in the Indicative Masterplan (2356.04, Rev 04) to minimise SINC impacts. The invertebrate survey has now been undertaken. Features of interest to invertebrates can be protected, maintained and enhanced through the SINC management measures put forward. The amendments move the footpath further from pond 3 which contains the main population of great crested newts. This and habitat management proposals within the SINC Management Plan will minimise impacts upon great crested newt. It is agreed updated water vole surveys can be conditioned. Bats: The key impacts upon bats include the loss of foraging habitat from the western end of the site and increased disturbance from the operation of the site – including increased noise and lighting. Recommendations have been made for minimising lighting on site which is supported – there should be no lighting within the woodland areas and also no lighting along footpaths which are within or adjacent to ecologically sensitive habitats such as woodland and wetland. This can be conditioned. Vertebrates: The survey results have now been provided and I am satisfied with the level of survey work and measures proposed. Monitoring and Management: the SINC Management Plan provides outline prescriptions for the

management and monitoring of key features of the SINC and its associated species. Satisfied with the content of the plan and consider that it would protect, maintain and enhance the features for which the SINC was designated. It is noted that the management plan will be in place for the life of the development. There will be a need to secure this plan, make provision for the submission of detailed proposals and secure the long-term aspects through a suitably worded condition and/or a legal agreement. A recreation strategy was also requested by the City of York Ecologist and this has been provided at Appendix 5. This is considered a key element in protecting the key features of the SINC and minimising disturbance upon sensitive features. The key objectives of this strategy are supported. In summary, it is now considered that there is sufficient ecological information provided in order for the application to be determined.

The submission of an updated parameters plan, recreation strategy plan and masterplan, all of which support the positive changes made to the layout of the development, do not change the ecological position in relation to the development, and so above advice remains the same.

- 2.10 **City of York Contaminated Land Consultant:** Contamination risks relating to the previous mine use are noted. Conditions are recommended regarding investigation of contaminated land; submission of a remediation scheme; verification of remedial works; and reporting of unexpected contamination.
- 2.11 **North Yorkshire Fire and Rescue Service:** No objections.
- 2.12 **North Yorkshire Police:** The site is in a low crime area. Secure cycle storage is recommended.
- 2.13 **Natural England:** No objection. The proposed development will not have significant adverse impacts on statutorily protected sites or landscapes. European sites – River Derwent Special Area of Conservation; Lower Derwent Valley Ramsar, Lower Derwent Valley Special Protection Area; and Lower Derwent Valley Special Area of Conservation. River Derwent Site of Special Scientific Interest and Derwent Ings Site of Special Scientific Interest. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.
- 2.14 **Historic England:** No requirement for consultation.
- 2.15 **Environment Agency:** No objection and recommends a condition regarding compensatory flood storage; flood warning and evacuation plan; and no permanent structures within flood zone 3. Proposed compensatory storage is now located in flood zone 1, as shown in the Indicative Masterplan (drawing number 2356.04 Revision 05). The developer should ensure that the proposed compensatory storage is in hydrological continuity with the flood plain so that it functions as intended and is able to fill and drain naturally (ie via gravity). Surface water drainage details should be agreed with both the IDB and LLFA. Conditions requested.
- 2.16 **Ouse and Derwent Internal Drainage Board:** Recommends conditions regarding surface water drainage; restriction on the rate of discharge from the site; assessment of the receiving watercourse; and no storage of materials adjacent to the bank top of the watercourse. Informatives regarding maintenance

responsibilities; and the need for IDB consent for works near the watercourse, outfall to it and discharge to it.

- 2.17 **Yorkshire Water:** Recommends conditions regarding protection of public water supply infrastructure and surface water outfall.
- 2.18 **Highways England:** Following further clarification about how developmental trips generated by the site will be distributed via the A64/A19 interchange, raised no objection.
- 2.19 **Ministry for Housing, Communities and Local Government:** No comment.
- 2.20 **Cllr Musgrave:** Made representation to the application as follows:
“I have two principle areas of concern relating to the current proposals:
(1) the proposed development area itself extends beyond the previously developed area which will have an impact on the openness of the greenbelt and should be considered inappropriate. In addition the proposals show development of the SINC and woodland area, which should be avoided. We should guide the applicant accordingly.
(2) the impact of traffic (incl caravans) from several hundred new units on the Highway network will be considerable, especially given that there will be peaks and troughs for access / egress such as check in / check out times. Additionally, there is little proposed in the way of onsite amenities so site occupiers will likely travel to and from the site to access local attractions - York, North York Moors, the Dales, the coast & seaside towns, Howardian Hills, Castle Howard, Flamingo Land, etc. All these will require vehicles to cross the south bound traffic on the A19 and join the A19 north towards the A64. You may or may not be aware that NYCC Area 7 Highways team are working with Escrick Parish Council on a new traffic light scheme at A19 / Skipwith Lane junction (only a few hundred meters to the South of this site), in significant part as it is so difficult for traffic to turn right out of Skipwith Lane to join A19 north. It would be perverse of NYCC to consider this a problem worthy of a significant scheme just a few hundred meters away, but not for this development so I'd urge you to ask NYCC to consider these proposals very closely. In my experience such infrastructure matters should be dealt with at outline stage.”
- 2.21 **Escrick Parish Council:** No objection in principle but requested amendments, including:
- Reduction of the scale of the development to delete those areas of accommodation located within the SINC and established woodland;
 - Restrictions to be applied to prevent permanent residential use of the holiday accommodation;
 - A maximum number of accommodation units on the site to be specified in any consent to ensure that the various impacts are assessed and mitigated appropriately as required;
 - Works to be required and restrictions applied to mitigate the impact of light, noise and traffic during both construction and use of the holiday park;
 - The highways impact of the development on the A19 needs to be more thoroughly understood and mitigated as appropriate. Improvements to the A19/New Road junction may be required to ensure that cars pulling caravans do not overhang the A19 central reservation when waiting to turn and cause a safety hazard;

- To encourage sustainable travel, a footpath/cycleway should be installed from the site along the length of New Road and within the A19 verge from its junction to the BP garage/Spar shop on the edge of Escrick;
- To safeguard the amenity of existing residents, construction traffic and heavy lorries delivering the lodges and static caravans etc should be prohibited from using Skipwith Road and other streets within the village.
- Again, to safeguard local amenity concerns, conditions restricting hours of work of construction and requiring that the 'Code of Considerate Practice' of the Considerate Constructors Scheme is fully adhered to in order to minimise the impact on the local community should be imposed."

12/6/2019 Previous comments still stand. Support the principle but object to specific details: there should be no accommodation within the SINC or woodland; The highways impact of the development on the A19 needs to be more thoroughly understood and mitigated, traffic generation is underestimated. Improvements to the A19/New Road junction may be required to ensure that cars pulling caravans do not overhang the A19 central reservation when waiting to turn and cause a safety hazard. A footpath/cycleway should be installed from the site along the length of New Road and within the A19 verge from its junction to the BP garage/Spar shop on the edge of Escrick. We support the consultation response of Selby Council's Planning Policy Manager. The previous consent for the redevelopment of the Green Belt site should not assume that additional greenfield areas not previously proposed for development should now be included within the redevelopment area for the leisure accommodation. The proposals should not have a greater impact on the openness of the Green Belt than the current use or the extant consent. The development area should be reduced accordingly. The proposal should comply with Policy RT12. We consider the proposal conflicts with parts 1 and 2 of the policy. Our comment on parts 4 and 5 is contained in our response to the additional highways information provided as above. And part 7 is self evidently excessive when comparing the number of leisure units proposed at 434, which is larger than the number of dwellings in Escrick village itself (which is circa 370 households).

5/11/2019 Welcome the reduced scale of the proposals, limited now to the reduced woodland area and bowl. EPC welcomes the proposed reduction to what we understand is now only the 'brownfield' area of the site, with the consequent reduction in pitches from 434 no to 323 no. Any planning consent should be carefully worded to ensure that this developable area and number of pitches cannot be increased in the future. The master plan and other plans should for part of a s106 as should the landscape improvements to ensure they are implemented in full. Highway consultees now raise no objection based on the reduced pitch numbers which reinforces the need to control the number by condition and s106. Improvements to the A19/New Road junction may be required to ensure that cars pulling caravans do not overhang the A19 central reservation when waiting to turn and cause a safety hazard. A footpath/cycleway should be installed from the site along the length of New Road and within the A19 verge from its junction to the BP garage/Spar shop on the edge of Escrick. We cannot find any drawings of the proposed highway works to be able to assess where and how this would work. The A19 is already extremely dangerous to cross. EPC would like to see further information of the proposed crossing improvements before it will withdraw its concerns in this regard. Existing users of the site access road / New Road are totally ignored. The proposal will generate significant traffic on this road to use the facilities in Escrick. There is no guarantee the on site shop will be delivered. This reinforces the case for the area of grass verge adjoining the length of the access road being used to provide a shared surface footpath / cycleway / bridleway that

would provide a safe access away from the roadway and its cars and caravans. PROW improvements may also be required if they are to be used by site visitors. Noise concerns have not been addressed. The cumulative noise impact will be heard over a large surrounding area. This could have serious detrimental amenity impacts for local residents. Surrounding landscaped areas could be built up to contain the noise within the site.

7/9/2022 Escrick Parish Council confirmed its previous comments still apply.

2.22 **Representations:** Two letters of objection have been received which are summarised as follows:

- The amount of development has increased from the public consultation exercise onto green belt land that has not previously been developed.
- No development should be approved unless green belt policy is satisfied.
- The access road must be upgraded speed calming measures installed. The substandard road surface causes noise issues.
- The A19 junction is unfit to accommodate traffic from the proposal and is dangerous.
- Traffic generation is underestimated.
- Walkers / cyclists / horse riders should be provided with a suitable pathway from the A19 to the proposed development entrance.
- Horse riding on New Road will be compromised.
- Existing users of New Road (Springwood Farm, Springwood Stables, Storey transport) often have projecting vehicles with trailers emerging onto New Road waiting for loading or existing gates to open or close which will cause traffic problems/ accidents.
- The large increase in traffic may require traffic lights or a roundabout to maintain highway safety.
- The site is suited to a smaller number of lodges and should not use the SINC and woodland.
- Permanent residential use should be prevented.
- A flood risk sequential test should be required.
- Glad to see reduction in the area to be developed but my concerns still remain from the original objection.

3. **SITE CONSTRAINTS**

Constraints

3.1 Almost the entire Selby portion of the site has been designated as a Site of Importance to Nature Conservation (SINC). The entire site is within countryside and designated green belt. Almost the entire site is within flood zone 1 (low risk) with peripheral sections within flood zone 2 (medium risk) and flood zone 3 (high risk). Two public rights of way connect into or run through the site as follows: footpath 35.28/2/1, which runs from Escrick in the south west and enters the site on its southern edge near the junction of Spring Wood/ Halfpenny Dike; and bridleway 23/5/10 that runs along the site boundary immediately south of the existing waste water treatment plant before turning north along Bridge Dike through the western edge of the site to New Road in the north. The villages of Escrick, Deighton and Wheldrake lie at distances of approximately 1.81km, 1.89km and 2.42km from the site respectively. There are isolated dwellings or agricultural holdings surrounding the site.

4. POLICY CONSIDERATIONS

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 The development plan for the Selby District comprises various documents including the Selby District Core Strategy Local Plan (adopted 22nd October 2013), 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, the Minerals and Waste Joint Plan (adopted 16 February 2022), and the Church Fenton and the Appleton Roebuck and Acaster Selby neighbourhoods plans.
- 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 and additional sites took place in early 2021. The Pre-submission Publication Local Plan is currently subject to a period of formal consultation prior to submission to the Secretary of State for Examination. Given the stage of the emerging Local Plan, the policies contained within it are attributed no weight and as such are not listed in this report.
- 4.4 The National Planning Policy Framework (July 2021) (NPPF) replaced previous iterations of the NPPF. The NPPF does not change the status of an up-to-date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2021 NPPF and, in particular, sections 2 Achieving sustainable development, 6 Building a strong, competitive economy, 9 promoting sustainable transport, 11 Making effective use of land, 12 Achieving well-designed places, 13 Protecting Green Belt land, 14 Meeting the challenge of climate change, flooding and coastal change, and 15 Conserving and enhancing the natural environment.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

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

Selby District Core Strategy Local Plan (SDCS)

- 4.6 The relevant Core Strategy Policies are:

SP1 Presumption in Favour of Sustainable Development
SP2 Spatial Development Strategy
SP3 Green Belt

SP13 Scale and Distribution of Economic Growth
SP15 Sustainable Development and Climate Change
SP18 Protecting and Enhancing the Environment
SP19 Design Quality

Selby District Local Plan (SDLP)

4.7 The relevant Selby District Local Plan Policies are:

ENV1 Control of Development
ENV2 Environmental Pollution and Contaminated Land
ENV3 Light pollution
ENV9 Sites of Importance for Nature Conservation
T1 Development in Relation to the Highway network
T2 Access to Roads
T8 Public Rights of Way
VP1 Vehicle Parking Standards
VP4 Parking for People with Disabilities
RT11 – Tourist Accommodation
RT12 Touring Caravan and Camping Facilities

Minerals and Waste Joint Plan

4.8 The relevant Minerals and Waste Joint Plan policies are:

Policy W03: Meeting waste management capacity requirements - Local Authority Collected Waste.
Policy W04: Meeting waste management capacity requirements - Commercial and Industrial waste (including hazardous C&I waste)
Policy D13: Consideration of applications in Development High Risk Areas

Other considerations- The Escrick Neighbourhood Development Plan

4.9 Following the receipt of the independent Examiner's Report on the Escrick Neighbourhood Development Plan, the Council has now produced a Decision Statement (as required under regulation 18 of The Neighbourhood Planning Regulations 2012, as amended) which sets out the Council's response to each of the recommended modifications contained within the Examiner's report. The Decision Statement confirms that, subject to the recommended modifications being made to the Escrick Neighbourhood Development Plan, the Plan should proceed to referendum. The referendum is scheduled to take place on the 6th October 2022, the day after the planning committee meeting.

