



Report Reference Number: 2017/1381/FULM (8/51/64/PA)

Agenda Item No: 6.7

To: Planning Committee
Date: 6 June 2018
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Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2017/1381/FULM	PARISH:	Birkin Parish Council
APPLICANT:	JE Hartley Ltd	VALID DATE: EXPIRY DATE:	10 January 2018 11 April 2018
PROPOSAL:	Proposed erection of a new grain store including a chemical store and roof mounted solar PV		
LOCATION:	Land At Viner Station Roe Lane Birkin Knottingley West Yorkshire		
RECOMMENDATION :	APPROVE		

It is considered appropriate that this application is determined by the Planning Committee on the basis of concerns raised by Councillor Mackman which include; impact on the local and strategic highway network, impact on local amenity, impact on flooding and over development of the site.

In addition more than ten representations have been received which are contrary to the officer recommendation.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located outside of the defined development limits and as such the site is therefore located within the open countryside.
- 1.2 There are currently five agricultural buildings at Vinear Station which surround a concrete and mud yard which are in the immediate vicinity of the application site.

The Proposal

- 1.3 Planning permission is sought for a new grain store which the applicant considers is to meet the needs of the farm business. The proposed grain store would be 30 metres in width, 42 metres in length and 8.2 metres in height (to the eaves). The proposed grain store is intended to hold an estimated 2,500 to 3,000 metric tonnes of grain. The proposed building would also include a new lean-to chemical store to the southern elevation which would be 12 metres in width, 30 metres in length and 5.8 metres in height (to eaves). It is also proposed to incorporate a small 6 metre by 6 metre fan house to the eastern elevation and roof mounted solar PV
- 1.4 The total footprint of the proposed building would be 1,656 square metres. The submitted site layout plan identifies that the proposed building would be positioned to the east of the existing buildings at Viner Station. As part of the proposals the existing chemical store on site would be demolished.
- 1.5 It is noted that, following the case officer site visit in respect of application reference number 2018/0290/CPP (seeking a Lawful Development Certificate for a proposed replacement of existing fossil fuel heaters with four biomass heat generating boiler), that this has now been withdrawn on the 18th May 2018 on the basis that this proposal requires the benefit of planning permission, of which the applicant has been advised. This aforementioned application sites lies outside the red line site boundary of the proposal under consideration within this report.

Relevant Planning History

- 1.6 The following historical applications are considered to be relevant to the determination of this application.
- CO/1975/21460 - Permitted - 08.04.1975 - Grain Store
 - CO/1975/21478 - Permitted - 13.05.1975 - Re-siting Grain Store
 - CO/1975/21479 – Permitted - 14.07.1975 - Agricultural General Purpose Store
 - CO/1976/21480 – Permitted - 13.10.1976 - Farm Weighbridge And Weighbridge Office
 - 2009/0393/FUL - Finally Disposed Of - 08.12.2015 - Erection of 14 No. 125 metre high wind turbines, crane hard standings, meteorological mast, temporary construction compound, tracks, cabling and associated infrastructure
 - 2018/0290/CPP – Withdrawn – 18.05.2018 - Lawful development certificate for a proposed replacement of existing fossil fuel heaters with four biomass heat generating boilers

2. CONSULTATION AND PUBLICITY

County Public Rights Of Way Officer - No response received.

North Yorkshire Bat Group - No response received.

County Ecologist - No objections raised.

Yorkshire Water - No response received.

Environmental Health - No objections received.

Highways Authority - No objections received.

Natural England - No comments to make.

NYCC Flood Risk Management – No objections subject to the imposition of conditions.

County Ecologist - No objections raised.

Parish Council –Advise that they have the following observations to make:

- Concerns regarding reports of increased haulage traffic
- Concerns regarding other business activity on the site that has led to the new building being needed i.e. current farm buildings being leased out to a different company for another purpose.

Selby Area Internal Drainage Board - No objections subject to the imposition of conditions.

