



Report Reference Number: 2018/0270/OUTM

To: Planning Committee
Date: 7 November 2018
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Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2018/0270/OUTM	PARISH:	Appleton Roebuck
APPLICANT:	Lightaway Ltd & Mr and Mrs Evans	VALID DATE:	15 March 2018
		EXPIRY DATE:	14 June 2018
PROPOSAL:	Outline application for the proposed demolition of buildings and the erection of five dwellings (Class C3) and access (all other matters reserved)		
LOCATION:	Roebuck Barracks Green Lane Appleton Roebuck		
RECOMMENDATION:	REFUSE		

This application has been brought before Planning Committee as 10 letters of representation have been received in **support** of the application and Officers would otherwise determine the application contrary to these representations.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located outside the defined development limits of Appleton Roebuck, which is a Designated Service Village as identified in the Core Strategy within the Green Belt.
- 1.2 The application site comprises part of a former barracks site last used for agricultural purposes. There are a mix of existing buildings on the site, including a building last used as a dwelling and a range of buildings for which an extant consent is in place for conversion to a dwelling.

- 1.3 The site is accessed via Green Lane which is a public right of way / bridleway from Broad Lane which leads to the village of Appleton Roebuck to the west and Bishopthorpe (York) to the east.
- 1.3 The application site fronts Green Lane and is surrounded by agricultural fields.

The Proposal

- 1.4 The application is made in Outline for the demolition of existing buildings on the site and the erection of five dwellings (Class C3). Access is for agreement but all other matters are reserved for later consideration via Reserved Matters submissions.
- 1.5 The application is accompanied by an indicative layout which shows how the site could potentially be developed for 5 dwellings. The applicants have noted in their submissions that the development of the site would result in 2.1 hectares of the land owned by the applicants being developed and the remaining 4.3 hectares would be restored to open space and be left permanently "open land."
- 1.6 It is proposed to utilise the existing access to the site which is located in the north eastern corner accessed from Green Lane which is an unadopted highway and public footpath/bridleway located off Broad Lane.
- 1.7 The site is within Flood Zone 1.

Relevant Planning History

- 1.8 The following historical applications are considered to be relevant to the determination of this application:
- 1.9 A full planning application (reference: CO/1974/31774) for a proposed garden centre and frozen food centre was Refused on 10 July 1974.
- 1.10 A full planning application (reference: CO/1975/31813) for the erection of 9 broiler houses, bulk bins, 2 bungalows and garages was Approved on 5 November 1975.
- 1.11 A full planning application (reference: CO/1991/1311) for the siting of two residential caravans for agricultural workers was Approved on 4 July 1991.
- 1.12 A full planning application (reference: CO/1993/1118) for the renewal of consent for the use of land for the siting of two residential caravans was Approved on 28 October 1993.
- 1.13 A full planning application (reference: CO/1998/0518) for the erection of agricultural buildings to temporarily house livestock (whilst other livestock buildings are cleaned out) was Approved on 19 August 1998.
- 1.14 An outline application, including access (reference 2014/0813/OUT) for the demolition of existing buildings and outline application including access for the redevelopment of former Canadian Air Force Base to form 16 dwellings with new access; was Withdrawn on 10 March 2015.

- 1.15 An outline application including access (reference 2014/0815/OUT) for the demolition of existing buildings and outline application including access for the redevelopment of part of former Canadian Air Force Base to form 1 dwelling, internal roads using existing access at Roebuck Barracks was Withdrawn on 10 March 2015.
- 1.16 An application (reference 2015/0891/COU) for the proposed conversion and extension of existing buildings to form single dwelling and demolition of existing buildings at Roebuck Barracks was approved on 23 March 2015.
- 1.17 A Discharge of Conditions application (reference 2016/0670/DOC) for the Discharge of condition 02 (materials), 03 (landscaping), 04 (enclosure), 06 (contamination), 07 (remediation scheme) and 10 (surface water drainage) of approval 2015/0891/COU Proposed conversion and extension of existing buildings to form single dwelling and demolition of existing buildings at Roebuck Barracks was approved on 2 August 2016.
- 1.18 An application for the proposed conversion and extension of existing buildings to form 23 dwellings and demolition of existing buildings (reference 2016/1059/FULM) was refused on the 29 March 2016 by Planning Committee.
- 1.19 An application for a Certificate of Lawfulness confirming the lawful implementation of Application 2015/0891/COU was considered under Application Reference 2018/0596/CPE, with a Certificate confirming lawful implementation being issued on the 26 September 2018.

2. CONSULTATION AND PUBLICITY

(All immediate neighbours were informed by letter, a site notice was erected and statutory consultees notified. The application was also press advertised as a Departure to the Development Plan)

- 2.1 **Appleton Roebuck and Acaster Selby Parish Council** – confirm that they do consider that the development “complied with some aspects of the NDP, but still falls short” As such resolved to object to the proposal for the following reasons:
 1. The NPPF para.192 states that "...the right information is crucial." It is acknowledged that the date on several reports is 2018, however, it would appear that information has not been updated since 2016 e.g. Transport Statement and whilst additional comments in red are included in the Bat Risk Assessment, Barn Owl Survey and Great Crested Newt Survey there have been no new site visits.
 2. The Geo-environmental Appraisal is out of date by 4 years. This is particularly concerning as:
 - a. It was not fully completed at the time due to the surveyor drawing a halt to proceedings because of safety issues. (Toxins found / lack of personal safety wear.)

- b. The site is unsecured in a remote location. Fly tipping is known to have taken place in the immediate surrounding area and it raises the question as to what could have been tipped or buried on the site itself.
3. The application refers to SDC's 2009 SHMA to partly justify the building of 4-bedroom homes. However, the 2009 SHMA has been superseded by SDC's 2015 SHMA which states "...the analysis indicated that the majority of demand for market housing will be for mid-market homes with 2 and 3 bedrooms." (Para. 9.57).
4. Outline planning applications should state the height of the proposed buildings but this application only indicates an "average height."
5. The application contravenes ENV1 & 3 (4), SP2, SP3, SP8, SP10, SP15, SP18, SP19 and ARAS NDP ELH4 & H2. The NPPF para 198 states "...where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted."
6. The NPPF paragraph 125 states that planning decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. This site of this application is a remote location in greenbelt. On a previous application for the same site North Yorkshire Police comments in 2016/1059/FULM referred to the propensity for anti-social behaviour in the area and recommended street lights and security lighting to deter such behaviour. The need for and establishment of such lighting is contrary to the NPPF.
7. The golden thread of the NPPF and Core Strategy is Sustainable Development. In a planning officer's report in 2016 (2016/1059/FULM) paragraph 2.26.3 states "...it has been established that the site is within an Unsustainable Location". Nothing has altered since then and even the offer of a discounted bus ticket for one-year et al, as mentioned in the applicant's Transport Statement (Sustainable Travel Fund) will not make this a sustainable location.
8. The application does not comply with Class Q permitted development rights as the site was last used as a farm in 2011, and the planned development also exceeds the floor space allowed and does not appear to comply with the housing mix required.
9. In a previous application the applicant was granted planning permission on this site for a single storey dwelling with a height restriction. However, this application is for 5 large two storey houses (contravening Class Q PDR). As viewed from Broad Lane, the site currently looks like a working farm. The building of 5 large homes will completely alter the aspect; will destroy the openness and character of the Greenbelt and is contrary to ENV 1.