4.10 The relevant Escrick Neighbourhood Development Plan policies are:

MT1 - TRAFFIC FLOW ALONG A19
MT2 - CAR PARKING
MT3 - PEDESTRIAN & CYCLE CONNECTIONS
NE1 - GREEN INFRASTRUCTURE
NE2 - GREEN SPACE CONNECTIVITY
BEH1 - DRAINAGE & FLOOD PREVENTION
BEH3 - HISTORIC RURAL ENVIRONMENT
BEH4 - STREETS & STREET SCENE

5. APPRAISAL

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

- Principle of development
- Green Belt policy
- Flood risk and drainage
- Access, parking and highway safety
- Character and appearance
- Biodiversity
- Residential amenity
- Environmental matters
- Alternative uses for the site
- Other considerations including economic considerations

Principle of development

- 5.2 Central Government guidance is contained in the National Planning Policy Framework. Paragraph 11 establishes the presumption in favour of sustainable development, which runs through both plan-making and decision-taking. In decision-taking this means approving development proposals without delay that accord with an up-to-date development plan. In the absence of relevant development plan policies or where they are out-of-date, permission should be granted unless policies in the Framework that protect areas or assets of particular importance, including land designated as Green Belt, provide a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
- 5.3 Section 38(6) of the Planning and Compensation Act 2004 requires determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan consists of the saved policies of the Selby District Local Plan, the Selby District Core Strategy Local Plan and the Minerals and Waste Joint Plan. The Escrick Neighbourhood Development Plan is not part of the development but is a material consideration. The agreement that it should proceed to referendum following examination means it is at a relatively advanced stage of preparation; there is a lack of unresolved objections; and it is consistent with the NPPF following the recommended modifications by the examiner. These factors mean it should be afforded some weight in the decision making process in accordance with the tests set out in NPPF paragraph 48 which allows LPA's to give weight to emerging plans according to the aforementioned tests.
- 5.4 The proposal involves the use of a former mine site located within open countryside north of Escrick for a holiday village of static and touring caravans. These would be sited within the existing operational area of the mine, which falls entirely within the City of York Council boundary, with ancillary facility buildings and engineering works to create bases for the siting of the caravans, internal access roads/paths and service connections. The surrounding land within the larger site but outside the former operational area of the mine is to be retained as woodland, agricultural grassland and open mosaic habitat. Within the SDC boundary are the former spoil mounds now designated as a SINC due to their special nature conservation interest.

- 5.5 The Minerals and Waste Joint Plan allocates part of the application site for meeting waste management capacity requirements for local authority collected waste via Policy W03 (reference WJP02). The site is also allocated for meeting waste management capacity requirements for commercial and industrial waste by Policy W04.
- 5.6 The allocation covers part of the western section of the site and New Road to the junction with the A19 within the City of York Council area. The allocation arose from the anaerobic digestion facility granted planning permission by City of York Council in 2014 (reference 12/03385/FULM). The Joint Plan does not acknowledge that City of York Council approved application 19/00078/OUTM for the current proposal on 7/8/2020, significantly before the adoption of the Joint Plan in 2022. Therefore, the principle of an alternative use in conflict with these Joint Plan policies has already been established.
- 5.7 The Coal Authority has identified Development High Risk Areas (formerly known as Coal Mining Development Referral areas). These are most likely to be subject to land stability and other public safety hazards associated with old mine entries. The SDC portion of the application site is within a Development High Risk Area to which Joint Plan Policy D13 relates. The policy requires a coal mining risk assessment and where necessary incorporation of suitable mitigation measures in relation to land stability. Permission will be granted where it can be demonstrated, through the Coal Mining Risk Assessment, that the development will not be at unacceptable risk. The proposed change of use of land within the Selby portion of the site is exempt from the requirement to provide a coal mining risk assessment, as set out in paragraph 9.117 of the Minerals and Waste Joint Plan. NPPF paragraph 174 requires decisions prevent new development from being put at unacceptable risk from land instability. Paragraph 183 requires decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability. This includes risks arising from former activities such as mining. Paragraph 184 states “where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”
- 5.8 The NPPF supports a prosperous rural economy with, inter alia, sustainable rural tourism and leisure developments which respect the character of the countryside (paragraph 84(c)). At paragraph 85 it states that ‘The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist’.
- 5.9 Policy SP2 of the Core Strategy establishes a spatial development strategy with the location of future development based on the following principles. Development in the countryside 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. In the green belt, development must conform with Policy SP3 and national green belt policies. Policy SP3 sets out, in accordance with the NPPF, within the green belt permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist.
- 5.10 Policy SP13 supports the development and revitalisation of the local economy in all areas. 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 the redevelopment of existing and former employment sites and commercial premises; and rural tourism and leisure developments, small scale rural offices or other small scale rural development. 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.

5.11 Policy RT11 relates to tourist accommodation and seeks to restrict serviced or non-serviced tourist accommodation outside development limits to existing buildings or extensions to them, providing there are no conditions created that are prejudicial to highways safety, local amenity, in green belt where they are an acceptable form of development and subject to a condition restricting the maximum period of occupation. As the site relates to proposed buildings and the provision of new static accommodation, the application could be considered to be contrary to this policy, though further consideration is required of the appropriateness in green belt and balanced against national planning policy advice and the site history and circumstances.

5.12 Policy RT12 provides policy specifically for touring caravan and camping facilities, leaving the static caravan element of the proposal to be dealt with under Policy SP13 of the more recent Core Strategy and the NPPF. Policy RT12 relates to the *touring caravan* element of the proposal. The preamble to the policy acknowledges that suitable sites for the location of caravans are likely to be located beyond development limits. The policy supports touring caravan sites provided:

“1) The proposal would not have a significant adverse effect on the character and open appearance of the countryside, or harm acknowledged nature conservation interests;

2) Any proposal for development within the locally important landscape areas, as defined on the proposals map, would conserve and enhance the landscape quality of the area in terms of scale, siting, layout, design, materials and landscaping;

3) The proposal would not be visually intrusive and would be well screened by existing vegetation, or would incorporate a substantial amount of landscaping within and around the site;

4) The site would have good access to the primary road network;

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

6) Any new ancillary buildings or structures are essential to providing basic services on the site; and

7) The number of pitches in any one area would be in proportion to the size of the locally resident population so as not to disrupt community life”

5.13 The Escrick Neighbourhood Development Plan does not contain policies relevant to the principle of development but does confirm the Parish has 1,100 residents. The total number of pitches proposed is 323. This accords with the proportionality test in Policy RT12 part 7. The aforementioned suite of policies is considered generally

supportive of the principle of development including the shop and café bar to cater for daily needs, subject to the detailed considerations below.

Green Belt policy

- 5.14 NPPF paragraph 137 to 151 provide Green Belt policy. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 147 states “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.” Paragraph 148 states “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”
- 5.15 At paragraph 149(g) of the NPPF, the construction of new buildings as part of the partial or complete re-development of previously developed land that does not have a greater impact on openness of the Green Belt than the existing development is appropriate development. Engineering operations and material changes in the use of land (such as to outdoor sport and recreation) are not inappropriate under paragraphs 150(b) and 150(e) respectively of the NPPF, providing they preserve openness of the Green Belt and do not conflict with the purposes of including land within it.
- 5.16 The NPPF defines previously developed land as ‘land which is or was occupied by a permanent structure, including the curtilage of the developed land...and any associated fixed surface infrastructure’. The definition excludes, firstly, land that has been developed for mineral extraction where provision for restoration has been made through development management procedures and, secondly, land that was previously developed but where the remains of permanent or fixed surface structure have blended into the landscape. However, in light of the site’s history, including the fact that the restoration provision has not been fully enforced, the removal of the enforcement notice by City of York Council after removal of the majority of mine buildings and implementation of an approved 2014 application for anaerobic digestion plant, the former operational area of the mine is considered to be previously developed land as defined by the NPPF. The current level of development on the site comprises areas of hard surfacing of the former mine area and its car parking area. Within the mine area there are six smaller colliery buildings, centred round the capped shafts on the pithead, which have been retained due to the presence of protected species or because they are electricity substations. The former pithead is enclosed by a high fence. The land outside the operational area, being undeveloped or land reclaimed by nature is not considered to constitute previously developed land.
- 5.17 The erection of any buildings on the former pithead would fall within 149(g) and providing they had no greater impact on openness than the existing built form would constitute appropriate development. The application indicates the erection of a reception and shop (150sq.m.) and café bar (200sq.m.) These potential new buildings would have far less impact on the openness of the green belt because spatially their footprint and likely height are far less than the existing mine buildings, and visually they are well contained by the surrounding vegetation and topography. The buildings form a very small part of the overall proposal and would be ancillary to the main element of the proposal being the use of the land for siting static and touring caravans as part of a residential leisure development, which would not fall

within any of the listed exceptions in paragraph 150 of the NPPF. As such, the proposed buildings are appropriate development but the use of land for caravans is inappropriate development in the Green Belt.

- 5.18 Whilst it is acknowledged that there is the 2014 implemented permission for an anaerobic digestion facility and horticultural glasshouses, the baseline for considering the impact on openness is the existing development on site, comprising areas of level hard surfacing and six retained former colliery buildings. The proposed caravans would result in an increase in the amount of three-dimensional development across the site over and above the current extent of retained buildings, which would in turn have a moderate impact on the openness of the site due to the limited short and longer distance views of the site possible because of the existing topography and landscaping of the site. The raising of the access road, which was also consented by the 2014 permission, would constitute engineering operations that would preserve the openness of the Green Belt.
- 5.19 The proposal, as a whole, would not conflict with the five purposes that Green Belt serves as listed in paragraph 138 of the NPPF. These are:
- a) to check the unrestricted sprawl of large built-up areas – the site is physically separate from York urban area and its outlying villages and is a former mine that has an implemented permission for development as an AD facility and horticultural glasshouses;
 - b) to prevent neighbouring towns from merging into one another - the application site is nearby, though physically separate from the surrounding villages of Escrick, Deighton and Wheldrake and as a result would not lead to these neighbouring settlements merging;
 - c) to assist in safeguarding the countryside from encroachment – the proposal relates to the re-use of a former mine site and the part that is considered to be previously developed land;
 - d) to preserve the setting and special character of historic towns – longer distance views from the south of the historic city of York and its Minster would not be adversely affected by the development which lies at lower level nor would it affect the historic layout of the City and its surrounding hinterland of villages amidst open countryside;
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land – the proposal would not assist in the regeneration of other urban area, but would bring previously developed land into a use.
- 5.20 Overall, however, the proposal constitutes inappropriate development in the Green Belt that would also erode its openness to a moderate degree. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Such harm is attributed substantial weight as required by paragraph 148 of the NPPF and the proposal should not be approved unless the harm is clearly outweighed by other considerations, as set out in the NPPF and policy SP3.

Flood risk and drainage

- 5.21 Paragraph 159 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Policy ENV1(3) of the Local Plan requires the capacity of infrastructure to be taken into account as part of development proposals. Core Strategy Policy SP15A(d) reflects the general approach to flood risk outlined in the NPPF. Policy BEH1 requires new development should not add to the overall level of flood risk in the Parish of Escrick including on site and downstream; SUDS are encouraged; and unnecessary culverting is resisted.
- 5.22 The site falls largely within Flood Zone 1 (low probability), and, as such, should not suffer from river flooding. However, the access road at its entrance and the land either side of it falls within Flood Zone 3 (high probability). Advice in the NPPF and its accompanying Planning Practice Guidance requires that a sequential approach be taken to the location of development with development being directed to land at least risk of flooding before higher risk areas are considered. No permanent structures are proposed in Flood Zone 3. The access is existing and cannot be re-positioned. The application proposes to raise the level of the access to lift it above the height of flood waters and provide compensatory flood storage on the land to the west. This is considered to be acceptable in principle subject to detailed design, which can be required through condition.
- 5.23 A site-specific flood risk assessment has been carried out for the proposed development and confirms that the proposed development will not increase the risk of downstream flooding. Infiltration tests undertaken have demonstrated that the site is not suitable for soakaways. It is proposed to install a new waste water treatment plant to dispose of foul water utilising the existing outfall from the system in place as part of the colliery. Existing permitted discharge points and flow rates would be retained. Conditions are sought to cover the detailed design of foul and, in particular, surface water drainage.
- 5.24 Overall, the proposal has sought to direct development away from areas at the highest risk of flooding and has demonstrated that the site can be adequately drained without increasing flood risk elsewhere. Therefore, subject to conditions covering water supply, waste water and flood risk, it is acceptable in flood risk terms and complies with national and local flood risk planning policy including Escrick Neighbourhood Development Plan Policy BEH1.