Neighbour Comments

The proposal has been advertised in the press, all immediate neighbours have been informed by letter and a site notice has been erected. 18 objections have been received, as summarised below:

- Planning Statement refers to agricultural unit that covers 1300 ha. No blue line plan to indicate where this land is in relation to the site. The National Validation requirements stipulate that a Location Plan should indicate, edged blue, the land owned. The application is invalid. Should show the whole 1300 ha claimed to comprise the agricultural holding and would establish the planning unit.
- The agricultural holding comprises more than one planning unit. The Planning Statement refers to an additional 200 acres being farmed by Velcourt. Other elements of the applicants 1100 ha. may also be within different planning units.
- The importance of ascertaining the planning unit relates to the decisions in *Warnock v SoS for the Environment & Dover DC* (JPL 590 Sept 1980) and *Fuller v SoS for the Environment & Dover DC* (JPL 854 Dec 1987) which addresses the issue of agricultural activities falling into business use classes where they serve more than on planning unit (as distinct from an agricultural holding).
- The former Grain Store appears to be of similar size to the new store. This undermines the need for a new building.
- Unauthorised activities on the site in the adjacent building/adjoining land.
- It is not clear, whether grain will be stored or dried in the former Grain Store and also whether heat from the biomass boilers now installed in the former Grain Store will provide heat for the new store.
- The use within the existing Grain Drying Store appears to be of much greater capacity than the heating equipment that it replaced.
- Not clear whether the former grain drying function will continue in the existing building.
- This is the supply of biomass fuel by a separate biomass company for a biomass project and not grain drying. There are three or four large boilers in the building of which their capacity will exceed the needs relating to drying grain.

- The existing farming enterprise appears to have either leased its holdings to a farm management company or employed them to run the farm.
- Hard surfaces have been created and timber appears to be being stored. There may be storage of biomass wood chip within the former Grain Store. There is use of the land and building(s) for open storage and processing. This appears to be a commercial production plant for biomass wood chip which would be a business use, both unauthorised and inappropriate. Evidence of felled trees and wooden pallets being brought to site, stored and chipped. If used timber is being processed it would constitute a waste recycling activity and require licensing.
- The site is immediately adjacent to Green belt and is prominent in views to and from the Green Belt.
- If the activity is business use, it is inappropriately sited in the open countryside.
- A pond has been filled in recently which would prevent a survey for newts.
- It is not evident where access to the building is and how this relates to existing hard surfacing. Further hard surfacing will be required. This would need to be addressed by the flood risk assessment and that should also explain whether the former pond provided any function in the existing surface water disposal arrangements.
- Ecology survey not credible as it lacks mention of species evident in the locality.
- In 2018 380+ trailers will go in and out plus HGVs, via Roe Lane. The road is inadequate.

3. SITE CONSTRAINTS AND POLICY CONTEXT

Constraints

- 3.1 The application site is located outside the defined development limits and is located within the open countryside.
- 3.2 The application site is located within Flood Zone 2.

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

- 3.3 The NPPF introduces, in paragraph 14, a presumption in favour of sustainable development, stating "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking". National Planning Practice Guidance (NPPG) adds further context to the National Planning Policy Framework ("NPPF") and it is intended that the two documents should be read together.
- 3.4 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. The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by

the direction of the Secretary of State and which have not been superseded by the Core Strategy.

Selby District Core Strategy Local Plan

3.5 The relevant Core Strategy Policies are:

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

Selby District Local Plan

3.6 As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, applications should be determined in accordance with the guidance in Paragraph 215 of the NPPF which states " In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

3.7 The relevant Selby District Local Plan Policies are:

- ENV1 - Control of Development
- EMP13 - Control of Agricultural Development
- T1 - Development in Relation to Highway
- T2 - Access to Roads

4. APPRAISAL

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

- The principle of the development in the open countryside
- The presumption in favour of sustainable development, reducing carbon emissions and the effect of climate change.
- The impact on the character and form of the open countryside
- Impact on residential amenity
- Highway safety
- Protected species
- Flood risk and drainage

The principle of the development in the open countryside

4.2 Policy EMP13 1) of the Selby District Local Plan allows for agricultural development provided that the proposal is necessary agricultural purposes.

4.3 It is considered that the submitted application form, planning statement, revised plans and subsequent supporting information appropriately and sufficiently demonstrates that the proposal is for the erection of a new grain store including a

chemical store and roof mounted solar PV and that the building is required for storage due to the expansion of the farming business. The proposal is therefore considered on this basis. Additional information has been submitted which justifies the reasoning that the proposal cannot be accommodated within other buildings. It is considered that the proposal has demonstrated an agricultural need. The proposal allows for farming expansion and the proposed building is required to store grain to accommodate the proposed expansion of the farming business.