2.2 **Contaminated Land Consultant - York City Council** - Having reviewed the submitted assessment it is recommended that further site investigation is carried out prior to any development to update the soil screening information at the site and to inform remediation plans for the site as necessary. Clarification is required regarding whether the former slurry lagoon is considered to be a gas risk as currently one section of the report states it is not a gas source but the report concludes that it is a gas risk. The borehole present on site hasn't been assessed and Lithos state that they would decommission this. If these decommissioning works aren't carried out then an assessment would need to be carried out regarding the impact of contamination present at the site on the quality of the water as this was used as a source of domestic water. Recommends that the following planning conditions are attached to any planning approval, to ensure that potential contamination at the site is sufficiently assessed and remediated if necessary, and the ensure that any unexpected contamination detected during the development works is dealt with appropriately:

Condition 1: Investigation of Land Contamination

Condition 2: Submission of a Remediation Scheme

Condition 3: Verification of Remedial Works.

2.3 **NYCC Highways Canal Road** – No objection subject to conditions:

- Completion of works in the Highway (before Occupation)
- Construction Management Plan.

2.4 **Public Rights Of Way Officer** – No objection and requests use of standard informative on undertaking works adjacent to a Public Right of Way.

2.5 **SUDS And Development Control Officer** – Note that the submitted Flood Risk Consultancy Ltd "Level 2 Scoping Study - Flood Risk and Drainage Impact Assessment" ref: 2017-153 dated 30/01/2018 and outlines that it is considered that the applicant has submitted a comprehensive flood risk assessment and drainage strategy. Confirms that further information about proposed maintenance arrangements are required and should be provided at the detailed design stage.

Notes that the applicant should be aware that the proposed development lays within the district of the Ainsty (2008) Internal Drainage Board and that the consent of the board will be required for any new connection to the IDB watercourse.

Confirms no objections to the development proceeding in line with the proposals put forward in this document, subject to an appropriately worded condition and suggests the following:

Runoff rate, Storage Requirements and Maintenance Development shall not 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 3.1 litres per second for up to the 1 in 100 year event. A 40% allowance shall be included for climate change effects and a further 10% for urban creep for the lifetime of the development. 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 and all SuDS features. 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.

2.6 **Yorkshire Water Services Ltd** – Confirmed that based on the information submitted (foul to existing private treatment plant, surface water to SuDS), no observation or comments are required from Yorkshire Water.

2.7 **Ainsty (2008) Internal Drainage Board** – Have made general comments on the approach defined in the submission are summarised as follows:

- Have assets adjacent to the site in the form of Shirts Dyke; this watercourse is known to be subject to high flows during storm events.
- Possible the risk of flooding should be reduced and that, as far as is practicable, surface water arising from a developed site should be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development through consideration of whether the surface water arrangements from the site are to connect to a public or private asset (watercourse or sewer) before out-falling into a watercourse or, to outfall directly into a watercourse in the Board's area.
- The Board's prior consent is required for any development including fences or planting within 9.00m of the bank top of any watercourse within or forming the boundary of the site.
- Proposals to culvert, bridge, fill in or make a discharge to the watercourse will also require the Board's prior consent.
- Site is in an area where drainage problems could exist and development should not be allowed until the Authority is satisfied that surface water drainage has been satisfactorily provided for.
- Any approved development should not adversely affect the surface water drainage of the area and amenity of adjacent properties.

- The Board is unaware of the extent to which the existing buildings on the site (to be removed) benefit from positive drainage (if at all) whilst the proposed development appears to enlarge the impermeable area on site and as residential accommodation will require formalised drainage. As a result, this application has the potential to increase the rate of surface water run-off from the site if this is not effectively constrained.
- Observes that the Application Form indicates that the surface water from the site is to be disposed of via a Sustainable Drainage System (SUDS) however the Level 2 Scoping Study - Flood Risk and Drainage Impact Assessment (ref 2017-153, dated 30/01/2018) provided with the application refers to a discharge to Existing Watercourse. The Board notes that, at this stage, no details have been provided regarding the nature and type of SUDS to be used.
- The applicant will need to provide full details of the SUDS that they intend to use and demonstrate, to the satisfaction of the Local Authority, that a SUDS system will operate effectively for this development, at this location, and will reduce the surface water discharge from the site. If the applicant cannot show that a SUDS system will work they will need to reconsider their drainage strategy.
- If discharge to an existing watercourse (directly or indirectly) is to form part of the drainage strategy then, in order to reduce the risk of flooding, the Board would seek that the applicant should demonstrate that there is currently operational and positive drainage on the site and a proven connection to the watercourse. Where a connection to a watercourse is proposed, the Board would want the rate of discharge constrained at the "greenfield" rate (1.4l/s/ha), plus an allowance for any "brownfield" areas of the site which are currently impermeable (at the rate of 140 l/s/ha) less 30%. With storage calculations to 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 event. All calculations should include a 20% allowance for climate change.
- Seeking that the Planning Authority and the applicant can confirm that a practical technical solution is available to deliver these requirements. In particular, that low flow discharges can be maintained and not prone to blockages. The Board further notes that the application states that the Foul Sewage from this site is to be treated in a package treatment plant. The Flood Risk and Drainage Impact Assessment (ref 2017-153, dated 30/01/2018) provided with the application advises that ultimately the treated flow from this facility will be discharged into the same watercourse as the surface water from the site.
- Would wish to make the applicant aware that it does not wish to see flow rates increase in land drainage systems which can arise from cumulative small flows from multiple small discharges. In addition the disposal of treated sewage effluent is not the intended function of the land drainage network.

- Wish it to be noted that if it is the applicant's intention to dispose of treated foul flows into the adjacent watercourse it is unlikely that the Board would consent to this as a stand-alone flow. In these circumstances however if agreement could be reached regarding the discharge of surface water from the site (in line with the requirements and calculations shown above) the Board may be prepared to accept the treated foul flow but only if the combined rate of discharge did not exceed the calculable rate for the surface water flow.
- Conclude by noting that the Board have no objection to the development in principal but recommends that the Local Authority ask the applicant to provide a satisfactory drainage strategy and obtain any necessary consent before any approval is granted. and as such the Board would recommend that any approval granted should include conditions on this basis relating to:
 - Drainage works to be agreed
 - Restrict rate of discharge (Foul and Surface Water)
 - Evidence of existing surface water discharge
 - Sustainable Drainage System
 - Surface water to adjacent watercourse

Alongside an Informative on Discharge to Board Assets.