Access, parking and highway safety

- 5.25 The NPPF encourages development that is sustainably located and accessible. Paragraph 110(b) requires that all development achieves safe and suitable access for all users. It advises at paragraph 111 that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
- 5.26 Policy SP15 encourages schemes where necessary or appropriate to minimise traffic growth by providing a range of sustainable travel options (including walking, cycling and public transport) through Travel Plans and Transport Assessments and facilitate advances in travel technology such as Electric Vehicle charging points; and make provision for cycle lanes and cycling facilities, safe pedestrian routes and improved public transport facilities. Policy SP19 encourages sustainable access modes. Policy ENV1 requires SDC take account of the relationship with the highway network, means of access the need for road/junction improvements near

the site and car parking arrangements. Policy T1 requires proposals are well related to the existing highway network; and that existing roads have adequate capacity and can safely serve the development, unless off-site highway improvements are undertaken by the developer. Policy T2 permits new accesses and intensified use of existing accesses provided there is no detriment to highway safety; and the access location and standard are acceptable to the highway authority. Policy VP1 supports parking spaces/facilities up to the maximum standards in Appendix 4 of the Local Plan. Policy VP4 provides disabled parking space standards. These standards are considered to have been superseded by the more recent NYCC interim guidance on transport issues including parking standards 2015. Policy T8 seeks to prevent significant adverse effects upon the route of any public right of way unless certain exceptions are satisfied. Policy RT12 requires the site would have good access to the primary road network; the proposal would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity.

- 5.27 Escrick Neighbourhood Development Plan Policy MT1 does not support developments generating major increases in traffic volumes on the A19 unless the applicant/SDC/NYCC evidence that measures to address traffic safety and congestion will be part of any proposal. Policy MT2 requires off-street parking in accordance with NYCC standards and on-site secure cycle storage and the provision of electric vehicle charging points. Policy MT3 encourages and supports new and enhanced cycle lanes and footpaths, and that they connect to existing provision. Policy BEH4 requires provision of safe pedestrian routes enabling access to all local amenities and facilities.
- 5.28 The site has an existing access road, built to serve its use as a mine. It joins the York-Selby A19 to the north of the village of Escrick. A Transport Statement has been submitted with the application and confirms that the junction capacity testing indicates that the additional traffic movements would not lead to capacity issues at this junction of the A19 with New Road.
- 5.29 Three public rights of way connect into or run through the site. These are footpath 35.28/2/1 that runs from Escrick to New Road at Spring Wood, bridleway 23/5/10 that runs along the southern site boundary and bridleway 6/4/20 that runs along New Road following the northern site boundary. These existing public rights of way would be retained. Whilst no footpaths would need to be diverted, there may be the potential for disturbance due to increased vehicles movements along the access road. It is indicated that warning signs could be erected at crossing points to mitigate any hazard. New recreational footpaths constructed of recycled crushed material are proposed within the site. It is indicated on the masterplan that a connection could be made from the existing public right of way on the south-west side of the site with the recreational footpaths.
- 5.30 The nature and location of the site means that it is not in the most sustainable and accessible location. A shop and café bar are proposed on site to cater for daily needs. The site is adjacent to and within walking distance via PROW or New Road of Escrick village, which has some local services including shop, pubs and restaurants and a church. There is access to the primary visitor centres of York and Selby via the National Cycle Route 65 and the 415 York-Selby bus service along the A19.
- 5.31 Improvements to the footpaths on the A19 between New Road and the petrol station to enable bicycles to connect to the National Cycle Route, improved signage

and traffic calming measures near the site access road are sought by way of a Section 278 Agreement. A Travel Plan to include a site management strategy and further details of internal access roads, cycle links and adequate car and cycle parking are required by condition. Subject to the above requirements, there is no objection on highway safety grounds to the proposal.

Character and Appearance

- 5.32 Chapter 11 of the NPPF seeks the efficient use of land, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Chapter 12 gives advice on design, placing great importance to that design of the built environment. In particular, paragraph 130 of the NPPF states that planning decisions should ensure that development will, amongst other things function well and add to the overall quality of the area, be visually attractive, be sympathetic to local character and history, and have a high standard of amenity for existing and future users.
- 5.33 Policy ENV1 requires good quality development and requires SDC take account of the effect upon the character of the area; the standard of layout, design and materials in relation to the site and its surroundings and associated landscaping; the potential loss, or adverse effect upon, significant buildings, related spaces, trees, wildlife habitats, archaeological or other features important to the character of the area. Policy RT12 supports touring caravan facilities provided the proposal would not have a significant adverse effect on the character and open appearance of the countryside; the proposal would not be visually intrusive and would be well screened by existing vegetation, or would incorporate a substantial amount of landscaping within and around the site.
- 5.34 Policy SP13 requires growth in the rural economy should not harm the character of the area. Policy SP18 states the high quality and local distinctiveness of the natural and man-made environment will be sustained by safeguarding and, where possible, enhancing the historic and natural environment. Policy SP19 requires proposals for all new development to achieve high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside; make the best, most efficient use of land without compromising local distinctiveness, character and form.
- 5.35 Escrick Neighbourhood Development Plan Policy BEH3 states proposals for developments that have an undue adverse effect on the historic rural character of the Parish will not be supported; and any proposals for development outside of current development limits must be of a suitable scale, sensitively designed, particularly where it is visible in open landscapes, and should utilise appropriate planting and screening to minimise visual intrusion.
- 5.36 A Landscape and Visual Impact Assessment was undertaken as part of the ES, which considered the difference between the implemented approved AD facility and the proposed development. It concludes that the proposed development would not result in any significant adverse effects on landscape character or visual amenity either during construction or operational stages.
- 5.37 The site landform would be retained primarily as existing. There are steep earthworks around the majority of the previously developed area and established woodland to the west, which would provide substantial screening of the site from outside including New Road, the surrounding public rights of way and adjacent

properties. The exception to this is at the western entrance, which includes a grassland meadow adjacent to the access road. This area would be retained, though re-modelled to provide compensatory flood storage following the raising of the access road. The existing grassed bank opposite the nearest residential properties at Sheepwalk Farm and the pasture in the north-east corner of the site are proposed to be retained, with new native broadleaved woodland planting proposed on the top and inside slopes of the earthworks.

- 5.38 The distance between caravans on site would be controlled though site licence rather than planning control. It would allow for increased planting within the site to create an attractive environment for future holiday residents. This, together with the retained areas of landscaped open space and landscaping along site boundaries, would reduce the visual impact of the proposal on the character and appearance of the surrounding area. A detailed lighting scheme requiring low level lighting would be required to minimise the impact of the holiday village in short and longer distance views during hours of darkness. As this is an outline application, there are no details of the appearance of the static caravans that would be at the site on a longer term basis, but this will be conditioned to ensure the use of recessive colours – i.e. green or grey.
- 5.39 On the basis of the above, it is concluded that the impact of the proposals can be appropriately mitigated so as not to be significant and therefore from a landscape and visual perspective, the proposals accord with national and local planning policy, as well as the emerging neighbourhood plan.

Biodiversity

- 5.40 Chapter 15 of the NPPF 'Conserving and enhancing the natural environment' states that planning decisions should contribute to and enhance the natural and local environment by, inter alia, minimising impacts on and providing net gains for biodiversity, and protecting and enhancing sites of biodiversity value in a manner commensurate with their statutory status or identified quality in the development plan.
- 5.41 Policy SP18 seeks to sustain the high quality natural environment by safeguarding and enhancing the natural environment; promoting effective stewardship of wildlife by safeguarding locally protected sites for nature conservation including SINC's from inappropriate development; ensuring developments retain, protect and enhance features of biological and geological interest and provide appropriate management of these features and that unavoidable impacts are appropriately mitigated and compensated for, on or off-site; ensuring development seeks to produce a net gain in biodiversity by designing-in wildlife and retaining the natural interest of a site where appropriate. Wherever possible a strategic approach will be taken to increasing connectivity to the District's Green Infrastructure including improving the network of linked open spaces and green corridors.
- 5.42 Policy ENV1 requires SDC to take account of the potential loss, or adverse effect upon wildlife habitats. Policy ENV9 states proposals which would harm a SINC will not be permitted unless there are no reasonable alternative means of meeting the development need and it can be demonstrated that there are reasons for the proposal which outweigh the need to safeguard the intrinsic local nature conservation value of the site. Policy RT12 supports touring caravan facilities provided the proposal would not harm acknowledged nature conservation interests.

- 5.43 The Escrick Neighbourhood Development Plan Policy NE1 expects new development to include provision of multi-functional green infrastructure, and where possible, connect with the existing provision of green infrastructure, including SINCS and existing woodlands; not to sever existing green infrastructure networks, and must avoid areas of high ecological value; achieve biodiversity net gain of at least 10%; to replace any trees which are proposed to be removed due to development at a ratio of at least 1:1; and to ensure that the design and management of green infrastructure respects and enhances the character and distinctiveness of an area with regard to habitats and landscape types. Policy NE2 states proposals for the creation, enhancement or re-wilding of green spaces to provide leisure, recreational, carbon sequestration or biodiversity benefits to the local area are encouraged and will be supported.
- 5.44 The application is supported by ecological assessments as part of the ES. These consider the potential impacts of the proposal on the European Sites within 10km of the site (Lower Derwent Valley SAC/SPA/RAMSAR and Skipwith Common SAC, specifically in relation to recreational impacts, and conclude that any potential adverse effects would be very small and therefore not significant.
- 5.45 A significant area of the former mine site was designated as a Site of Importance for Nature Conservation (SINC) in 2010 for the mix of habitat and structural mosaics on site including species-rich calcareous and neutral grassland, wetland, scrub and colonising habitats occurring as a result of the previous use. The 'open mosaic habitat on previously developed land' is a habitat of principal importance for the conservation of biodiversity in England, as required under Section 41 of the Natural Environment and Rural Communities Act 2006 and is also incorporated into the 'Urban Habitats' action plan within the City of York Local Biodiversity Action Plan. The SINC supports invertebrates and as such an invertebrate survey has been undertaken. It is considered that the features of interest to invertebrates can be protected, maintained and enhanced through SINC management measures. A Recreation Strategy has been submitted to address some of the potential operational impacts of the development on the SINC, i.e. litter, dog fouling and noise/light pollution. A SINC Management Plan has also been prepared.
- 5.46 There has been evidence previously of barn owl and bats being present at the site within existing building B2. Updated surveys are required at Reserved Matters or prior to demolition of this building, plus a detailed sensitive lighting scheme. Great Crested Newts (GCN) have been recorded within existing pond P3. As GCN are European Protected Species (EPS), the local planning authority must consider the three 'derogation tests' of the Habitats Directive as implemented by the Conservation of Habitats and Species Regulations 2017 (as amended) when deciding whether to grant planning permission for a development which could harm an EPS. The third test for the maintenance of favourable conservation status can be met as the requirement for a European Protected Species Licence will prevent any direct harm and a range of habitats can be maintained through a scheme of mitigation.
- 5.47 Other protected species have been identified at the site, including birds, grass snake, brown hare, water vole, which may be affected by the proposal, but any harm can be satisfactorily mitigated against. Indeed, the SINC Management Plan includes consideration of Willow Tits, which is a Red-listed Bird of Conservation Concern and a Rare Breeding Birds Panel species, and should benefit in the longer-term.

- 5.48 The proposal has been revised from first submission to reduce the extent of the site area to be used for the siting of holiday accommodation. It now keeps the proposed holiday accommodation outside the designated SINC with the exception of a small triangle area of land to the east of the operational mine area thereby retaining the open mosaic habitat and intends no access for visitors and dogs. It is also intending that existing ponds would be retained with new ponds created designed as amphibian habitat. A wildlife area is proposed to be created to the east of the SINC. Existing hedgerows are to be retained and strengthened and additional areas of native species woodland, hedgerow and shrubby understorey planting are proposed. Planning conditions are required to ensure that detailed proposals at reserved matters stage are confined to the development limits indicated on the Indicative Masterplan. Conditions are needed to ensure strict compliance with the SINC Management Plan and Recreation Strategy.

Residential Amenity

- 5.49 Paragraph 130(f) of the NPPF seeks a high standard of amenity for existing and future users. Paragraph 185 of the NPPF requires that new development is appropriate for its location taking into account the likely effects of pollution on health and living condition with suitable mitigation to, inter alia, reduce to a minimum adverse impacts and limit light pollution.
- 5.50 Policy ENV1 requires SDC to take account of the effect upon the amenity of adjoining occupiers. Policy ENV3 seeks to minimise outdoor lighting, partly to protect local amenity. Policy RT12 supports touring caravan sites provided the proposal would not have a significant adverse effect on local amenity.
- 5.51 The closest residential properties are Sheepwalk Farm and Cottages, which lie to the north of the site. The existing 3m approximately screen mound is to be retained and enhanced with a 2m high close boarded fence, retention of existing planting and additional native and evergreen shrub planting. The use of the site for the proposed use would likely result in an increase in disturbance to neighbouring residents from associated activity, but the retention and enhancement of site boundaries, control over site lighting along with site management normal for such sites, would help to mitigate harm. Residents of Spring House Farm and Cottage on New Road would experience increased vehicle movements along the access road compared to current levels of activity. However, these would be on the whole private vehicles rather than heavy vehicles associated with the implemented use of the site and would be likely to be restricted largely to daytime hours. Spring Wood separates these properties from the site.
- 5.52 There is the potential for noise disturbance and air quality impacts during the construction and operational phases of the proposal, which could be controlled by condition to mitigate harm. It is acknowledged that there would be likely be some disturbance to the occupants of surrounding residential properties from the construction and operation of the development. Mitigation measures are required through condition to reduce any harm.