- 4.4 The objections and concerns received are acknowledged and noted. It is considered that the development proposed as part of this particular application is not for a biomass business. An application seeking a separate Lawful Development Certificate for a proposed replacement of existing fossil fuel heaters with four biomass heat generating boilers has been submitted and has recently been withdrawn due to officer concerns relating to a number of matters, including that the proposed biomass boilers have already been installed on site.
- 4.5 It is recognised that the application as initially submitted did not provide the correct location plan, incorporating blue line ownership. This has now been submitted. Given that the main farming enterprise is located around the buildings at Vinear Station, officers consider that it is unreasonable to expect a plan to be submitted showing all of the 1,300 hectares farmed by the applicant's business as this is a vast area. The submitted plan showing the extent of land cropped by the farm business within the immediate vicinity is considered reasonable and proportionate in this instance.
- 4.6 It is recognised that the application initially failed to explore and demonstrate sufficient reasoning and justification for not seeking to utilise the proposed storage use within any one of, or a combination of the existing five buildings within the applicant's ownership. It is noted that the northern and middle parts of an existing building on site (building one) accommodates storage of biomass boilers and wood chip processing, which do not have the benefit of planning permission. As such, consideration of whether these areas could potentially be utilised for the proposed use is required, and this is discussed below. It is considered that a further four buildings on the site either do not meet the required standards for storing grain, that they are not large enough for the required storage following the proposed expansion or that these buildings are used for other functions of the farming business of which are required to continue to enable the farm to continue working in an effective manner.
- 4.7 Having considered the additional information submitted by the applicant it is considered that buildings 3, 4 and 5 are unable to accommodate the proposed use for the following reasons:
- Building 3 is only capable of storing cereal crops for a maximum of five days in accordance with Red Tractor Farm Assurance guidelines due to its openness to the elements.
 - Building 4 is a storage facility for combinable crops, capable of storing at maximum capacity 1000mt. This building is filled to maximum capacity during harvest and would not meet the needs of the proposed business expansion.
 - Building 5 is currently a potato and fertiliser store. This building is unsuitable and would be considered illegal in accordance with Red Tractor Farm Assurance for the storage of combinable crops due to previous treatments of CIPC for sprout

suppression within potatoes. Also the structure of the building does not lend itself to the storage of cereals or pulses as it is insulated and has no capabilities to withstand a considerable surcharge from wheat being pushed up within a store.

- 4.8 It is noted that building 1 is split into three parts which shall be known as northern, middle and southern buildings for the purpose of its consideration.
- 4.9 The northern building is currently being used to manufacture and store wood chippings. This use is currently operating without the benefit of planning permission.
- 4.10 The middle building is currently being used to house biomass boilers. These do not have the benefit of planning permission.
- 4.11 The southern building has been used for storing wood chippings following the cutting up of wood pallets on the site by the farming business. The wood pallets have been wood chipped up to tidy up the site. This building would then be use for the storing of grain. The southern building is being used by the farming business.
- 4.12 It is considered that the northern, middle and southern elements of building 1, singularly and cumulatively do not meet the capacity required for the expansion of the business, regardless of whether these buildings are currently being used for an unauthorised use. It is considered that even if the buildings were not being utilised for the storage of wood chippings and biomass boilers, that there would still not be enough capacity to meet the proposed business expansion storage requirements. This is because at present, the farming business only has the capability to store 2,800 metric tonnes of grain. There is an expected 6,000 metric tonnes of grain this year and the business has a need for a further 2,500 to 3,000 metric tonne grain store at the Vinear Station to store this increased yield. The current buildings 1 to 5 do not meet this current capacity requirement. In addition to this the current buildings at both Vinear Station and Birkin House do not meet the red tractor guidelines for the storage of grain.
- 4.13 In addition to these there are further buildings to the south of Vinear Station at Birkin House Farm. These buildings are unable to accommodate the proposed use for the following reasons:
- Building 1 – Occupied by Austops for producing fibreglass camper van rooftops
 - Building 2 - Occupied by a farm workshop, Autos & Sportos and Austops
 - Building 3 - Farm Workshop
 - Building 4 - Farm Office (1st floor) and garages for Birkin House (2nd floor)
 - Building 5 - Birkin House
 - Building 6 – Stables
 - Building 7 – House
 - Building 8 - House
- 4.14 Having taken all these factors in account it is considered that the proposal is necessary for agricultural purposes because there are no other buildings that are available or appropriate to accommodate the proposed use. The design of the building is commensurate to its stated intended use as an agricultural building. The scheme therefore accords with Policy EMP13 1) of the Selby District Local Plan.