2.8 **Environmental Health** - No objections and has requested an informative noting that the applicant has indicated that foul drainage is to be disposed of via a package treatment plant. Advised that the applicant be advised that the installation of a new foul drainage system will require building regulation approval in addition to appropriate consent to discharge issued by the Environment Agency and that they may wish to consult the Environment Agency to ensure that the necessary consent will be granted”

2.9 **County Ecologist** – Initial comments in March 2018 on the submission raised a series of points noted as follows:

- No Ecological Impact Assessment (EclA) has been submitted as part of the application.
- Barn Owls - The submitted reports note attributes no level of significance to their use of the site and the proposed loss of all buildings on site. There is also no mitigation proposed in order to deal with this loss as required by the NPPF in p118 where it is expected that impacts are first avoided, then mitigated and as a last resort compensated and this should be picked up in a further assessment which should also consider the loss of buildings and also the loss of foraging habitat and a mitigation plan prepared in accordance with the mitigation hierarchy alongside an updated survey. The Planning Statement in sections 3.10 and 5.35 alludes to the erection of temporary and permanent nest boxes on site but there is no indication that these will be sufficient to mitigate/compensate for the loss of existing buildings and associated habitat which provides ideal foraging areas to support barn owl.

- Bats - A number of assessments have been made to ascertain the presence/absence of bats on site over the period 2012 to 2016. However, it is not clear from the report which buildings/trees have been identified as having high, medium or low potential to support bats (Table 3 lists features but does not attribute a level of potential) and how many emergence surveys have been undertaken for each building in accordance with the Bat Conservation Trust Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edition). Section 4.2 (final paragraph) of the report indicates that all recommended surveys were carried out in 2016 but it does not specifically indicate which buildings and how many visits were undertaken upon each building. The results presented on page 26 also do not reference the building numbers and there do not appear to have been any updated surveys of the mature ash trees. In the earlier part of the report (final paragraph, page 36) it was recommended that buildings M, S, AC, AD, AE and AN were subject to further emergence surveys and so I can only assume that these were the buildings visited in 2016? If this is the case then 6 visits were made by 2 surveyors over the period May - July 2016, I assume to these 6 buildings, but it is not clear whether it was one survey per building or several visits to multiple buildings? Overall I find the bat survey results hard to interpret and it is difficult to determine if there has been sufficient survey effort to confirm absence of bat roosts from the site. There do not appear to have been any static detectors used, dawn surveys or results of walked activity transects which would have given a better picture of the bat usage of the site in 2016. Given the time that has elapsed since the last surveys were undertaken (almost 2 years) and the lack of clarity over the survey effort upon buildings on site, it is recommended that up to date bat survey work is undertaken, this should include classification of the bat roost potential of each building which will lead to recommendations for the number of emergence surveys in accordance by the BCT Good Practice Guide. At this stage we do not have sufficient information to be confident that bats are absent from the site and therefore the full impact of the removal of all buildings from site cannot be assessed in accordance with relevant legislation and policy.
- Amphibians - It was indicated in 2012 that there are two ponds within 500m of the development site that support populations of great crested newt (GCN) but these could not be accessed for survey during 2016 – it therefore has to be assumed that these populations are still present. It is not clear from the report what was found within the ponds during the May 2016 surveys, there is only a summary on page 33 of the report which states that 'no GCN were found in any of the ponds within the site boundary during any of the 2016 surveys' however there is no information with regards to other amphibian species. There is also no consideration of the value of the site as terrestrial habitat - rough grassland is likely to be of value for foraging and the rubble piles or other features on site may have value as hibernacula. Recommends that further information is provided on the usage of the site by amphibians including terrestrial features.

- Reptiles - The habitat on site is acknowledged as having high potential to support reptiles, although no specific reptile surveys have been undertaken. It would be useful in thinking about reclamation of the site in line with other species such as barn owl, bats and amphibians to seek to retain features of value for reptiles and to build in further enhancements as part of any long term strategy. I also recommend preparation of a reptile method statement to be used during demolition and site clearance to ensure protection of reptile species from harm and disturbance.
- Birds - This site is of value to a variety of bird species, including kestrel using one of the buildings on site. Birds will be impacted directly through loss of buildings and habitats, whilst it is indicated that the reclamation plan will make provisions for birds, it is suggested that retention of habitats of value on site would be more beneficial than newly created habitats and erection of nest boxes.
- Confidential Ecology Report - The last survey was undertaken in 2016 and given the mobile nature of this species and the proximity to the development it would be prudent to undertake an up to date survey in order to inform a method statement for the protection of this species during development.
- General site reinstatement, monitoring and management - no specific avoidance, mitigation, compensation or enhancement measures have been proposed other than those outlined in section 5.32 to 5.35 of the planning statement. It is recommended that additional detailed consideration is given to the site reinstatement due to the value of the site to a range of species. This should be driven by up to date survey information and impact assessment, as this will provide clear recommendation on what features of the site need to be retained in order to avoid impacts, what mitigation can be built into the site design/reclamation, where compensation may be needed and also in line with policy what further enhancements can be identified. Where features must be lost as part of the development then these will need to be compensated for, however to minimise disturbance to species on site as well as retaining some features either temporarily or permanently, it may be beneficial to consider undertaking works in a phased manner. The long term monitoring and management of the site will be necessary in order to ensure that mitigation and compensation measures continue to support the biodiversity features for which they are intended. This could be secured via a section 106 but first the principles of the reclamation scheme need to be presented and agreed. It is therefore recommended that the reclamation plan is submitted in advance of the determination of the application in order to demonstrate how impacts are being avoided, mitigated and/or compensated in accordance with the NPPF.

Further submissions were made by the applicants in terms of provision of historic Barn Owl surveys, rebuttals to the above noted comments and submission of an Ecological Management Plan (dated August 2014) and then in June 2018 provision of an Ecological Impact Assessment, Ecological Mitigation and Enhancement Plan (ECMEP), Landscape Statement, Landscaping Plans and Restoration Letter.

In **August 2018** the County Council Ecologist confirmed the following position:

- Habitats and species – impacts - It is disappointing that no further up to date survey work has been undertaken to provide the most current information upon which to base the impact assessment. However, an impact assessment has now been undertaken and comments below summarise key impacts associated with the proposed development, based on the last available information:
 - Barn Owls - have been shown to be breeding on site and across the surveys 2012 to 2016 it was shown that 23 buildings have been used by barn owls. The impact upon barn owls will result from the demolition of all buildings, loss of foraging habitat and disturbance (temporary and permanent). The impact is considered severe negative. It is proposed that there would be a method statement for site clearance, demolition and construction, avoidance of works during the breeding season and compensation in the form of new roost site provision and enhancement of foraging habitat. It would be useful to have more information on the proposed strategy for barn owl in terms of the timing of demolition of buildings on site compared to the siting of new nest boxes and the wildlife tower – this is to ensure that barn owls have the opportunity to use the new roosting features in advance of the existing features being lost.
 - Bats - a number of assessments have been made to ascertain the presence/absence of bats on site over the period 2012 to 2016. Bat activity in general was found to be low, but there is concern over the level of survey work undertaken across a number of buildings that have potential for bats. The impact assessment identifies the main impacts as demolition of all buildings, loss of foraging habitat and ongoing disturbance including from lighting. Given that buildings do hold potential for roosting bats, there is a risk that bats may make use of these buildings prior to works commencing.
 - Amphibians - No great crested newts have been identified within ponds on site, however it is assumed that populations of great crested newt are present within ponds off site and the application site provides excellent terrestrial habitat. Impacts are therefore identified as permanent loss of terrestrial habitat and disturbance to terrestrial habitat. It is proposed that there would be a method statement for the site clearance and construction works to prevent harm to newts. In terms of compensation and enhancement the reinstatement strategy will include new ponds, terrestrial habitat and features suitable for use as hibernacula.
 - Birds - This site is of value to a variety of bird species, including kestrel using one of the buildings on site. Birds will be impacted directly through loss of buildings and habitats and also as a result of permanent and temporary disturbance. The proposed avoidance and mitigation measures are mainly focused on the timing of vegetation and building demolition and the provision of compensatory nest features (boxes and wildlife tower). As noted with barn owl there is a need to consider the provision of compensatory features in advance of the demolition and site clearance. Site management also needs careful consideration to ensure that the necessary range of habitats is accommodated on site in the long term to ensure that the wide assemblage of birds can be maintained. This may require different grassland management techniques in different areas of the site, along with a monitoring strategy which includes breeding birds.

- Confidential ecology report - The last survey was undertaken in 2016 and given the mobile nature of this species and the proximity to the development it would be prudent to undertake an up to date survey in order to inform a detailed method statement for the protection of this species during development.
- Mitigation and compensation - The Ecological Impact Assessment (EclA) and Ecological Mitigation and Enhancement Plan (ECMEP) set out measures to avoid, mitigate and compensate for impacts resulting from the development (including direct, indirect, permanent and temporary). It is considered that at this strategic level the proposals are in accordance with the NPPF mitigation hierarchy, although the success of the various measures will be down to the detail of the site reinstatement and long term management.
- Site monitoring and management - It is noted within the documents provided that the land within the blue line will be retained as new permanent open space – however within the ECMEP the proposed monitoring and management of the ecological features is only for five years. This is not long enough to mitigate/compensate for the impacts of the development in terms of permanent losses and ongoing disturbance. Clarification is needed on the long term management of the site beyond the first five years. Consideration should also be given to the sustainability of the management, for example the wildflower meadow which makes up a significant proportion of the site and is included to support barn owl prey will need to be managed by cutting or grazing beyond the first five years in order to retain its compensatory function.
- Concludes that “should Selby DC be minded to approve this application then specific details will need to be secured by condition and/or appropriate legal agreement. This includes information picked up within the EclA and ECMEP including:
 - Protected species method statements/mitigation specification for all species affected by the development
 - Schedule for pre-construction species surveys
 - Habitat creation and establishment plans for all habitats proposed
 - Habitat Management Plan (long term)
 - Grassland management specification
 - Wetland management specification
 - Detailed lighting plan
 - Detailed monitoring programme with measurable objectives and trigger thresholds.

The above are noted in the table within Appendix A of the ECMEP, it would be useful to have clarification as to whether these would be dealt with as separate elements or if several can be combined into a single submission.

2.10 **Yorkshire Wildlife Group** – no response received on the application

2.11 **North Yorkshire Bat Group** – made the following comments in summary

- Note that a thorough bat survey was carried out in 2016 which found no evidence of roosting bats at the site. The ecologists have updated their report, but not the bat surveys, suggesting that the habitats will not have changed significantly in the meantime. Whilst this is probably the case, this does not guarantee that bats are still absent from the site.
- Consider that it would be desirable for further bat emergence surveys to be carried out, to update previous information.
- If planning permission is granted it would be appropriate to condition such surveys prior to any demolition works taking place, with the requirement to carry out appropriate mitigation under licence if bats should be found.
- Aware that ex-military buildings such as these can be used by species such as Natterer's bats which can be particularly difficult to locate on sites such as this.
- application will leave fairly large areas of the site undeveloped. It would be desirable for these to be maintained or enhanced to create semi-natural vegetation, rather than improved grassland in order to enhance the biodiversity of the site.

2.12 Landscape Officer – Comments on the application noted the following points:

Notes that a full Landscape and Visual Assessment of the proposed development has not been undertaken. The Applicant has submitted a Landscape Restoration Proposals Supporting Statement which includes a review of Landscape Context and Character (Estell Warren Ltd, 06/06/2018).

Landscape and Visual Effects of the Proposed Development

The proposed residential development is inappropriate development in Green Belt and is likely to be visible and adversely affect local landscape character and openness of Green Belt.

Visual Effects of the Proposed Development

The total site area is approximately 6.4 ha and consists mainly of individually laid out single storey brick and concrete buildings with pitched roofs. There are also brick-built towers and metal feed silos. There is a large corrugated sheet metal barn in the middle of the site. Some of the buildings are visible from Broad Lane to the west side of the site, and from the bridleway which runs along Green Lane to the north and east side of the site. Existing boundary hedgerows partly screen local views. Woodland blocks and linear tree belts screen wider views of the site, particularly from the north and east sides.

The Applicant has not undertaken a visual assessment of the proposed development, and therefore it is not possible to fully determine the visual effects. However, given that some of the existing low-level buildings are partly visible from Broad Lane and the bridleway, it seems highly likely that 5 no. two-storey dwellings with garages will also be visible.

The Landscape Restoration Proposals Statement and supporting Landscape Restoration Proposals Plan (Estell Warren Ltd) which describe how a combination of new planting and natural colonisation would filter and eventually screen views from Broad Lane, suggesting that the proposed development is likely to be visible and will require screening in order to reduce adverse visual effects.

Effect on local landscape character

The site falls within the York Fringe Local Landscape Character Area, described in the Landscape Assessment of Selby District, Woolerton Dodwell Associates, January 1999. Key characteristics described for the character area relevant to the setting of the site include:

- 'Strong rural character, relatively isolated, quiet and tranquil
- Small nucleated villages and farmsteads and no large settlements
- Gently rolling of flat arable farmland, with areas of woodland, and traditional mixed arable pasture'.

Estell Warren undertook a review of landscape character of the site in context and concludes that the 'Flat wooded farmland' (FWF) Landscape Type identified in the Selby assessment closely fits the character of the landscape near to the site, which I concur with:

'Lowland farmland that is flat or only gently undulating. Typically intensively managed arable farmland enclosed by low-cut hedgerows, in which woodlands, shelterbelts and copses are frequent and provide a definite sense of enclosure. Often occurs within a landed estate.'

Agriculture is an established and familiar use in the countryside. The site is similar in scale and appearance to other agricultural farm developments typically seen throughout the area, consisting of a group of agricultural barns and farm outbuildings.