Environmental Matters

- 5.53 Paragraph 174(e) of the NPPF seeks to prevent new development from contributing to unacceptable levels of pollution or land instability. Paragraph 183 deals specifically with ground conditions and pollution. Policy ENV2 allows contaminated

land conditions to be attached to planning permission if it is suspected a site is or may be contaminated.

- 5.54 The use of the site as a mine has the potential to give rise to land contamination including through the use of various pieces of plant and equipment, train lines, storage of fuels and chemicals and the presence and use of substations at the site, the majority of which are contained in the 'bowl' area, the former operational area of the mine. There is also the potential for contamination issues on the mounds created within the site formed from agricultural land and materials from the excavated shafts. The stockpiles of graded demolition rubble left from demolition of the former mine buildings requires asbestos testing to ensure it is dealt with adequately. Appropriate conditions are required to address any contamination on site.

Alternative uses of site

- 5.55 It is noted that the 2014 planning permission for an anaerobic digestion facility and horticultural glasshouse has been implemented on site following the carrying out of material operations consisting of the demolition of buildings and approval of details pursuant to pre-commencement conditions satisfied (ref. 16/02791/CLD granted in 2017 by City of York Council). Whilst the original partner for the AD facility has indicated that it does not wish to continue involvement in the scheme, another operator may be found to progress the development to full implementation. This would include the provision of an AD facility with stack (12m high and 15m high respectively), CHP building with stack (9.5m high and 22.5m high respectively), tank farm (with tanks between 10-18m high) and other plant ranging in height from 8m to 12m. The 51,210sq.m. horticultural glasshouse building would be approximately 7m high.

Other considerations

- 5.56 The proposal would constitute inappropriate development that would, by definition, be harmful to the Green Belt by reason of inappropriateness. There would also be additional harm caused to openness from the siting of the holiday accommodation. No other harm has been identified. Substantial weight is given to the harm to the Green Belt. The NPPF advises that permission should be refused for inappropriate development, unless other considerations exist that amount to 'very special circumstances' and that would be sufficient to clearly outweigh identified harm to the Green Belt by reason of inappropriateness and any other harm.
- 5.57 The applicant considers that the proposal is appropriate development in the Green Belt that would not cause significant harm to the overall perception of openness of the Green Belt - when compared to the approved implemented scheme of AD facility and glasshouse - and would not be in conflict with the purposes of including land within the Green Belt. However, due to the planning complexities associated with the site and in order to be fully robust, the applicant has put forward the following other considerations as very special circumstances:

- Economic Growth, Employment and Tourism Benefits;
- Nature conservation and biodiversity benefits;
- Landscape character protection and improvements;
- 'Do nothing' considerations.

Economic and Tourism Benefits

5.58 The applicant considers that the proposal would be an economic driver that would deliver quality holiday accommodation and facilities and extend the holiday season through the year. A Tourism Supporting Statement and Economic Impact analysis has been prepared in support of the application that confirms that tourism is the third highest export in the UK supporting 2.6 million jobs, small to medium enterprises and worth £8bn per year to the Yorkshire economy. The rural nature of the site along with what are considered to be good road access and existing infrastructure make this a popular site as a holiday park. As such, the direct impacts of the proposal are identified as being in the region of £5m-£7m and creating between 400-500 direct, indirect and induced employment impacts (NB. Assessment of jobs undertaken prior to reduction in size of development).

Biodiversity benefits

5.59 The applicant considers that the proposed development offers benefits to biodiversity following the creation of an attractive setting, delivery of environmental assets in a long-term effective management programme, increased public accessibility and habitat creation and biodiversity gain. The initial concerns raised by officers about encroachment of the development into the SINC and woodland have been addressed by the reduction in the proposed developed site area. Subject to adequate controls in place through site management, the biodiversity of the wider site would be maintained and enhanced.

Landscape character protection and improvements

5.60 The applicant considers that the leisure development can be sympathetically accommodated within the existing landform with less harm to the surrounding countryside character than the approved implemented scheme. In addition to respecting and strengthening the landscape structure, the proposal would increase public enjoyment of the landscape through increased access, which is currently restricted due to safety concerns around its historic use as a mine.

'Do nothing' considerations

5.61 The applicant refers to the 'do nothing option' of not pursuing development of the site through the implemented permission and leaving it in its current state. Whilst this would reduce impact on openness of the Green Belt and avoid any impact on residential amenity, the applicant points out that this would potentially have a negative impact on the SINC. As set out in the ES, there has been a significant amount of scrub encroachment since the SINC was designated as it has not been managed while the site has been standing unused and its principal element will gradually degrade through natural succession with its value being lost. Development of the site would secure long-term favourable management. The do-nothing option is also considered to be neither viable or sustainable as it does not promote effective use of land or support opportunities to remediate despoiled and derelict land.

Assessment of Very Special Circumstances Case

5.62 The site lies within the Green Belt. The proposal relates to the operational area of the former mine, which is considered to be previously developed land. It would result in the re-use of the site for a holiday village, which would have a moderate degree of harm over and above the current baseline being the existing development

on site. It is noted that the impact on openness of the Green Belt and visual amenity would be less than the approved development for an AD facility and horticultural glasshouse, which has been implemented and, therefore, could be delivered. The landowner has investigated other development options for the site since the mine ceased operating, including re-use of the buildings for B1, B2 and B8 uses and a partnership with the University of York for a bio-renewables centre. This current proposal represents the most viable option identified by the landowner at this time for this part brownfield site. It would contribute to the tourism sector with holiday accommodation that would blend within its landscape following enhancement of existing planting. Access to the SINC could be restricted to avoid damage and disturbance to biodiversity with alternative provision being made for occupiers of the holiday accommodation. A use for the site would avoid further degradation of the SINC.

5.63 Therefore, it is considered that, when taken together, there are compelling and substantial considerations that weigh heavily in favour of the proposal.

6 CONCLUSION

6.1 The application seeks outline approval for the creation of a holiday village complex on the former operational area of North Selby Mine. However, the site lies within the Green Belt. Part of the site lies within Flood Zone 3. In accordance with the NPPF, the more restrictive Green Belt and flood risk policies apply. The proposal would result in harm to the Green Belt by reason of inappropriateness as well as additional harm to the openness of the Green Belt and substantial weight is attached to this harm. There is some conflict with Minerals and Waste Joint Plan policies regarding the allocation of the AD plant site but the principle of an alternative use has already been established by the approval of the CYC application. Other identified potential harms to flood risk, highway safety, biodiversity, visual and residential amenity and other environmental matters could be adequately mitigated by conditions.

6.2 It is considered that the benefits that would be provided by the scheme, when taken together, being the re-use of previously developed land, tourism and investment in the local economy and biodiversity benefits, are of sufficient weight to clearly outweigh the Green Belt harm. Therefore, very special circumstances exist to justify the proposal and the application is recommended for approval subject to conditions.

7 RECOMMENDATION

7.1 This application is recommended to be approved subject to the following conditions:

1 Application for approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of the 7th August 2023 and the development hereby permitted shall be begun before:

the expiration of two years for the date of approval of the last of the reserved matters to be approved.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (England) Order 2015.

2 Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of change of use of the land, building or engineering works, and the development

shall be carried out in accordance with such details: These details shall include: internal access road details, appearance, landscaping of site, layout and scale of the proposed development to be carried out, including a schedule of all external materials to be used.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (England) Order 2015.

3 The number of static caravan pitches on site shall be restricted to no more than 231, to be sited in the area totalling 6.24ha that is marked as the Bowl and shown coloured lilac on the submitted Parameters Plan no.2356.02 Rev.03. The number of touring caravans and tent pitches shall be restricted to 92, to be sited in the area totalling 1.49ha that is marked as the Woodland and shown coloured rose pink on the submitted Parameters Plan no.2356.02 Rev.03.

Reason: The condition is imposed to ensure that the number of caravans is not increased to a level which could harm the appearance or character of the area, openness of the Green Belt, nature conservation value of the wider site and in the interests of highway safety.

4 The caravans hereby approved shall be occupied for holiday accommodation purposes only and shall not be occupied as permanent residential accommodation as a person's sole or main place of residence. The term 'caravans' is as defined in the Caravan Sites and Control of Development Act 1960 and of the Caravan Sites Act 1968. For the purpose of this condition, "holiday accommodation purposes" means occupation by the same person, group of persons or family for a period(s) that total no more than 183 days in any one calendar year.

A Site Management Plan shall be submitted to and approved in writing by the Local Planning Authority before any occupation of the site commences. The Plan will demonstrate how the site owner/operator will ensure, in perpetuity, that the holiday accommodation is not occupied as permanent, unrestricted accommodation or as a primary place of residence. The Plan shall include, but not be restricted to, the site owner/operator maintaining an up-to-date register of the names and main home addresses of all owners/occupiers of the accommodation on site, including dates and durations of each stay by each occupier, and shall make this register available for inspection at all reasonable times when requested by the Local Planning Authority.

The development shall be managed in full accordance with the approved Site Management Plan for the lifetime of the development.

Reason: This condition is imposed to ensure that approved holiday accommodation is not used for unauthorised permanent residential occupation. The site is not considered appropriate for full time residential use due to its position in the Green Belt.

5 Before the stationing of any static caravans hereby approved, details of the external materials and muted colours of the static caravans shall be submitted to and approved by the Local Planning Authority in writing. Only caravans constructed/sited in accordance with the approved details shall be stationed on site. NOTE: The colour finish to the static caravans shall be a recessive colour(s).

Reason: In the interests of visual amenity given the sensitive rural location of the site.

6 No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones'.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To secure practical measures to avoid or reduce impacts to biodiversity features and the Site of Importance to Nature Conservation (SINC) during construction, as appropriate to the scale of development. The details are required prior to commencement in order to ensure that they are in force at an appropriate point in the development procedure and during the whole of the construction phase of the development.

7 Prior to or concurrently with the first Reserved Matters application, updated ecology surveys along with updates to the relevant mitigation plans shall be submitted to the Local Planning Authority for approval. This is with particular reference to Bats (roosting within building), Barn Owl, Water Vole and Grass Snake. The scheme shall be fully implemented in accordance with the approved mitigation plans.

NOTE: The plans shall include details of a timetable for delivery of any mitigation measures.

Reason: To ensure that species and their habitats are adequately protected. The details are required prior to commencement in order to prevent irreversible harm to a biodiversity.

8 No works (site clearance, preparatory work or development) shall commence until the Local Planning Authority has been provided with:

- a) a European Protected Species Licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead, along with appropriate mitigation for Great Crested Newts.
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To ensure the protection of a European protected species using the site. The details are required prior to commencement in order to prevent irreversible harm to a protected species.

9 Prior to or concurrently with the first reserved matters application, a survey of trees within and immediately adjacent to the site, an arboricultural impact assessment, a schedule of works, and a draft arboricultural method statement and tree protection plan, all in accordance with British Standard BS 5837, shall be submitted and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

NOTE: The details shall include a timetable for the delivery of any necessary works to trees.

Reason: To ensure the retention and protection of existing trees that are desirable and/or suitable for retention before, during and after development and to allow an accurate assessment of the compatibility of the detailed development proposals with existing trees that make a significant contribution to landscape mitigation, and the amenity of the area and/or development.

10 Prior to or concurrently with the first Reserved Matters application, detailed long term management and monitoring of the Site of Importance to Nature Conservation (SINC) shall be submitted to and approved in writing by the Local Planning Authority. These shall be in line with the already submitted SINC Management Proposals, FPCR Environment and Design Ltd, July 2019. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure that there is adequate long term management of the SINC.

11 Prior to or concurrently with the first Reserved Matters application, a detailed Site Wide Recreation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be in line with the already submitted Harworth Estates Investments Ltd, North Selby Leisure Proposal, Recreation Strategy, 5th August 2019 and drawing 2356.08 Recreation Strategy Plan. It shall include details of fencing to protect the SINC, plus details of the footpath (construction method, materials and how it will be implemented without harm to the SINC).

The scheme shall be implemented in accordance with the approved details.

NOTE: The strategy shall include a timetable for its delivery.

Reason: To ensure that there is proper mitigation given to the impact of the development on ecology with the site.

12 Any reserved matters application shall include a detailed landscape scheme. This shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants; and seed mixes, sowing rates and mowing regimes where applicable. It will also include details of ground preparation; tree planting details; paving and other hard landscape details, and street furniture, and any phasing of implementation. This scheme shall be implemented within a period of six months of the practical completion of the development or any phase thereof. Any trees or plants which within a period of five years from the substantial completion of the

planting and development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species and other landscape details across the site, since the landscape scheme, is integral to the landscape mitigation and/or amenity of the development and/or the immediate area.

13 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.

14 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

Design considerations: The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuDS). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. infiltration tests to BRE Digest 365 to discount the use of SuDS.