- 4.15 Policy SP2 and SP13 allows for development of an appropriate scale which would contribute to, and improve the local economy. The proposed scheme is considered to contribute towards and improve the local economy and allows for continuation and improvement of existing agricultural business. The proposed scheme is considered to be appropriate development in the countryside and for the Provision of agricultural development

The presumption in favour of sustainable development and reducing carbon emissions and the effect of climate

- 4.16 Whether it is necessary or appropriate to ensure that schemes comply with Policy SP15 (B) is a matter of fact and degree depending largely on the nature and scale of the proposed development. Having had regard to the nature and scale of the proposal which is for an agricultural building for the storage of agricultural machinery and hay is considered that it would contribute towards reducing carbon emissions as the scheme provides solar panels on the roof of the proposed development,. Therefore having had regard to policy SP15 (B) it is considered that the proposal is acceptable

Impact on the character and form of the open countryside

- 4.17 The proposed building would be constructed of a similar design to the existing grain stores on site. The proposed building would be of a steel portal framed construction with plastisol coated box profile galvanised steel sheet side wall cladding, natural grey concrete gain walling panels, a natural grey reinforced corrugated fibre cement roof and uPVC eaves guttering.
- 4.18 The proposed new grain store would include solar PV to its southern facing roof and a rainwater harvesting system.
- 4.19 There are currently five agricultural buildings at Viner Station which surround a concrete and mud yard which are in the immediate vicinity of the application site. The design of the proposed building is commensurate to its stated intended use as an agricultural building. The proposal by virtue of its design, size, height and siting is considered to be in keeping with the character and form of the other agricultural buildings on the site. The application site is open beyond the existing agricultural building. The proposed scheme would retain this existing character and is therefore considered to have minimal impact on the openness and character and form of the open countryside. The proposal is considered to be well related to the existing building which minimises its impact. The proposal is therefore considered to be acceptable with respect to the impact on the character of the area and the visual amenity of the open countryside. The proposed scheme therefore accords with Policies ENV1 and EMP13 of the Selby District Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.
- 4.20 Objectors have raised concerns that an embankment and hardstanding have been created without planning permission. It is noted from the officer site visit in respect of withdrawn planning application 2018/0290/CP that these works have been carried out. This is currently subject of statutory investigation.

Impact on residential amenity

- 4.21 Due to the combination of the orientation of the site, the size, scale and siting of the proposed scheme and distance away from the neighbouring properties, the proposal is considered not to cause any significant adverse effects on the amenity of the adjacent residents. It is noted that the Council's Environmental has raised no objections to the proposals. The proposed scheme therefore accords with Policies ENV1 and EMP13 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

Highway safety

- 4.22 The proposed scheme would utilise the existing access and access tracks surrounding the farm complex. The submitted design and access statement states that, the associated traffic in harvest year 2018 in the form of articulated lorries accessing via Roe lane for the out loading of harvested primary produce as 'harvest moved' with the current storage capacity of 2800 mt would result in a total of 148.3 outloads conducted between the period of mid-July to mid-September.
- 4.23 The design and access statement then goes on to advise of the potential reduction in outloads for harvest 2018 that a new grain store facility at the Viner station could provide in that the proposed grain store facility has the potential to reduce the number of outloads during the period of July 15th – Sept 15th (approximately) by 91.4 outloads. It is advised that this would significantly reduce on farm traffic improving health and safety amongst workers. The applicant considers that it would also help to reduce traffic and congestion levels on key surrounding link roads, allowing the workload of out-loading to be spread throughout the remaining and following year. Taking account of the above, the applicant considers that vehicle movements associated with the proposal would have a limited effect on residential areas or nearby roads.
- 4.24 The Highways Authority has been consulted on the application and the submitted design and access statement and has raised no objections to the proposal. It is therefore considered that the proposals would not result in a significant detrimental impact on the existing highway network and would accord with Policies ENV1 (2), T1 and T2 of the Selby District Local Plan, Core Strategy Policy SP19 and the NPPF.