Many of the existing buildings have a neglected appearance when viewed within close confines of the site. This neglected appearance is not particularly noticeable from either Broad Lane or the bridleway to the north and east side due to the low-level buildings and partial screening by the boundary hedgerows.

There are no large settlements in the York Fringe, although small nucleated villages and farmsteads are scattered across the area. Outside these villages, dwellings are generally only associated with farmsteads and landed estates.

The Application is for isolated housing development in a managed agricultural landscape, which is not typically and does not complement existing land use or settlement pattern. This is likely to adversely affect local landscape character and setting, particularly where the development is visible from Broad Lane or the bridleway.

The Application includes a Landscape Restoration Proposals Statement and supporting Landscape Restoration Proposals Plan (Estell Warren Ltd) describing how the housing development might eventually be contained within a woodland block with a 'hollow core' (presumably to conceal it), which would also be unusual.

Restoration, long term maintenance and management

The Ecological Mitigation and Enhancement Plan (Total Ecology V.1 June 2018) outlines post-construction management with a schedule for 5 years aftercare maintenance and monitoring.

The supporting Planning Statement suggests that the remaining land (4.3 ha) will remain permanently open and that reinstatement would be secured through a S106 agreement.

It is not clear how permanent open space will be achieved since the S106 agreement is intended to secure reinstatement with 5 years aftercare and does not detail the long term objectives; intended land use, how openness will be retained; the long term maintenance and management beyond the initial 5 years.

Effect on Openness of Greenbelt

Several landscape and visual factors need to be taken into account when considering the openness of Green Belt, including visibility of the existing and proposed site, change in character and use of the site.

The existing low-level buildings are partly screened by existing hedgerows with just a brick tower and silo being more prominent. The existing development is agricultural in style and similar in scale and appearance to other agricultural farm developments typically seen throughout the area. It could be argued that the existing development has no adverse effect on Green Belt openness due to its limited visibility and being a typical use in the countryside.

The 5 no. proposed two-storey dwellings are likely to be visible from Broad Lane and the bridleway, developed and screened in a way that that is not typical and likely to adversely affect local landscape character and setting.

It is unlikely that any landscape or visual benefit will be gained by the proposed development, with potential landscape and visual intrusion adversely affecting Green Belt openness due to visibility and effect on landscape character and setting.

Summary and Recommendation

The proposed residential development is inappropriate development in Green Belt. A full Landscape and Visual Assessment is needed to fully determine the effects of the development. However, based on the information submitted with the Outline Application, the development is likely to be visible, adversely affect local landscape character and openness of Green Belt and cannot be supported in Landscape terms.

It is not clear how permanent open space will be achieved. A long term management strategy is needed.

Notwithstanding the above, if Selby District Council are minded to approve the Application, then the following is recommended to be secured by condition or additional legal agreement:

- Tree and hedgerow protection measures to BS 5837:2012, to safeguard all trees and hedgerows to be retained on the site and on the additional open space land.
- Detailed landscaping scheme for the site and on the additional open space land based on the design principles set out in the Landscape Restoration Proposals Statement (Estell Warren 06/06/2018) and Landscape Restoration Proposals plan (Estell Warren dwg no. 2364.001 rev. 01).
- Long term maintenance and management strategy for the site and on the additional open space land, to maintain visual screening of the site and protect openness of the Green Belt.

Rebuttal submissions were made by the Applicants in **August 2018** and the Council Landscape Officer having reviewed these comments confirmed that these submissions do not alter the position stated above.

2.12 Heritage Officer (Archaeology) – Noted that the application includes a historic buildings assessment from 2015 along with an update letter that sets out the expected impact of this new development and confirmed agreement that the historic buildings have received an adequate level of record and that their poor physical condition diminishes their significance. As such notes no objection to the proposal and have no further comments make.

2.13 Waste And Recycling Officer - The proposed development is to be accessed via Green Lane which is currently classified as a bridle way. I would need reassurance that this access road is suitable for the largest vehicle used by Selby District Council, the dimensions of which are as follows:

- Length 10 metres
- Width 2.8 metres
- Height 5.8 metres
- Weight when fully loaded 26 tonnes

Our collection vehicles do not usually access private drives or use them for turning and so to access these properties we will also need assurance that the access roads within the development are suitable for a vehicle the size of that detailed above and that we would not be held liable for any damage to the road surface caused by our vehicles accessing this area. In order to prevent risks associated with collection vehicles reversing, it is recommended that developments are designed to enable the collection vehicle to continue in a forward direction wherever possible. This avoids the need for large turning heads which waste site area and attract car parking. If the layout has other merits and reversing is necessary, this should be kept to a minimum with the route being straight, safe and easy to navigate. If the vehicle has to turn, this should preferably be completed in a single U turn. Sharp bends should also be avoided, especially where buildings are placed close to the road. The current layout does not allow sufficient turning space for collection vehicles at either of the points highlighted on the attached plan and the distances that vehicles would be required to reverse are not acceptable. Finally as there are more than 4 properties, the developer will be required to purchase the waste and recycling containers for this development.

Further discussions were held with the Officer in October 2018 and it was confirmed that the dwellings if consented would be added to the rural round which utilises a smaller vehicle and therefore the access road would be acceptable. IN terms of the internal layout then this would be considered at the Reserved Matters stage and the smaller collection vehicle would need to be accommodated. For a development in this type of location (i.e. on the rural round) the properties would not be able to be provided with wheeled bin collection and occupiers would need to bag waste for collection.

2.14 **Neighbour Summary** – The application was advertised by way of site notice and press notice. A total of 16 individuals commented on the application as a result of the publicity process. This included 13 submissions of support for the redevelopment of the site from the Appleton Estate, residents of Appleton Roebuck, Bishopthorpe, Copmanthorpe, Bolton Percy, Colton and Bilbrough. A total of 3 the objections were received from two nearby residents and from Cunnane Planning on behalf of Samuel Smiths Brewery Tadcaster Ltd.

The comments in support of the application can be summarised as follows:

- This is a small scale development and there is only a net gain of two units if take account of the Change of Use consent and the existing dwelling on the site that could be occupied without the need for any further planning permissions.
- There are no immediate neighbour objections to the application.
- By demolishing over 40 buildings on the site this allows 13 acres to be returned to Green Belt.
- Comprehensive scheme for remediation for the site gives certainty.
- The scheme would generate circa £25,000 in Community Infrastructure Levy payments to the Council.
- The scheme is in accordance with the Appleton Roebuck and Acaster Selby Neighbourhood Plan.
- The proposal does not directly affect the residents of Appleton Roebuck.
- This opportunity would be better than leaving the site as it is or it being used for commercial operations which would lead to HGV pollution noise and air pollution in the area.
- Pleasing to see that 81% of the site will be accessible open green belt.
- Will remove dangerous and asbestos contaminated buildings from the site which are a hazard.
- Would be good to see the site put to creative and sympathetic use.
- There will only be 5 houses.
- Will not result in high levels of HGV movements.
- If nothing happens will be subject of fly tipping, anti-social behaviour and become a waste ground.
- No immediate neighbours impacted by the development.
- Removes site which is an eyesore and derelict.
- The scheme will provide homes which are sympathetic to the natural surroundings and improve the area.
- Will relieve the pressure to build in the village.