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself.

As SuDS have been proven to be unsuitable then, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas not proven then Greenfield sites are to limit the discharge rate to the pre developed run off rate. The pre development run off rate should be calculated using either IOH 124 or FEH methods (depending on catchment size).

Where calculated runoff rates are not available the widely used 1.4l/s/ha rate can be used as a proxy, however, if the developer can demonstrate that the existing site discharges more than 1.4l/s/ha a higher existing runoff rate may be agreed and used as the discharge limit for the proposed development. If discharge to public sewer is required, and all alternatives have been discounted, the receiving public sewer may not have adequate capacity and it is recommend discussing discharge rate with Yorkshire Water Services Ltd at an early stage.

Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

The applicant shall provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. No part of the development to be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

Details of the future management and maintenance of the proposed drainage scheme shall be provided.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site. It is necessary to require this information prior to commencement of any ground works on site to ensure that adequate measures are put in place for the disposal of drainage from the site.

15 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no part of the development hereby permitted shall be occupied prior to completion of the approved foul drainage works.

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

16 No construction works in the relevant area (s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. No trees shall be planted within 5 metres of the centre line of any water main that is located within the site boundary i.e. protected strip widths of 10 metres per water main.

Reason: In the interest of public health and maintaining the public water supply. It is necessary to require this information prior to commencement of any ground works on site as such works may result in irreversible harm.

17 No works involved in the raising of the road at its access with New Road shall commence until a scheme for compensatory flood storage for the loss of floodplain from raising the road has been submitted to and approved in writing by the local planning authority. The scheme shall provide level for level compensatory storage outside of flood zone 3. It must include:

- calculations and section drawings that show that the compensatory storage volume is hydraulically and hydrologically connected to the floodplain such that it provides level for level compensation allowing floodwaters to rise and fall as existing.
- a Flood Warning and Evacuation Plan for future users of the site. The scheme shall be fully implemented and subsequently maintained, in accordance with the

scheme's timing and phasing arrangements, or within any other period as may subsequently be agreed in writing by the local planning authority.

- no permanent structures shall be built within Flood Zone 3 as defined on the Environment Agency's Flood Map for Planning.

Reason: To reduce the risk of flooding to the proposed development and its future users.

18 A strip of land 9 metres wide adjacent to the top of both banks of Half Penny Dyke and Bridge Dyke on site shall be kept clear of all new buildings and structures (including gates, walls, fences and trees) unless otherwise agreed in writing with the Local Planning Authority. Ground levels shall not be raised in this area. NOTE: Please ensure that access arrangements are agreed with the Internal Drainage Board.

Reason: To maintain access to the watercourse for maintenance or improvements.

19 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must include a site specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and include a package of mitigation measures commensurate with the risk identified in the assessment. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

NOTE: For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

For vibration details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any).

With respect to dust mitigation, measures may include, but would not be restricted to, on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust. Further information on suitable measures can be found in the dust guidance note produced by the Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/>. The

CEMP must include a site specific risk assessment of dust impacts in line with the IAQM guidance note and include mitigation commensurate with the scale of the risks identified.

For lighting, details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

Details shall be provided about the management of construction and contractor traffic and parking. The CEMP shall include a dilapidation survey of the area around the junction of the A19 and New Road should be provided.

In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works.

Reason: To protect the amenity of the locality. It is necessary to require this information prior to commencement of any development to prevent irreversible harm occurring as part of the works.

20 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). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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. It is necessary to require this information prior to commencement of any ground works on site as such works may result in irreversible harm.

21 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. Any remediation that is required to the area of Site of Importance to Nature Conservation to allow people access, should ensure that nature conservation interests take priority.

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. It is necessary to require this information prior to commencement of any ground works on site as such works may result in irreversible harm.

22 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.

23 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.

24 Details of all machinery, plant and equipment to be installed in or located on the site, which is audible outside of the site, shall be submitted to the local planning authority for approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of

23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

25 Except in case of emergency no demolition and construction works or ancillary operations, including deliveries to and dispatch from the site which are audible beyond the boundary of the site shall take place on site other than between the hours of 08:00-18:00 Monday to Friday and between 09:00-13:00 on Saturdays.

The Local Planning Authority shall be notified at the earliest opportunity of the occurrence of any such emergency and a schedule of essential work shall be provided.

Reason: To protect the amenity of local residents.

26 Details of any acoustic noise barrier to protect the amenity of residential dwellings to the north eastern part of the site, where gardens back onto New Road, shall be submitted to and approved in writing by the local planning authority. These details shall include the construction method, height, thickness, acoustic properties and the exact position of the barrier. The barrier shall be erected in accordance with the approval before the use hereby permitted first comes into use and maintained thereafter.

Reason: To protect the amenity of local residents.

27 No part of the development hereby permitted shall be commenced until the full design and construction details of the following have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be carried out in full prior to the site coming into use.

- Improvements to the footpath on the A19 from the access point to New Road to the petrol station/shop to be widened to enable bicycles to use it to connect to National Cycle Route 65 (approx. 200m in length).

- Informal crossing point to be provided before the petrol station (making use of the central reservation for a two stage crossing) to enable users to cross the A19 and join the path on the western side of the A19 and safely access National Cycle Route 65.

- Signage to mark the link to the Sustrans route.

- Traffic calming measures near the site access road will be provided in the form of electronic flashing warning signs (or similar).

Reason: In the interests of highway safety and to provide for and promote appropriate safe and usable pedestrian and cycle access to facilities.

28 Prior to or concurrently with the first reserved matters application, details of the access road shall be submitted to and approved in writing by the Local Planning Authority. The details shall include passing places to facilitate traffic movements when caravans, HGVs and agricultural vehicles might conflict with each other or with cyclists, pedestrians and horse riders. The scheme shall be implemented in accordance with the approved details.

NOTE: The details shall include a timetable for the delivery of the works to New

Road.

Reason: In the interest of road safety.

29 Prior to or concurrently with the first reserved matters application, details of the following shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

- Internal road details;
- Consideration of pedestrian and cycle links to Wheldrake;
- Staff and visitor car parking and delivery bays/turning areas;
- Secure cycle parking for staff and visitors.

NOTE:

The site layout needs to ensure that queues can be accommodated without impeding access by local residents or emergency services and consider the needs of horse riders. The details shall include a timetable for the delivery of the approved works.

Reason: In the interest of road safety.

30 Prior to the development hereby approved coming into use, a travel plan shall be submitted to and approved in writing by the Local Planning Authority. It shall include a site management strategy to ensure that peak traffic to and from the site (changeover times) avoid A19 peak hours (weekday am/pm peaks and Saturday midday peak). The approved travel plan shall thereafter be fully implemented and adhered to.

NOTE: The plan shall include details of a timetable for the delivery of mitigation measures.

Reason: In the interest of sustainable transport and road safety.

31 Prior to or concurrently with the first reserved matters application, a plan shall be submitted to and approved in writing by the Local Planning Authority showing a sensitive lighting design strategy for the development. The scheme shall ensure that there is no lighting within woodland areas or sensitive habitats or dispersed on to New Road. The development shall be carried out in accordance with the approved scheme.

NOTE: The plan shall include a timetable for the delivery of the strategy.

Reason: In the interests of visual amenity, to achieve a safe environment and to protect biodiversity and residential amenity.

32 Before the occupation of the development, 2% of parking spaces on the site should include facilities for charging electric vehicles. The exact number, position and specification of points should be agreed in writing by the Council. Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Within 3 months of the first occupation of the development, the owner will submit to the Council for approval in writing (such approval not be unreasonably withheld or delayed) an Electric Vehicle Recharging

Point Maintenance Plan that will detail the maintenance, servicing and networking arrangements for each Electric Vehicle Recharging Point for a period of 10 years.

Reason: To promote and facilitate the uptake of electric vehicles on the site in line with the National Planning Policy Framework (NPPF).

Notes:

- Electric Vehicle Charging Points should incorporate a suitably rated 32A 'IEC 62196' electrical socket to allow 'Mode 3' charging of an electric vehicle.
- Each Electric Vehicle Charge Points should include sufficient cabling and groundwork to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point of the same specification, should demand require this in this future.
- Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Parking bay marking and signage should reflect this.
- All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

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 2019/0045/EIA and associated documents.

Contact Officer: Martin Evans (Principal Planning Officer)

Appendices: None

Agenda Item 6



To: Planning Committee
Date: 5th October 2022
Author: Jenny Tyreman, Assistant Principal Planning Officer
Lead Officer: Hannah Blackburn, Planning Development Manager

Helios Renewable Energy Project – Nationally Significant Infrastructure Project

This matter has been brought before planning committee for information purposes. The report recommends that the contents of this report are noted that authorisation is sought from the Executive to authorise the Head of Planning and Interim Head of Regulatory Services (or equivalent) in consultation with the Leader of the Council 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.

Summary:

This report sets out the legislative background to Nationally Significant Infrastructure Projects (NSIPs) and how these are dealt with. The Planning Committee have considered similar NSIP reports recently in respect of the Drax Bioenergy and Carbon Capture Project in April 2021, the Yorkshire GREEN Project in February 2022 and the Humber Low Carbon Pipelines Project in July 2022. Essentially applicants for infrastructure projects need to make an application to the Planning Inspectorate (PINS) for a Development Consent Order (DCO). The final decision is made by the Secretary of State on the recommendation of PINS, but Local Planning Authorities are statutory consultees in the process.

Enso Green Holdings D Limited (a joint venture between Enso Energy and Cero Generation) are proposing to submit an application for a DCO for the construction of a ground mounted solar farm, together with on-site energy storage and associated development comprising grid connection infrastructure and other infrastructure integral to the construction, operation and maintenance of the development on a site extending to approximately 758 hectares to the south west of the village of Camblesforth and to the north of the village of Hirst Courtney. The proposed development would have the potential to generate over 50MW of electricity and is therefore a Nationally Significant Infrastructure Project.

Two rounds of public consultation are taking place – non-statutory consultation took place in Q2/Q3 2022; statutory consultation is anticipated to take place in Q2 2023. It is anticipated that Enso Green Holdings D Limited will submit their DCO application to PINS during Q4 2023.

Once the DCO application has been submitted to PINS, they will have 28 days to decide whether or not the application meets the standards required to be accepted for examination. Following acceptance, an Examining Authority will be appointed, and all Interested Parties will be invited to attend a Preliminary Meeting, run and chaired by the Examining Authority. PINS then have up to six months to carry out the examination of the proposals through a series of structured and topic-based hearings which officers may need to attend. After the examination a decision will be made by the Secretary of State, within 6 months of the close of the examination. Following this the Council will have the responsibility to discharge any planning conditions and enforce the terms of the DCO.

This report outlines the project. Selby District Council (SDC) is a statutory consultee and authorisation is sought for the Head of Planning and Interim Head of Regulatory Services (or equivalent) in consultation with the Leader of the Council 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.

Recommendations:

- i. That the contents of this report are noted.**
- ii That authorisation is sought from the Executive to authorise the Head of Planning and Interim Head of Regulatory Services (or equivalent) in consultation with the Leader of the Council 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.**

Reasons for recommendation:

Timescales for commenting on the DCO application once it is submitted are embedded in statute and it is important that appropriate delegation arrangements are in place so that the Council is able to meet the deadlines which are set by PINS.

1. Introduction and Background

- 1.1 On 1 April 2012, under the Localism Act of 2011, PINS became the agency responsible for operating the planning process for NSIPs.
- 1.2 NSIPs are large scale developments such as new harbours, power generating stations (including wind farms), and electricity transmission lines which require a type of consent known as a DCO under procedures governed by the Planning Act 2008 (and amended by the Localism Act 2011). This is not a 'planning application' under the Town and Country Planning Act 1990 and the status of the development plan is different in that the principal guidance for

their determination is contained within the suite of Energy National Policy Statements (NSPs). The 2008 Act sets out thresholds above which certain types of infrastructure development are considered to be 'nationally significant' and require the granting of a consent order. NSIPs were introduced as a fast-track method and alternative way of dealing with nationally important infrastructure after the much-publicised delays in the consenting of Heathrow's last major expansion proposal for a fifth terminal.

- 1.3 In England, PINS examines applications for DCOs from the energy, transport, waste, waste water and water sectors. For such projects, PINS undertakes an examination of the application and makes a recommendation to the relevant Secretary of State, who makes the final decision on whether to grant or to refuse the DCO. Energy NSPs introduce a presumption in favour of granting DCOs.

2. The Project

- 2.1 Enso Green Holdings D Limited are proposing to construct a ground mounted solar farm, together with on-site energy storage and associated development comprising grid connection infrastructure and other infrastructure integral to the construction, operation and maintenance of the development, on a site extending to approximately 758 hectares to the south west of the village of Camblesforth and to the north of the village of Hirst Courtney. The proposed development would have the potential to generate over 50MW of electricity.
- 2.2. The site location plan can be found in Appendix 1. The site comprises the following areas:
 - Development Area - which extends to approximately 551 hectares
 - Underground Cable Connection Area - which extends to approximately 197 hectares
 - Underground Grid Connection Cable Area – which extends to approximately 10 hectares
- 2.3 The proposed development will include the following key infrastructure:
 - Solar photovoltaic modules and module mounting structures with string combiner boxes
 - Energy storage containers (approximately 50 in total)
 - Access tracks
 - Transformers, inverters, switchgear and spare parts containers
 - On-site substation and grid connection cabling with a maximum voltage of
 - 132kv
 - Boundary fencing and closed-circuit television for security purposes

Construction Programme

- 2.4 The construction of the proposed development is anticipated to commence in 2025 and span a period of approximately 12 months. During the construction phase, temporary access tracks and construction compounds will serve the proposed development, and these will be located within the site adjacent to the site entrances.