Protected species

- 4.25 Objectors have raised concerns that a pond has been filled in of which is the case and which is subject of separate statutory investigation.
- 4.26 A Preliminary Ecological Appraisal has been submitted in support of the application submitted which advises that based on the nature of the proposed development; the distance between the site and protected sites and the nature of the protected sites, that the proposed development is not predicted to result in any significant effects on protected sites. No Habitats of Principal Importance are present at the site. None of the habitats at the site are assessed as being of value at greater than the site level. In addition to this the submitted report advises that based on the habitats present and the site location, the site is not considered likely to support a notable breeding

bird assemblage although Species of Principal Importance⁴ such as skylark could potentially breed on the site in small numbers.

- 4.27 The submitted report states that no waterbodies potentially suitable for breeding great crested newts have been identified within 500 metres of the site. It is therefore considered very unlikely that great crested newts would occur at the site and no further surveys or mitigation measures for bats are considered necessary. In addition to this it states that no evidence of badger or other notable fauna was observed at the site. Brown hare, a Species of Principal Importance in England, could potentially occur within the site on an occasional transitory basis. No further surveys or mitigation measures for other fauna are considered necessary.
- 4.28 The County Ecologist has been consulted on the application and is satisfied that the outcome of the PEA is sufficient to determine the application in relation to ecological matters. The County Ecologist confirms that they agree with the findings of the PEA - notably, that the site is of low ecological value in terms of habitats and species which are legally protected or of principal importance.
- 4.29 As such it is considered that the proposed would not harm any acknowledged nature conservation interests and the proposed scheme therefore accord with the requirements of the Habitats Regulations 2010, Policies EMP13 and ENV1(5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and the NPPF

Flood Risk and Drainage

- 4.30 The application site is located within Flood Zone 2. Paragraph 101 of the NPPF states “..the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding”.
- 4.31 When carrying out the sequential test the NPPF requires that any proposed development is sequentially tested for the Local Planning Authority entire district unless the developer can provide a justification for narrowing down the area of search. A sequential test has been submitted which has narrowed down the area of search to the agricultural holding of the farm within the immediate area of the application site.
- 4.32 The submitted sequential test acknowledges that the farm business has an overall cropping area of 1,300 hectares. This cropping area is located across the Selby District within Birkin, Haddlesey, Temple Hirst, Siddle, Towton and Hillam which includes owned, rented and contracted farmed land. It is consider by officers that it unreasonable to expect a plan to be submitted showing all of the 1,300 hectares farmed by the applicant’s business as this is a vast area. The justification for narrowing to the area of search for the sequential test states that that Viner Station is centrally located within the landholding. It is also the location for other grain stores used by the farming business. There are only two farmsteads within the landholding, Viner Station and Birkin House Farm. The rest of the land farmed by the business is remote and does not have a suitable grid connection. It is considered that the proposed narrowed down area of search is justified.

- 4.33 The submitted sequential test undertaken by the applicants agent provides for a commentary in relation to the discount parcels of land which are located in flood zone 1, to support the proposed grain store which is located in flood zone 2. An assessment has as such be carried out against the proposed locations, as follows:

Area A – (land east of Birkin)

- 4.34 The submitted sequential test states:

“The land is off Birkin Road and is open agricultural land. There are no other farm buildings in this location. The site is located within the Green Belt and the open countryside. A grain store of the size proposed would therefore be prominent within the landscape, which is predominantly flat. A new access off Birkin Road would also be required, and there is suitable grid connection in this location. It is planned that the new store would utilise the latest technology and heat produced from renewable sources to dry the crops in storage to enable the farm business to reduce its carbon footprint and improve the overall sustainability of the company. By locating the store in this area the only option regarding fuel to dry crops in storage would be propane. This would increase the company's outgoings and its effects on the environment.”