The **objections** to the application can be summarised as follows:

- Application does not include a landscape and visual assessment.
- Viability submissions should be made public.
- No details provided of any effort to market the site for existing or alternative use or practicality of conversion.
- The site is not previously developed land and the barracks use ceased in 1963 it is an agricultural site and should be considered accordingly.
- No submissions made on the ability of the site to be converted and no submissions made by the applicants to secure consent for such a conversion under Part Q.
- Is a remote location that will require use of the car to access all services.
- Not a Paragraph 55 (NPPF 2012) compliant scheme.
- The approach of the applicants to seek to argue “Very Special Circumstances” to support the proposal is a change of stance.
- Will impact on the Green Belt in terms of the introduction of built form and gardens.
- Not a case where Council should be applying a numerical assessment of buildings lost and what proposed (reference to the Turner Case).
- No objective visual assessment in relation to the impact of the scheme from key views.
- Will result in harm to the openness and character of the area and the Green Belt.
- The applicants have not applied a true Para 88 (NPPF 2012) weighting.
- Council should not afford any weight to the footprint arguments made by the applicants.
- De-contamination will impact on habitats and result in HGV movements.
- There are gaps in information within the submitted reinstatement strategy in terms of timings.
- The scheme has neutral benefits and the harm outweighs any benefits, it is inappropriate development and the current use is appropriate.
- Will erode the character of the landscape.
- Badger Report should be made public to allow all parties to comment.
- Will result in the loss of agricultural land and buildings.
- What is the RSL view on the site?
- The site is littered with fragments of broken asbestos sheeting.
- The site is prone to flooding in periods of heavy rainfall including in 2016.
- The proposed access is along an existing bridleway used by horse riders and walkers – the applicants do not own the access road therefore has no right to access the site.
- If consented there needs to be a restriction on digging and planting vegetables by future householders on the site.
- Application should be considered by Planning Committee given it is contentious.
- Needs to be consideration of the developer taking on responsibility to manage the watercourses that they are seeking to discharge into a SUDS approach is unlikely to be achievable.
- Will result in an unsustainable pattern of travel.
- Needs long term management of the contaminants on the site to ensure human health not impacted.
- Site within close proximity (1/2 mile) of a site where slaughtered animals were buried following notifiable illness.

3. SITE CONSTRAINTS AND POLICY CONTEXT

Constraints

- 3.1 The application site is located outside the defined development limits of Appleton Roebuck, which is a Designated Service Village as identified in the Core Strategy and within the Green Belt as defined by the Selby District Local Plan (2005). The site is also within the area covered by the Appleton Roebuck and Acaster Selby Neighbourhood Plan.
- 3.2 The site is within Flood Zone 1 and the site is identified as “potentially contaminated” on the Council’s records as a result of animal and animal products processing.
- 3.3 There are no trees on the site subject of tree preservation orders nor are there any ecological designations within the application site.

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

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

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
 - SP3 – Green Belt
 - SP5 – The Scale and Distribution of Housing
 - SP8 - Housing Mix
 - SP9 – Affordable Housing
 - SP12 – Access to Services
 - SP15 – Sustainable Development and Climate Change
 - SP16 - Improving Resource Efficiency
 - SP18 – Protecting and Enhancing the Environment
 - SP19 – Design Quality

Selby District Local Plan

3.6 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework. As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, the guidance in paragraphs 212 and 213 of the NPPF noting that the NPPF should be taken into account in determining applications, and that existing policies should not be considered out of date simply because they were adopted prior to the publication of the NPPF and that due weight should be given to them according to their degree of consistency with the Framework, so 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
- ENV2 – Environmental Pollution and Contaminated Land
- ENV3 – Lighting
- ENV28 – Archaeology
- RT2 – Open Space
- CS6 – Developer Contributions
- T1 – Development in Relation to the Highway Network
- T2 – Access Road
- T7 – Cyclists
- T8 – Public Rights of Way

Appleton Roebuck and Acaster Selby Neighbourhood Plan

- DBE2 – Respecting traditional building design and scale
- DBE3 – Green Infrastructure
- DBE4 – Drainage and Flood Prevention
- EHL1 – Maintaining Agricultural Land
- EHL2 – Conserving, restoring and enhancing biodiversity
- EHL4 – Historic Rural Environment
- H1 – New Housing development design and scale
- H2 – Housing Mix
- H3 – Car Parking

Other Policies and Guidance

3.8 Affordable Housing Supplementary Planning Document, 2013
Developer Contributions Supplementary Planning Document March 2007

4. APPRAISAL

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

- Principle of the Development
- Appropriateness of the Development within the Green Belt, Impact on Openness and Visual Impact on the Green Belt
- Assessment of Applicants Case for Very Special Circumstances

- Impact on the Character, Form and Appearance and Landscape Character of the Area
- Landscaping Impacts
- Nature Conservation and Protected Species
- Flood Risk, Drainage and Climate Change
- Residential Amenity and Construction Impacts
- Archaeology
- Impact on Highways and Sustainability of Location in Transport Terms
- Land Contamination
- Housing Mix
- Recreational Open Space
- Affordable Housing
- Loss of Agricultural Land
- Waste and Recycling
- Other Issues.

Principle of the Development

- 4.2 Policy SP1 of the Core Strategy outlines that "...when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework..." and sets out how this will be undertaken.
- 4.3 The application site lies outside the defined development limits of Appleton Roebuck, being approximately 2km to the north of the defined development limits of the village and located within the York Green Belt.
- 4.4 Relevant policies in respect of the principle of this proposal include Policy SP2 "Spatial Development Strategy", Policy SP3 "Green Belt" and Policy SP5 "The Scale and Distribution of Housing" of the Core Strategy. It is considered that as both Policy SP2A(d) and SP3 relate specifically to development within Green Belt they are not considered to be out of date as they conform to the NPPF or simply refer the decision taker to national policy.
- 4.5 Policy SP2(d) states that "...in the Green Belt, including villages washed over by Green Belt, development must conform to Policy SP3 and national Green Belt Policies." Policy SP3(B) states "...in accordance with the NPPF, within 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".
- 4.6 Therefore there is nothing within the development plan itself that would preclude the proposal as the decision taker is explicitly referred to the policy framework contained within the NPPF. A full assessment of the appropriateness of the scheme in the Green Belt is detailed later within the report.