Operation and Maintenance

- 2.5 The proposed development will have an anticipated lifespan of up to 40 years.
- 2.6 During the operational phase, the activities on-site are expected to be limited to maintenance activities, including servicing of plant and equipment and vegetation management. During the construction phase, temporary access tracks and construction compounds will be required, and these will be located within the site adjacent to the site entrances.

Decommissioning Phase

- 2.7 Following cessation of energy generation and exportation at the site, the development will be removed. The decommissioning of the development is anticipated to take approximately 12 months.

3. The Process

- 3.1 The Planning Act 2008 process was introduced to streamline the decision-making process for major infrastructure projects, making it fairer and faster for communities and applicants alike. The six stages in the process are: pre-application; acceptance; pre-examination; examination; recommendation and decision; and post decision.
- 3.2 The Helios Renewable Energy Project is presently at the pre-application stage with PINS. The applicants have a statutory duty to carry out consultation on their proposals before submitting an application. Two rounds of public consultation are taking place– non-statutory consultation took place in Q2/Q3 2022; statutory consultation is anticipated to take place in Q2 2023.
- 3.3 The applicants submitted a Scoping Report to PINS on 7 June 2022. SDC and NYCC provided comments to PINS on the Scoping Report on 5 July 2022. PINS, on behalf of the Secretary of State, issued a Scoping Opinion on 14 July 2022. This sets out the required extent and content of the Environmental Statement to be submitted with the application for a DCO. Those areas that may be examined in detail come under the headings:

- Cultural Heritage
- Landscape and Views
- Biodiversity
- Water Environment
- Transport and Access
- Noise
- Climate Change
- Socio-Economics
- Soils and Agriculture
- Cumulative Effects

- 3.4 Enso Green Holdings D Limited have notified PINS under Regulation 8(1)(b) of the EIA Regulations that they propose to provide an Environmental Statement (ES) in respect of the proposed development. Therefore, in accordance with Regulation 6(2)(a) of the EIA Regulations, the proposed development is EIA development.
- 3.5 It is anticipated that Enso Green Holdings D Limited will submit their DCO application to PINS during Q4 2023.
- 3.6 Once the DCO application has been submitted to PINS, they will have 28 days to decide whether or not the application meets the standards required to be accepted for examination. Following acceptance, an Examining Authority will be appointed, and all Interested Parties will be invited to attend a Preliminary Meeting, run and chaired by the Examining Authority. PINS then have up to six months to carry out the examination of the proposals through a series of structured and topic-based hearings which officers may need to attend. After the examination a decision will be made by the Secretary of State, within 6 months of the close of the examination. Following this the Council will have the responsibility to discharge any planning conditions and enforce the terms of the DCO.
- 3.7 The Council is working in association with the County Council as part of Better Together to, where possible make co-ordinated responses. This approach is favourable to the applicant and probably to the Examining Authority. It is how the two councils have worked together on other NSIPs. Together the two Authorities have the necessary technical specialists to respond to the application fully.
- 3.8 To date council staff have attended the briefings together and have already submitted the local authorities' response to the applicants Scoping Report.
- 3.9 NYCC and SDC have set up monthly meetings to manage the application, which will be attended by key planning officers and technical officers. Senior management will be invited if required.
- 3.10 Submission of the Local Impact Report, Statement of Common Ground, input into the Draft DCO and any written representations will be required in accordance with deadlines set by PINS, and once the examination commences, these deadlines are likely to be tight. Therefore, authorisation is sought from the Executive to authorise the Head of Planning and Interim Head of Regulatory Services (or equivalent) in consultation with the Leader of the Council to agree the Local Impact Report, Statement(s) 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.

4. Implications

4.1 Legal Implications

- 4.1.1 The District Council is an interested party and support for the scheme is subject to agreeing the requirements in the DCO.

4.1.2 The District Council will have further involvement following submission of the application and during the examination period, including attendance at issue specific, and DCO public hearings. It is also possible that appropriate planning obligations, in conjunction with the County Council may be required to address any impacts and if considered necessary in planning terms. Both of these may require some input from the Council's legal team.

4.2 Financial Implications

4.2.1 The District Council, jointly with the County Council, intend to enter into a Planning Performance Agreement (PPA) with Enso Green Holdings D Limited. The PPA will establish a project framework and will give greater clarity to all parties as to their roles and responsibilities. The PPA will also establish a fund set aside against which both this Council and the County Council can claim for work carried out by its service areas which is in excess of their normal working practices.

5. Conclusion

5.1 Members are asked to note the contents of this report.

5.2 Members are also asked to authorise the Head of Planning and Interim Head of Regulatory Services (or equivalent) in consultation with the Leader of the Council 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.

6. Background Documents

The National Infrastructure Planning website of the Planning Inspectorate is at the link:

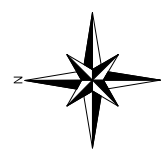
<https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/helios-renewable-energy-project/>

7. Appendices

Appendix 1 – Site Location Plan

Contact Officer: Jenny Tyreman, Assistant Principal Planning Officer, Selby District Council – Email: jtyreman@selby.gov.uk.

- KEY**
- Site Boundary
 - Underground Cable Connection
 - Underground Grid Connection Cable
 - Development Area



Revisions:
First Issue - 03/05/2022 JS

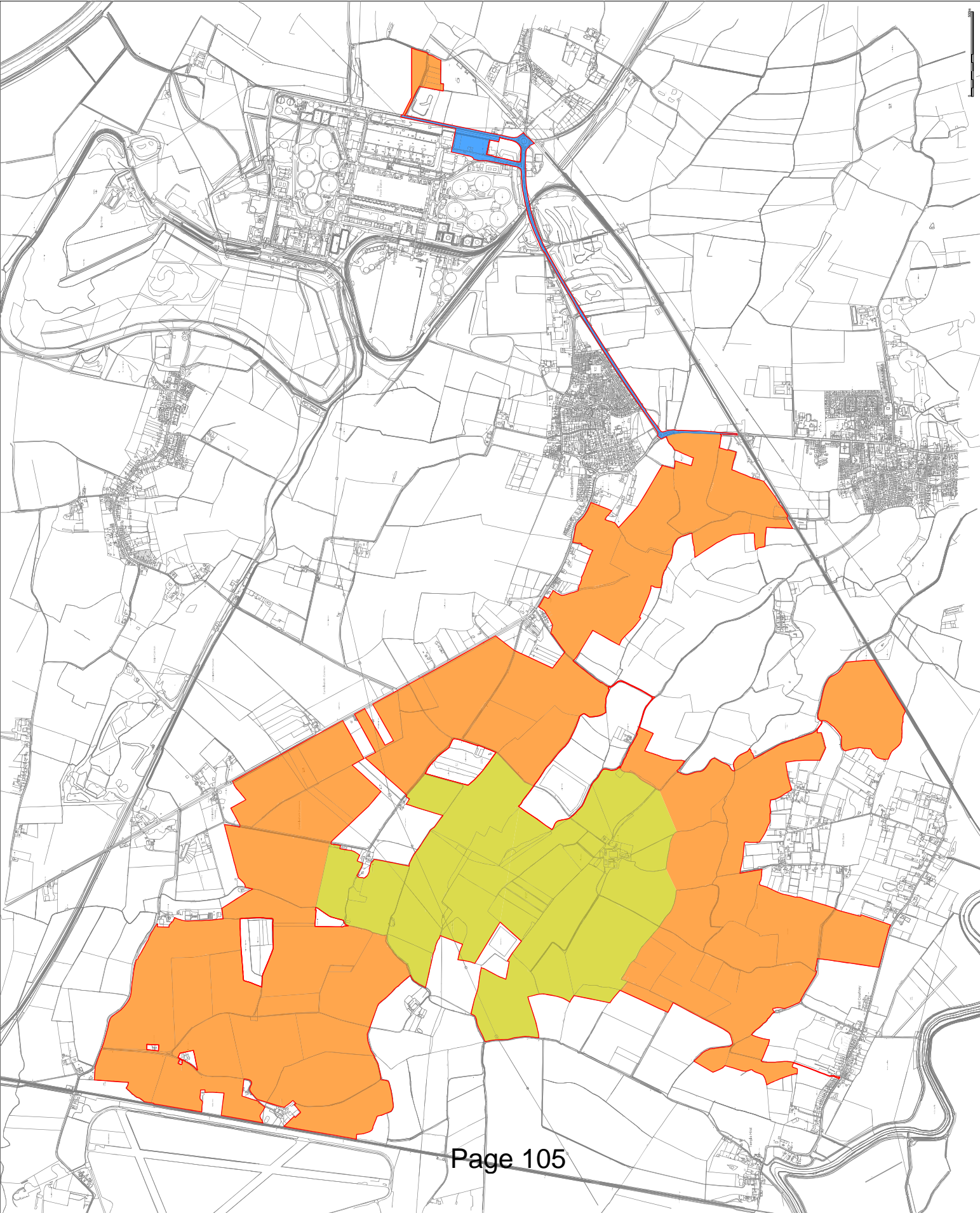
ALL DIMENSIONS TO BE CHECKED ON SITE WORK
DISCREPANCIES TO THE GP AT RACE BEFORE
PROCEEDING TO CONTRACT FULL APPLIES.
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Project Title:
Helios Renewable Energy Project

Drawing Title:
Site Location Plan

DRWG No:	DX-01-#P01	Rev:	-	Shr no:	-
Drawn By:	JS	Checked By:	KL	Date:	03/05/2022
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List of Planning Applications Determined Under Delegated Powers

The following Planning Applications have been determined by officers under the scheme of Delegation

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2019/0355/DOC	Stonebridge Homes Ltd	Castle Close Cawood Selby North Yorkshire	Discharge of condition 08 (Highways) of approval 2018/0941/OUT Section 73 Variation of condition 21 (plans) of approval 2015/0518/OUT Proposed outline application for the residential development (access and layout to be approved all other matters reserved) for 17 dwellings with garages, creation of access road and associated public open space following demolition of existing garages at land to the north west	CONDITION DECISION 23 Aug 2022	Gareth Stent
2020/0354/REMM	Berkeley DeVeer	Hodgsons Lane Sherburn In Elmet North Yorkshire	Reserved matters including scale, appearance, layout, landscaping and access for the development comprising 150 dwellings, associated car parking and areas of public open space and discharge of conditions 01 (reserved matters) and 13 (archaeological investigation) of approval 2016/1409/OUTM on land at Street Record Hodgsons Lane Sherburn In Elmet	PERMITTED 13 Sep 2022	Yvonne Naylor
2020/1086/FUL	J. E. Harrison & Son	Park Farm Church Lane Gateforth Selby North Yorkshire YO8 9LJ	Creation of equine livery yard (loose boxes incorporated into existing farm buildings), a 40 m x 20 m equine exercising arena located close to existing farmyard and associated small horse/pony paddocks (retrospective) and alterations to the front elevation of Barn A	PERMITTED 31 Aug 2022	Elizabeth Maw

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2020/1410/FULM	Euro Auctions (UK) Ltd	Euro Auctions Ltd Roall Lane Kellington Goole East Yorkshire DN14 0NY	Creation of an after-sales storage area with new landscaping buffers to north, west and southern boundaries together with revised landscaping scheme for the whole site together with amendments to approved access and parking arrangements.	PERMITTED 1 Sep 2022	Fiona Ellwood
2021/0002/FUL	Ashleigh Ruxton	New Lock House Shipyards Road Selby YO8 8BW	Redevelopment of existing dwelling to create a new dwelling	PERMITTED 5 Sep 2022	Jac Cruickshank
2021/0561/DOC	St Francis Group	Eggborough Power Station Selby Road Eggborough Selby North Yorkshire DN14 0BS	Discharge of conditions 7 (landscape), 8 (landscape), 15 (EV charging), 16 (lighting), 17 (energy), 19 (drainage), 20 (drainage), 43 (highways) and 44 (parking) of planning approval 2019/1343/EIA Hybrid application for demolition of part of the former power station and ancillary buildings and its redevelopment (i) access into the site, internal roads, employment units, car parking, drainage infrastructure and landscaping and (ii) outline for the scale of redevelopment of the remainder of the site for employment floorspace, proposed buildings with ridge being between 9.5 metres and 24.5 metres, car parking, drainage infrastructure and strategic landscaping	CONDITION DECISION 13 Sep 2022	Gareth Stent