Area B - (to the north east of Birkin Farm)

- 4.35 The submitted sequential test states:

“This land is a small parcel of agricultural land out of the floodplain in the middle of a field. This parcel of land is beyond the existing built form of Birkin Farm, within the Green Belt and the open countryside. A grain store in this location would therefore be prominent within the landscape.

- 4.36 *A new grain store in this location would be closer to the village of Birkin and residential properties. The land is also accessed through Birkin Village, and the access track routes past three residential properties at Birkin House Farm. The access track to Birkin House Farm is one way and is narrow off Haddlesey Road. A new access track across the field would be required. There is also no suitable grid connection in this location.*

- 4.37 *It is planned that the new store would utilise the latest technology and heat produced from renewable sources to dry the crops in storage to enable the farm business to reduce its carbon footprint and improve the overall sustainability of the company. By locating the store within Area B the only option regarding fuel to dry crops in storage would be propane, increasing the company's outgoings and its effects on the environment”.*

Area C – (to the north west of Birkin Farm)

- 4.38 The submitted sequential test states:

“This land is agricultural land to the north west of Birkin Farm. This land is beyond the existing built form of Birkin Farm, within the Green Belt and the open countryside. A grain store in this location would therefore be prominent within the landscape.

- 4.39 *A new grain store in this location would be closer to the village of Birkin and residential properties. The land is also accessed through Birkin Village and the access track routes past three residential properties at Birkin House Farm. The access track to Birkin House Farm is one way and is narrow off Haddlesey Road. A new access track off the existing track would also be required. There is also no suitable grid connection in this location.*
- 4.40 *It is planned that the new store would utilise the latest technology and heat produced from renewable sources to dry the crops in storage to enable the farm business to reduce its carbon footprint and improve the overall sustainability of the company. By locating the store within Area C the only option regarding fuel to dry crops in storage would be propane, increasing the company's outgoings and its effects on the environment.”*

Area D (land north of Haddlesey Road)

- 4.41 The submitted sequential test states:

“This parcel of agricultural land is in the centre of Birkin village, adjacent to residential properties. A grain store in this location would be beyond the existing built form of Birkin Farm, within the Green Belt and the open countryside and would be prominent within the landscape. There are no other farm buildings or a suitable grid connection within this location. A new access and track would be required.

- 4.42 *It planned that the new store would utilise the latest technology and heat produced from renewable sources to dry the crops in storage to enable the farm business to reduce its carbon footprint and improve the overall sustainability of the company. By locating the store in Area D the only option regarding fuel to dry crops in storage would be propane, increasing the company's outgoings and its effects on the environment.”*

Area E (land south west of Birkin)

- 4.43 The submitted sequential test states:

“This land is a small parcel of agricultural land out with the floodplain in the middle of a field. There are no other farm buildings in this location and this parcel of land is beyond the existing built form of Birkin village, within the Green Belt and the open countryside. A grain store in this location would therefore be prominent within the landscape.

- 4.44 *A new grain store in this location would be closer to the village of Birkin and residential properties to the north and east. This parcel of land is accessed via a track off Main Street, Birkin. A new access track into the parcel of land would be required to access a new grain store. There is no suitable grid connection in this location.*
- 4.45 *It is planned that the new store would utilise the latest technology and heat produced from renewable sources to dry the crops in storage to enable the farm business to reduce its carbon footprint and improve the overall sustainability of the company. By locating the store in Area E the only option regarding fuel to dry crops*

in storage would be propane, increasing the company's outgoings and its effects on the environment.”

Area F (land north of Hillam Common Lane)

4.46 The submitted sequential test states:

“This parcel of agricultural land is located within the open countryside, which is predominately flat and open. There are no other farm buildings within this location and therefore a grain store would be prominent within the landscape. A new access track into this parcel of land would be required to access a new grain store. There is also no suitable grid connection in this location.

4.47 *It is planned that the new store would utilise the latest technology and heat produced from renewable sources to dry the crops in storage to enable the farm business to reduce its carbon footprint and improve the overall sustainability of the company. By locating the store in Area F the only option regarding fuel to dry crops in storage would be propane, increasing the company's outgoings and its effects on the environment.”*

4.48 The submitted sequential test has identified other areas in the area of search which are in a lower area flood risk of flood zone 1 than the proposed development which is located in flood zone 2. The sequential test has though, it is considered by officers, demonstrated overriding reasons which justify that the proposed development cannot be located in a lower area of flood risk. The proposed scheme is therefore considered to pass the sequential test.