Appropriateness of the Development within the Green Belt, Impact on Openness and Visual Impact on the Green Belt

- 4.7 Paragraph 134 of the NPPF (2018) outlines that the fundamental aim of Green Belt policy is to "...prevent urban sprawl by keeping land permanently open..." and that "...essential characteristics of Green Belts are their openness and their permanence".
- 4.8 Furthermore paragraph 144 of the NPPF (2018) 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, is clearly outweighed by other considerations."
- 4.9 Paragraph 145 of the NPPF (2018) states that "...A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt." Exceptions to this are:
- a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
 - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 4.10 Therefore, having regard to the above the decision making process when considering proposals for development in the Green Belt is in three stages, and as follows:
- a. It must be determined whether the development is appropriate or inappropriate in the Green Belt. Paragraphs 143 to 146 of the NPPF (2018) set out the categories of development that do not constitute inappropriate development in Green Belt.

- b. If the development is not inappropriate, the application should be determined on its own merits unless there is demonstrable harm to interests of acknowledged importance, other than preservation of the Green Belt itself.
- 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 clearly outweigh the presumption against it.

Appropriateness of Development in the Green Belt

- 4.11 The application site was formally used as an agricultural farm which is an appropriate use in the open countryside and the Green Belt location.
- 4.12 The proposed development as submitted in outline form seeks consent for the demolition of the existing buildings on the site and the construction of 5 dwellings on the site. The proposals being located on part of the site that is currently occupied by a series of building, two of which could be used for residential purposes without the need for additional planning consents as they have consent for change of use or have been accepted as being an existing dwelling the proposals would require the construction of internal access roads, the construction of additional dwellings with their associated curtilage areas and gardens, thus creating a grouping of 5 dwellings in a rural Green Belt location.
- 4.13 The applicants have accepted that the scheme does not represent appropriate development in their submissions, this is a stance that the Council wholly agree with and it is considered therefore that the applicants have to demonstrate very special circumstances to justify the redevelopment of the site for inappropriate use i.e. residential purposes. Without such circumstances the development of the site is harmful by definition and therefore very special circumstances will need to be in place to outweigh this harm and any other harms caused by the proposed development. This is assessed later in this report accordingly.

Impact on the Openness

- 4.14 Paragraph 133 of the NPPF (2018) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 4.15 When looking at this issue it is worth considering what is meant by the term 'openness'. One of the aspects of openness is considered to be the absence of buildings or development. Hence, any new buildings or development would have the potential to harm the openness of the Green Belt. In the case of *Mrs Jean Timmins, A W Lymn (The Family Funeral Service) Limited v Gedling Borough Council v Westerleigh Group Limited* [2014] EWHC 654 (Admin) it was held that '...openness was a concept which related to the absence of building; it is land that is not built upon. Openness is hence epitomised by the lack of buildings but not by buildings that are unobtrusive or camouflaged or screened in some way.' It further notes that '...any construction harms openness quite irrespective of its impact in terms of its obtrusiveness or its aesthetic attractions or qualities.'

- 4.16 The proposals by virtue of the change of use of land around the buildings to form 5 individual residential curtilages, the necessity for boundary treatments, pathways, driveways, extended roadways, together with domestic paraphernalia and lighting are considered to result in an increase in the urbanisation of the site. The proposals would increase the built form on the site and hence would have a detrimental impact on the openness of the Green Belt.
- 4.17 The proposals would utilise the Broad Lane/Green Lane junction and the Planning Support Statement confirms that the junction has already been improved with work being undertaken in June 2016. The applicants have confirmed that Green Lane was also improved through clearing at this time to ensure 5.5metres in width and ensuring passing places were in place. In addition, new hardstanding would be required to provide access/driveways to the proposed dwellings and car parking spaces are to be provided. Given that the existing site is open agricultural land and due to the nature of the highway access required it is considered that the internal access roads and parking would also harm the openness of the Green Belt.
- 4.18 The submissions by the applicant that there would be a reduction in built form have been taken into account, however this reduction does not negate the fact that the site would be extensively urbanised through associated infrastructure as set out above. These factors contribute to the degree of openness that presently exists and would be adversely affected by the proposal.
- 4.19 Having taken into account the impact on the openness of the Green Belt, it is considered that the proposal would result in significant harm to openness through the urbanisation of the site.

Visual Impact on the Green Belt

- 4.20 With respect to the visual impact on the Green Belt it is noted that objectors have suggested that a Landscape and Visual Assessment (LVIA) of the proposal should have been prepared. However, this was not submitted as part of the application and is not required by policy, and as such the application has been assessed on the basis of the information submitted.
- 4.21 The application site is located on part of a site which was historically a Canadian Air Force base during WWII and was more recently used as a pig farm containing buildings of varying size and scale. In considering the visual context of the site the Council's Landscape Officer has noted that "...the site consists mainly of individually laid out single storey brick and concrete buildings with pitched roofs. There are also brick-built towers and metal feed silos. There is a large corrugated sheet metal barn in the middle of the site. Some of the buildings are visible from Broad Lane to the west side of the site, and from the bridleway which runs along Green Lane to the north and east side of the site. Existing boundary hedgerows partly screen local views. Woodland blocks and linear tree belts screen wider views of the site, particularly from the north and east sides".

- 4.22 In commenting on the application the Council's Landscape Officer has noted that the Applicant has not undertaken a visual assessment of the proposed development, and has therefore stated that "it is not possible to fully determine the visual effects. However, given that some of the existing low-level buildings are partly visible from Broad Lane and the bridleway", however he has stated that "it seems highly likely that 5 no. two-storey dwellings with garages will also be visible". He has also noted in his comments that the "The Landscape Restoration Proposals Statement and supporting Landscape Restoration Proposals Plan (Estell Warren Ltd) which describe how a combination of new planting and natural colonisation would filter and eventually screen views from Broad Lane" thus "suggesting that the proposed development is likely to be visible and will require screening in order to reduce adverse visual effects".
- 4.23 In this context it is concluded that the development of the site for 5 dwellings will result in a visual impact on the Green Belt and as such it is considered that it would have a detrimental visual impact on the Green Belt in this location and thus is contrary to the NPPF.

Assessment of Applicants Case for Very Special Circumstances

- 4.24 In support of the application the applicants have put forward the following points which the applicants considers, when taken together, constitute very special circumstances to justify approval of the proposal:
1. It would prevent the urban sprawl by keeping the land permanently open through significantly reducing the built form, massing and volume and footprint of development on the site.
 2. Would add a new area of permanently open space to the Green Belt through the demolition of 44 buildings (an 87% reduction in footprint over the site) and the addition of 4.3 hectares.
 3. Would include habitats enhancement the biodiversity of the site and facilitate remediation.
- 4.25 It is considered that the reduction in built form, change to the massing and the volume of built form on the site only arises as a result of the re-configuration of the built form on the site, however, this does not outweigh the harm arising from the development by virtue of it being considered inappropriate development within the Green Belt. As such it is considered that moderate weight can be attached to this matter.
- 4.26 The remediation of the site could be achieved without the need for inappropriate development occurring as these areas could be effectively managed and maintained. This could be achieved through agricultural activities on the site and as such it is considered that only limited weight can be attached to this matter.
- 4.27 The enhancement of habitats is considered to be a benefit of the development and the application includes details of approaches which can be broadly supported, so although it is accepted that this can be accepted as a nominal or at most moderate benefit and in part a requirement of any scheme where habitats are impacted it is not considered to be a Very Special Circumstance.