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/0564/FUL	Apple Blossom Caravan and Camping	Apple Blossom Caravan and Camping West Bank Carlton Selby North Yorkshire DN14 9PZ	Installation of play equipment to existing children's play area, former shipping container toilet block and an use of land for the storage of caravans (part retrospective)	PERMITTED 13 Sep 2022	Elizabeth Maw
2021/1128/FUL	Mrs Lisa Howsam	Apple Blossom Caravan and Camping West Bank Carlton Selby North Yorkshire DN14 9PZ	Conversion of existing steel portal frame outbuilding into a bar for the camp site	PERMITTED 13 Sep 2022	Elizabeth Maw
2021/1387/DOC	Mr Carl Massey	Roebuck Barracks Green Lane Appleton Roebuck Selby North Yorkshire	Discharge of Conditions 03 (construction method statement), 05 (boundary treatments), 06 (bat and bird box), 07 (land contamination), 08 (remediation scheme), 13 (roof materials) of approval 2020/0258/ATD Prior notification for the change of use of agricultural building to 1 dwelling (Use Class C3) and associated operational development	CONDITION DECISION 26 Aug 2022	Fiona Ellwood
2021/1388/DOC	Mr Carl Massey	Roebuck Barracks Green Lane Appleton Roebuck Selby North Yorkshire	Discharge of Conditions 03 (construction method statement), 05 (boundary treatments), 06 (bat and bird box), 07 (land contamination), 08 (remediation scheme), 13 (roof materials) of approval 2020/0259/ATD Prior notification for the change of use of agricultural building to 1 dwelling (Use Class C3) and associated operational development	CONDITION DECISION 26 Aug 2022	Fiona Ellwood

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/1389/DOC	Mr Carl Massey	Roebuck Barracks Green Lane Appleton Roebuck Selby North Yorkshire	Discharge of Conditions 03 (construction method statement), 05 (boundary treatments), 06 (bat and bird box), 07 (land contamination), 08 (remediation scheme), 13 (roof materials) of approval 2020/0278/ATD Prior notification for the change of use of agricultural building to 1 dwelling (Use Class C3) and associated operational development	CONDITION DECISION 26 Aug 2022	Fiona Ellwood
2021/1470/FUL	Rosebud Enterprises Ltd	Business Training Ventures Ltd First and Second Floor 5 The Crescent Selby YO8 4PU	Conversion of first and second floor from offices (A2) to a 2 bed maisonette and 2 bed flat (C3) with internal alterations	PERMITTED 5 Sep 2022	Jac Cruickshank
2021/1471/LBC	Rosebud Enterprises Ltd	Business Training Ventures Ltd First and Second Floor 5 The Crescent Selby YO8 4PU	Listed building consent for first and second floor change of use from offices (A2) to a 2 bed maisonette and 2 bed flat (C3) with internal alterations	PERMITTED 5 Sep 2022	Jac Cruickshank
2021/1521/HPA	Mr Harvey Harding	Ash Grove Gorse Lane South Milford Selby North Yorkshire LS25 6JR	Erection of two-storey side and rear extension with single-storey extensions to the front porch	REFUSED 2 Sep 2022	Ellis Mortimer
2022/0105/LBC	Mrs Nicola Holland	The Old Coach House Chapel Street Hillam Leeds West Yorkshire LS25 5HP	Listed Building Consent for roof alterations	PERMITTED 24 Aug 2022	Elizabeth Maw

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0135/FUL	RHW Developments	Land off Turnhead Crescent Barlby Selby North Yorkshire	Construction of 1 no. three bedroom detached house with garden to rear and parking area (revised scheme)	PERMITTED 8 Sep 2022	Linda Drake
2022/0140/FUL	The Electric Vehicle Network	Wishing Well Restaurant Hotel Oakney Wood Road Brayton Selby North Yorkshire YO8 8LZ	Installation of 3 Ultra Rapid EV Charging stations along with associated electrical infrastructure in the car park	PERMITTED 14 Sep 2022	Jac Cruickshank
2022/0141/HPA	Catherine Rushby	2 Garth Lane Hambleton Selby North Yorkshire YO8 9QA	Erection of single storey side extension	PERMITTED 2 Sep 2022	Ellis Mortimer
2022/0144/REM	Mr Cameron Atkinson	Brooklands Betteras Hill Road Hillam Selby North Yorkshire LS25 5HD	Reserved matters application including appearance, landscaping, layout, scale and access of approval 2020/1142/OUT Outline application with all matters reserved for the erection of one dwelling in the side garden to the north of the house (AMENDED PLANS RECEIVED)	PERMITTED 1 Sep 2022	Elizabeth Maw
2022/0167/FUL	Ben Wilson	Station Inn Ousegate Selby North Yorkshire YO8 3BH	Convert existing former Grade II listed public house into boutique serviced accommodation (C1)	PERMITTED 30 Aug 2022	Jac Cruickshank

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0168/LBC	Ben Wilson	Station Inn Ousegate Selby North Yorkshire YO8 3BH	Listed building consent to convert existing former Grade II listed public house into boutique serviced accommodation (C1)	PERMITTED 30 Aug 2022	Jac Cruickshank
2022/0195/FUL	A W Terry and Son	Hemwood House Hagg Lane Hemingbrough Selby North Yorkshire YO8 6QH	Erection of new detached dwelling and detached double garage	PERMITTED 26 Aug 2022	Jac Cruickshank
2022/0224/DOC	St Francis Group	Eggborough Power Station Selby Road Eggborough Selby North Yorkshire DN14 0BS	Discharge of conditions 15 (EV Charging Details plot 1), condition 16 (Lighting design plot 1) and condition 17 (Renewable energy plot 1) of approval 2019/1343/EIA Hybrid application for demolition of part of the former power station and ancillary buildings and its redevelopment (i) access into the site, internal roads, employment units, car parking, drainage infrastructure and landscaping and (ii) outline for the scale of redevelopment of the remainder of the site for employment floorspace, proposed buildings with ridge being between 9.5 metres and 24.5 metres, car parking, drainage infrastructure and strategic landscaping	CONDITION DECISION 6 Sep 2022	Gareth Stent
2022/0243/DOC	Mr and Mrs P Gibson	Land south of Hillam Common Lane Hillam Selby North Yorkshire	Discharge of Conditions 04 (materials) and 11 (surface water drainage) of approval 2019/0009/FUL Proposed erection of a detached house with attached garage	CONDITION DECISION 25 Aug 2022	Jenny Tyreman

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0268/TPO	Selby District Council	Church of All Saints Church End Cawood Selby North Yorkshire YO8 3SN	Crown lift of 3.2 metres over path to 1 No Yew tree (T1), crown reduction by 10% to 1 No Sycamore (T3) in the conservation area and crown lift to 3.2 metres to 1 No Yew (T2) covered by TPO 1/1973	PERMITTED 14 Sep 2022	Josh Turner
2022/0407/DOC	Harworth Group	Former Kellingley Colliery Turvers Lane Kellingley Selby North Yorkshire WF11 8DT	Discharge of condition 36 (temporary cycle path) of approval 2020/0155/S73 Section 73 application to vary condition 01 (plans) and 02 (employment use) of planning permission reference 2016/1343/OUTM for outline application including means of access (all other matters reserved) for the construction of an employment park up to 1.45 million sq ft (135,500sq m) gross floor space (GIA) comprising of B2, B8 and ancillary B1 uses, ancillary non-residential institution (D1) and retail uses (A1- A5) and related ancillary infrastructure) granted on 06 February 2019 - as amended by non-material amendment application reference 2021/1288/MAN2	CONDITION DECISION 2 Sep 2022	Jenny Tyreman
2022/0414/FUL	The Woodmeadow Trust	Three Haggas Woodmeadow Hollicars to Score Bridge Escrick North Yorkshire	Erection of part polythene covered/part shading mesh covered polytunnel	PERMITTED 22 Aug 2022	Josh Turner
2022/0500/HPA	Mr Liam Howley	2 Holmefield Court Brayton Selby North Yorkshire YO8 9DP	Rear/ side extension to kitchen / diner plus rear extension for utility /cloaks and 2 No bedrooms above plus detached gymnasium	PERMITTED 25 Aug 2022	Jordan Fairclough

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0506/HPA	Mr Christopher Daykin	Stonelea 80 Main Street Monk Fryston Selby North Yorkshire LS25 5DU	Replacement of existing rotten doors and windows with UPVC doors and windows	PERMITTED 7 Sep 2022	Emma Howson
2022/0571/FUL	Miss Marshall	Radio Station Escrick Road Stillingfleet Selby North Yorkshire	Construction of a 3.8m x 3.8m foundation block and erection of a 9m galvanised steel monopole	PERMITTED 24 Aug 2022	Jac Cruickshank
2022/0588/DOC	St Francis Group	Eggborough Power Station Selby Road Eggborough Selby North Yorkshire DN14 0BS	Discharge of conditions 19 (foul and surface water drainage) and 20 (surface water drainage and associated management and maintenance) of approval 2019/1343/EIA Hybrid application for demolition of part of the former power station and ancillary buildings and its redevelopment (i) access into the site, internal roads, employment units, car parking, drainage infrastructure and landscaping and (ii) outline for the scale of redevelopment of the remainder of the site for employment floorspace, proposed buildings with ridge being between 9.5 metres and 24.5 metres, car parking, drainage infrastructure and strategic landscaping	CONDITION DECISION 13 Sep 2022	Gareth Stent

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0589/DOC	St Francis Group	Eggborough Power Station Selby Road Eggborough Selby North Yorkshire DN14 0BS	Discharge of condition 18 (Plots 1 and 2 foul and storm drainage provision) of approval 2019/1343/EIA Hybrid application for demolition of part of the former power station and ancillary buildings and its redevelopment (i) access into the site, internal roads, employment units, car parking, drainage infrastructure and landscaping and (ii) outline for the scale of redevelopment of the remainder of the site for employment floorspace, proposed buildings with ridge being between 9.5 metres and 24.5 metres, car parking, drainage infrastructure and strategic landscaping	CONDITION DECISION 13 Sep 2022	Gareth Stent
2022/0607/HPA	Mr M McKim	8 Hawthorns Riccall Selby North Yorkshire YO19 6NZ	Single storey rear extension and two storey side extension	PERMITTED 25 Aug 2022	Josh Turner
2022/0638/COU	Mr Hayden Campbell	The Poplars 6 Almond Tree Avenue Carlton Selby North Yorkshire DN14 9QQ	Change of use of garage from garage to dog grooming parlour	PERMITTED 2 Sep 2022	Ellis Mortimer
2022/0640/HPA	Mr Yunus Kiyak	Rose Cottage Main Road Hirst Courtney Selby North Yorkshire YO8 8QT	Demolition of front and rear porch and single storey side extensions and erection of first floor rear extension to bring eaves up to existing front eaves level and a two storey side extension with first floor balcony, together with internal modifications	PERMITTED 14 Sep 2022	Ellis Mortimer

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0641/MAN2	Mr Carson Maddock	Oakwell House 23 New Lane Burton Salmon Selby North Yorkshire LS25 5JR	Non material amendment of 2021/1193/HPA Erection of garden room to the rear of existing detached garage	PERMITTED 6 Sep 2022	Ellis Mortimer
2022/0670/FUL	Hare Homes Ltd	Bay Horse Inn York Road Barlby Selby North Yorkshire	Erection of 1 No. four bedroom detached house with associated garage	PERMITTED 31 Aug 2022	Jac Cruickshank
2022/0684/DOC	Glentroot Land (Sherburn 2) Limited	Land at Bishopdyke Road Sherburn In Elmet North Yorkshire	Discharge of condition 06 (access) of approval 2022/0028/FULM Continuation of use of land for outdoor storage up to 8 metres in height together with access and new boundary treatment	CONDITION DECISION 7 Sep 2022	Yvonne Naylor
2022/0685/DOC	Glentroot Land (Sherburn) Ltd	Land at Former Airfield Lennerton Lane Sherburn In Elmet North Yorkshire	Discharge of condition 14 (access) of approval 2019/0462/FULM Proposed erection of single storey office block, light gauge steel workshop and wash down/pre storage area together with access, parking, sliding security gate and site boundary fencing in association with the use of the site for the hire, storage and refurbishment of relocatable buildings	CONDITION DECISION 24 Aug 2022	Yvonne Naylor
2022/0703/COU	Mr Barry Noon	9 St Marys Avenue Hemingbrough Selby North Yorkshire YO8 6YY	Change of use of large shed to a tattoo studio (retrospective)	PERMITTED 25 Aug 2022	Jac Cruickshank

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0705/DOV	Berkeley DeVeer	Hodgsons Lane Sherburn In Elmet North Yorkshire	Request for a Deed of Variation to Section 106 agreement of approval 2016/1409/OUTM Outline application for residential development with all matters reserved	PERMITTED 13 Sep 2022	Yvonne Naylor
2022/0718/HPA	Mr & Mrs Bowey	Little Common Farm Biggin Lane Biggin Selby North Yorkshire LS25 6HH	Erection of single storey side extension	PERMITTED 1 Sep 2022	Jordan Fairclough
2022/0746/S73	Exec of J Fleeman (Dec'd) Ms S D Leadbeater & Mr C V Broomer	Gothic Farm Main Street North Duffield Selby North Yorkshire YO8 5RQ	Section 73 application to vary condition 07 (visibility) of approval 2020/1041/FUL Proposed conversion of existing agricultural building to 2no dwellings with garages and erection of 3no dwellings with garages following demolition of existing farm buildings granted on 17 June 2022	PERMITTED 24 Aug 2022	Jac Cruickshank
2022/0756/DOC	Jones Homes (Yorkshire) Ltd	Land adjacent Teasel Hall Weeland Road Eggborough Goole East Yorkshire	Discharge of condition 04 (landscape) of planning approval 2020/1369/FUL Installation of a Sustainable Drainage System (SUDS) basin in respect of the adjacent residential development for 30 dwellings	CONDITION DECISION 2 Sep 2022	Jenny Tyreman
2022/0765/COU	Mr D Marsh (for and on behalf of Mr G Bowness)	Squires Coffee Bar Newthorpe Lane South Milford Selby North Yorkshire LS25 5LX	Change of use from agricultural land to dog exercise area with associated works (part retrospective)	PERMITTED 22 Aug 2022	Emma Howson