4.49 Objections have raised concerns regarding that the pond would attenuate run off and this should also be taken into account when assessing run off from the site.

4.50 The Local Lead Flood Authority have advised that they have no objections to the proposed development should it proceed in line with the recommendations of the submitted flood risk assessment. The proposed scheme is therefore in accordance with the advice contained within the NPPF and PPG, in relation to prevention of flood risk.

4.51 Yorkshire Water have been consulted on the application, however no response has been received. Selby Area Internal Drainage Board have also been consulted on the application and have raised no objections subject to the imposition of a surface water drainage condition.

4.52 On the basis of the above the proposed scheme is considered to be acceptable in terms of flood risk and drainage and therefore accords with Policies SP15, SP16, SP19 of the Core Strategy, and the advice contained within the NPPF.

Legal Issues

4.53 Planning Acts

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

4.54 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.

4.55 Equality Act 2010

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

Financial Issues

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

5. CONCLUSION

5.1 Having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, the proposed development would be acceptable in principle in this location taking into account the presumption in favour of sustainable development, flood risk, reducing carbon emissions and the effect of climate, the impact on economic development, impact on the character and form of the open countryside, impact on residential amenity, contaminated land, highway safety and protected species. The application is therefore considered not to be contrary to Policy T1, T2, ENV1 and EMP13 of the Selby District Local Plan, Policies SP1, SP2, SP15, SP18 and SP19 of the Core Strategy and the advice contained within the NPPF.

6. RECOMMENDATION

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

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

Location Plan J0008333-18-02

Flood Risk Map J0008333-18-04

Birkin House Plan J0008333-18-05

Site Plan J0008333-17-01

Title Plan J0008333-18-01

Site Location / Roof Plan CFB/17/JEH/03 Revision AB

Elevation Plan CFB/17/JEH/04 Revision AB

Elevation Plan CFB/17/JEH/05 Revision AB

Floor Plan CFB/17/JEH/06

Roof Layout for Array: Grain Store - South Elevation PV*SOL Expert 5.5 (R6)

Reason:

For the avoidance in doubt

02. 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.

03. The materials to be used in the construction of the external surfaces of the building hereby permitted shall be those stated below:

- Concrete wall panels - Marley Eternit Profile 6 panels in Natural Grey (standard finish)
- Composite wall sheets - Plastisol sheets, Olive Green (RAL 6003)
- Composite roof sheets - Plastisol sheets, Goosewing Grey (BS10A05)
- Emmerson Doors Limited single skin non-insulated electrically operated chieftain type steel roller shutter doors. Galvanised shutter curtain with primed steelwork (red oxide, black and grey).

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

04. The development shall not commence until details of finished floor levels of the development hereby approved have been submitted and approved in writing by the Local Planning Authority. Finished Floor Levels should be set above the 1 in 1000 year plus climate change defended flood level with an additional 300mm freeboard above the flood level. The development shall be carried out in accordance with the approved scheme satisfying this condition.

Reason: In the interest of amenity of the occupiers of the adjoining properties and flood risk mitigation having regard to part 10 of the NPPF.

05. No development shall commence until a scheme for the drainage of surface water has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be undertaken as approved in accordance with the timescales indicated within the approved scheme.

Reason: To ensure viability of infiltration and to inform the detailed drainage design having regard to Part 10 of the NPPF.

06 No development shall commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to a maximum flowrate of 1.4 litres per second for up to the 1 in 100 year event. An allowance shall be included for climate change effects. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Reason: To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere having regard to Part 10 of the NPPF.

Informative: Removal of any features with potential to support nesting birds is undertaken outside of the bird breeding season, generally taken to be 1st March to 31st August inclusive. This is to ensure compliance with the Wildlife and Countryside Act 1981 (as amended). If any works need to take place during this time then the habitats must first be checked by a suitably qualified ecologist and if birds are found to be nesting then works will have to be delayed until chicks have fledged.

Contact Officer: Simon Eades, Senior Planning Officer

Appendices: None