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0771/FUL	Mr R Brownbridge & Miss C Kirkby	90 Weeland Road Hensall Selby North Yorkshire DN14 0QE	Erection of a general purpose agricultural storage building	PERMITTED 24 Aug 2022	Emma Howson
2022/0772/HPA	Mrs Gillian Wiles	Northfield Main Street Appleton Roebuck Selby North Yorkshire YO23 7DN	Single-storey porch on front elevation of an existing cottage	REFUSED 26 Aug 2022	Jordan Fairclough
2022/0773/HPA	Mr Benoit Valla	Wayside Cottage 1 Gateforth Lane Hambleton Selby North Yorkshire YO8 9HP	2m high timber fence along Gateforth Lane and Main Road A63 elevations	REFUSED 6 Sep 2022	Jordan Fairclough
2022/0779/ADV	Mr Ian Campey	Unicorn Inn 15 Bondgate Selby North Yorkshire YO8 3LX	Advertisement consent for 4 No externally illuminated fascia signs and 1 No externally illuminated hanging sign	PERMITTED 1 Sep 2022	Jordan Fairclough
2022/0781/TPO	Mr Darren Ritchie	2 The Willows Hambleton Selby North Yorkshire YO8 9GU	Application for consent to reduce the height and circumference by 7m to 1no Chestnut tree (T4) covered by TPO 7/1995	REFUSED 25 Aug 2022	Emma Howson
2022/0790/ADV	TH UK & Ireland Ltd	Frankie & Benny's Three Lakes Retail Park Selby YO8 8LY	Advertisement consent to display 1 no. internally illuminated height limiter sign, 5 no. internally illuminated information signs and 8 no. internally illuminated fascia signs	PERMITTED 25 Aug 2022	Josh Turner

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0795/DOC	Hare Homes Ltd	The Haven White Street Selby YO8 4BP	Discharge of conditions 03 (construction management plan), 04 (contamination), 05, (remediation scheme), 06 (contamination), 07 (foul drainage), 08 (surface water drainage), 09 (materials), 10 (electrical charging points), 16 (bin storage), 17 (lighting scheme), 18 (high speed broadband) and 19 (landscape management plan) of approval 2020/0467/FUL Demolition of existing bungalow and construction of 5no. two-bedroomed and 2no. one-bedroom dwelling for retirement housing for the elderly, one unit will be a dwelling for a warden	CONDITIONS PART DISCHARGED 13 Sep 2022	Jordan Fairclough
2022/0797/HPA	All Of Us Investments Ltd	Minerva 6 Wentdale Little Smeaton Pontefract West Yorkshire WF8 3LX	Replacement porch	PERMITTED 14 Sep 2022	Ellis Mortimer
2022/0801/HPA	Mr Nick Fisher	60 Denison Road Selby YO8 8AQ	Erection of single storey side extension	PERMITTED 13 Sep 2022	Jordan Fairclough
2022/0805/TPO	Mr M Jackson	Inholmes House 14 Inholmes Lane Tadcaster LS24 9JS	Crown thin by 15% to dead and damaged branches to 1 No Norway Maple (T1). Crown thin by 15% to dead and damaged branches and remove major deadwood and epicormic growth from stem adjacent to phone lines to 1 No Sycamore (T2) protected by Tree Preservation Order 9/1988	PERMITTED 24 Aug 2022	Jordan Fairclough

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0806/TPO	Mrs Helen Woodward	28 Chestnut Green Monk Fryston Selby Leeds North Yorkshire LS25 5PN	Crown lift to 5 metres, reduce where necessary by up to 2.5 metres, thin canopy by 20% and remove ivy, dead/dying limbs or branches to 1 No Horse Chestnut protected by TPO 12/1998	SPLIT DECISION FOR TREES 24 Aug 2022	Emma Howson
2022/0811/LBC	Mr Sebastian Butterworth	St James House Bilbrough Manor Main Street Bilbrough York YO23 3PH	Listed building consent for demolition of existing conservatory and rebuild single storey pitched roof extension	PERMITTED 2 Sep 2022	Jenny Tyreman
2022/0820/HPA	Kathleen Chisem	Fenholme Selby Road Eggborough Goole East Yorkshire DN14 0LN	Erection of detached garage	PERMITTED 31 Aug 2022	Jordan Fairclough
2022/0823/HPA	Mr and Mrs Breary	Greenways Cawood Road Wistow Selby North Yorkshire YO8 3XB	Demolition of existing outbuilding and erection of link extension annexe with a car port and office above	REFUSED 13 Sep 2022	Jordan Fairclough
2022/0826/DOC	Samuel Smith Old Brewery Tadcaster	Greyhound Inn Main Street Saxton Tadcaster North Yorkshire LS24 9PY	Discharge of condition 05 (Works Method and Materials) of planning permission 2021/1498/FUL External alterations to buildings on site and alterations to boundary wall	CONDITION DECISION 26 Aug 2022	Irma Sinkeviciene

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0828/TCA	Mr Simon Dallimore	The Hayloft Main Street Hillam Leeds West Yorkshire LS25 5HH	Application for consent to crown reduce 1No Oak tree (T1), 2No Magnolia trees (T2 & T3) and 1No Cottoneaster tree (T4) by approximately 33% in the conservation area	PERMITTED 22 Aug 2022	Emma Howson
2022/0832/HPA	Scott Cromack	25 Main Road Drax Selby North Yorkshire YO8 8NX	Erection of 2 storey side extension with 2m rear single storey kitchen extension	PERMITTED 14 Sep 2022	Diane Holgate
2022/0847/S73	Mr Don Gorst	27 Sandhill Lane Selby YO8 4JP	Section 73 application to vary condition 02 (plans/drawings) of approval 2017/0493/HPA Proposed side and rear extension	PERMITTED 5 Sep 2022	Jac Cruickshank
2022/0854/HPA	Mr Kamil Rominski	107 Westbourne Road Selby YO8 9DA	Front porch and paving to existing driveway	PERMITTED 6 Sep 2022	Jordan Fairclough
2022/0855/HPA	Zoe Taylor	46 Elston Avenue Selby North Yorkshire YO8 3AZ	Erection of two storey rear extension	PERMITTED 13 Sep 2022	Josh Turner
2022/0858/HPA	Mr Thomas Murkin	School House 25 Water Lane Monk Fryston Leeds West Yorkshire LS25 5DZ	Demolition of garage and erection of single storey extension in garage footprint	PERMITTED 14 Sep 2022	Ellis Mortimer

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0863/DOC	Mr Stephen Greenwood	Newland Hall Newland Drax Selby North Yorkshire YO8 8PS	Discharge of condition 03 (schedule of works) of planning permission 2019/0872/LBC Listed building consent for remedial work to eliminate damp in the north west of the building and remedial work to replace sand and cement pointing with lime mortar	CONDITION DECISION 24 Aug 2022	Irma Sinkeviciene
2022/0866/HPA	Mr & Mrs Paul Johnson	3 Garrick Close Brayton Selby North Yorkshire YO8 9RL	Single storey extension to side	PERMITTED 12 Sep 2022	Jordan Fairclough
2022/0870/TPO	Mr B Foster	5 Dower Chase Escrick York YO19 6JF	Application for consent to crown reduce by 1.5-1.8m to 1no Oak tree (T1) covered by TPO 4/1977	REFUSED 12 Sep 2022	Jordan Fairclough
2022/0871/DOC	Threadneedle Portfolio Services Ltd	Tim Hortons Three Lakes Retail Park Selby YO8 8LY	Discharge of condition 07 (litter management) of approval 2021/1025/FUL The remodelling and re-use of the vacant Frankie and Benny's restaurant to accommodate a mixed-use coffee shop/restaurant selling food and drink for consumption on and off the premises in addition to the reconfiguration of the unit and provision of a drive thru lane and parking and change of use from Class E to Sui Generis (amended description)	CONDITION DECISION 12 Sep 2022	Jordan Fairclough
2022/0881/TPO	Mr Jeff Pearson	2 Aspen Way Tadcaster LS24 9TQ	Crown thin by 20% to 1 No Beech tree (T1) protected by Tree Preservation Order 2/1984	REFUSED 9 Sep 2022	Jordan Fairclough

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0884/HPA	Mrs Ruth McGivern	15 School Lane South Milford Leeds West Yorkshire LS25 5NA	Erection of first floor side and rear extension and front dormer	PERMITTED 1 Sep 2022	Emma Howson
2022/0885/TCA	Heather Brothwell	Clachtoll House 9 Escrick Park Gardens Escrick York YO19 6LZ	Application for consent to remove rear co-dominant stem and reduce canopy height by 30% to 1 No Fastigate Hornbeam tree (T1), fell 1 No Winter Flower Cherry tree (T2), crown reduction by 1.2 metres to 2 No Himalayan Birch trees (T3 and T4), reduce canopy by 2.4m to 1 No Ceanothus tree (T5), reduce canopy by 2.4m to 1 No Apple tree (T6), reduce overhanging limbs by 2.4m to 1 No Himalayan Birch tree (T7) in the conservation area	PERMITTED 12 Sep 2022	Jordan Fairclough
2022/0896/MAN2	West Farm Developments (Ulleskelf) LLP	West Farm West End Ulleskelf Tadcaster North Yorkshire LS24 9DJ	Non material amendment of 2016/0403/OUT Outline application for erection of up to 25 dwellings following demolition of existing dwelling and farm-buildings to include access, landscaping and scale	PERMITTED 24 Aug 2022	Yvonne Naylor
2022/0897/TCA	Mr George Appleyard	Arbor House Main Street Newton Kyme Tadcaster North Yorkshire LS24 9LS	Fell 1 No Fir tree (T1) and 1 No Cherry tree (T2) in the conservation area	PERMITTED 24 Aug 2022	Jordan Fairclough

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0898/HPA	Mr & Mrs Trevor Field	14 Stuart Grove Eggborough Goole East Yorkshire DN14 0JX	Extension to rear of dwelling	PERMITTED 12 Sep 2022	Diane Holgate
2022/0899/HPA	Mr & Mrs Martin & Tracey Hillary	The Haven Hillam Road Gateforth Selby North Yorkshire YO8 9LQ	Extensions and alterations to dwelling including raising of the roof height to allow the formation of additional living space at first floor level, and the erection of a single storey rear extension with additional living space above	PERMITTED 14 Sep 2022	Ellis Mortimer
2022/0907/TCA	Viv Taylor	Beech House 49 Main Street Escrick York YO19 6LQ	Reduce canopy overhang to provide 2 m clearance, reduce canopy of parking area to 3 metres and crown lift canopy by 5 metres above ground level to 1 No Copper Beech tree (T1) in the conservation area	PERMITTED 25 Aug 2022	Jordan Fairclough
2022/0921/TCA	Escrick Primary School	Escrick Church of England School Carr Lane Escrick York YO19 6JQ	Crown clean canopies, lateral prune canopies by 1.2 metres inside boundary fence, lateral reduce upper canopies by 2.4 metres and crown thin by 20% to 11 No Lime trees (T1-T11) in the conservation area	REFUSED 13 Sep 2022	Jordan Fairclough
2022/0932/MAN2	Mr Sean Duggan	Hope Cottage The Green Stillingfleet York North Yorkshire YO19 6SF	Non material amendment of 2021/0105/HPA Demolition of existing rear extensions, formation of new two storey and single storey rear extension, creation of new first floor with dormer windows, creation of new vehicular access and removal of paint from brickwork	REFUSED 25 Aug 2022	Jordan Fairclough

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0944/DOC	Mr Paul & Mrs Jane Ward	China Palace London Road South Milford Leeds West Yorkshire LS25 5DP	Discharge of condition 10 (construction method statement) of 2022/0374/FUL Erection of 8 dwellings following the demolition of the existing restaurant building (amendment to scheme approved under application 2020/0777/FUL)	CONDITION DECISION 31 Aug 2022	Emma Howson
2022/0994/MAN2	Miss Abigail Cain	Mill House Cottage 2B The Fir Trees Thorpe Willoughby Selby North Yorkshire YO8 9PR	Non material amendment of 2017/0529/HPA Proposed new ground floor extension to rear of existing property and new first floor extension over existing reconstructed garage and second storey extension	REFUSED 1 Sep 2022	Emma Howson

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Glossary of Planning Terms

Community Infrastructure Levy (CIL):

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

Curtilage:

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

Environmental Impact Assessment (EIA):

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

National Planning Policy Framework (NPPF):

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

Permitted Development (PD) Rights

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

Previously Developed Land (PDL)

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

Planning Practice Guidance (PPG)

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

Recreational Open Space (ROS)

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

Section 106 Agreement

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

Site of Importance for Nature Conservation

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

Site of Special Scientific Interest (SSI)

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

Scheduled Ancient Monument (SAM):

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

Supplementary Planning Document (SPD)

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

Tree Preservation Order (TPO):

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

Village Design Statements (VDS)

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

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