- 4.28 Having assess the applicants case for Very Special Circumstances, it is considered that the points raised as largely normal planning considerations and as such do not amount to Very Special Circumstances which would outweigh the harm by reason of inappropriateness within the Green Belt or any other harms that are identified within the Report. Other matters to which moderate weight can be afforded do not cumulatively amount to Very Special Circumstances.

Impact on the Character, Form and Appearance and Landscape Character of the Area

- 4.29 Relevant policies in respect of design and the impacts on the character of the area include Policy ENV1(1) and (4) of the Selby District Local Plan, and Policy SP19 "Design Quality" of the Core Strategy. Policies DBE2, EHL4 and H1 the AR&ASNP also require consideration of the impact of schemes on the character of the settlement and the relationship to the surrounding area. In addition significant weight should be attached to the Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF (2018).
- 4.30 As noted, the proposed scheme seeks outline consent for the demolition of an existing dwelling and the erection of up to 5 dwellings, with all matters reserved. The submitted indicative layout plan shows five detached dwellings which would also benefit from generous sized plots, however appearance, landscaping, siting and scale reserved matters and not for determination at this stage.
- 4.31 The surrounding area is a mix of single dwellings related to an agricultural use or groupings of conversions. These are predominately brick with either pantile or slate roofing and of a varying design and appearance.
- 4.32 It is considered that the redevelopment of the site for residential purposes would change the character of the site and would impact on the character and appearance of the area which is agricultural with isolated single dwellings or groups of conversions.
- 4.33 In addition having taken account of the comments of the Landscape Officer and the site context it is considered that the development will adversely affect local landscape character on the basis that the Application is for isolated housing development in a managed agricultural landscape, which is not typically and does not complement existing land use or settlement pattern. As such it is considered that the development would on balance to adversely affect local landscape character and setting, particularly where the development is visible from Broad Lane or the bridleway.
- 4.34 As such it is considered that the development would have a detrimental impact on the character of the area contrary to Policy ENV1(1) and (4) of the Selby District Local Plan, and Policy SP19 "Design Quality" of the Core Strategy and the aims of the NPPF (2018).

Landscaping Impacts

- 4.45 Relevant policies in respect of design and the impacts on the character of the area include Policy ENV1(1) and (4) of the Selby District Local Plan, and Policy SP19 "Design Quality" of the Core Strategy. Policies DBE2, EHL4 and H1 the AR&ASNP also require consideration of the impact of schemes on the character of the settlement and the relationship to the surrounding area. In addition significant weight should be attached to the Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF (2018).
- 4.46 As noted above the scheme is considered to have impacts on the landscape character of the area, however in terms of the detailed landscaping of the site and the approach to the boundaries and existing trees, this would be for consideration at the Reserved Matters stage. It is however considered that an appropriate landscaping scheme and boundary treatments could be achieved at reserved matters stage which would be acceptable and this could be secured via conditions or a legal agreement to secure:
- Tree and hedgerow protection measures to BS 5837:2012, to safeguard all trees and hedgerows to be retained on the site and on the additional open space land.
 - Detailed landscaping scheme for the site and on the additional open space land based on the design principles set out in the Landscape Restoration Proposals Statement (Estell Warren 06/06/2018) and Landscape Restoration Proposals plan (Estell Warren dwg no. 2364.001 rev. 01).
 - Long term maintenance and management strategy for the site and on the additional open space land, to maintain visual screening of the site and protect openness of the Green Belt.
- 4.47 Officers note these comments of the Landscape Officer and although landscaping is a reserved matter it would be appropriate to seek to ensure that any reserved matters scheme for the site following the principles of the submitted Landscape Restoration Proposals Statement (Estell Warren 06/06/2018) and Landscape Restoration Proposals plan (Estell Warren dwg no. 2364.001 rev. 01) as advocated by the Landscape Officer alongside a defined long term maintenance and management strategy. It is considered that with this in place then setting aside the issue of the impact of the development on the Green Belt, should Members be minded to support the application an appropriate Legal Agreement would be need to cover these matters.

Nature Conservation and Protected Species

- 4.48 Policy ENV1(5) states that proposals should not harm acknowledged nature conservation interests, or result in the loss of open space of recreation or amenity value, or which is intrinsically important to the character of the area. These policies should be given significant weight as they are consistent with the NPPF. Policy ELH2 of the AR&ASNP reinforces this approach.

- 4.49 In commenting on the application objectors have raised matters relating to the scope and availability of Surveys on species including badgers. These comments are noted, however, the County Ecologist has confirmed to Officers that the redacted Survey is the correct version for publication.
- 4.50 The applicants have submitted a series of Ecological Surveys and Habitat Surveys which have considered a series of protected species. Following initial comments from the NYCC Ecologist the applicants also provided historic Barn Owl surveys, rebuttals to the above noted comments alongside submission of an Ecological Management Plan (dated August 2014) and then subsequently in June 2018 an Ecological Impact Assessment, Ecological Mitigation and Enhancement Plan (ECMEP), Landscape Statement, Landscaping Plans and Restoration Letter.
- 4.51 As noted earlier in the report the County Ecologist has noted disappointment that no further surveys have been undertaken to underpin the Impact Assessment but concludes that having considered the impacts on the protected species then Ecological Impact Assessment (EclA) and Ecological Mitigation and Enhancement Plan (ECMEP) do set out measures to avoid, mitigate and compensate for impacts resulting from the development (including direct, indirect, permanent and temporary) and at the strategic level these are in accordance with the NPPF mitigation hierarchy. In commenting concern has been raised as whether these will be successful as the success of the various measures will be down to the detail of the site reinstatement and long term management.
- 4.52 The County Ecologist has also noted concern that in terms of site monitoring and management, then the submissions only state a commitment for a five year period which is not considered long enough to mitigate/compensate for the impacts of the development in terms of permanent losses and ongoing disturbance. As such advice has been given to the Local Planning Authority that clarification is needed on the long term management of the site beyond the first five years particularly in terms of the wildflower meadow areas to maintain their intended function of habitat creation.
- 4.53 In this context the County Ecologist has noted that should the Council be minded to approve this application then specific details will need to be secured by condition and/or appropriate legal agreement. This includes information picked up within the EclA and ECMEP including:
- Protected species method statements/mitigation specification for all species affected by the development
 - Schedule for pre-construction species surveys
 - Habitat creation and establishment plans for all habitats proposed
 - Habitat Management Plan (long term)
 - Grassland management specification
 - Wetland management specification
 - Detailed lighting plan
 - Detailed monitoring programme with measurable objectives and trigger thresholds.

- 4.54 Officers note these comments of the County Ecologist, it is accepted that there has been an level of assessment of the ecological / protected species context of the site that is acceptable and as such if the Council were minded to support the application then a further condition would be appropriate to secure a longer term ECMEP and mitigation based on the assessments to date. It is considered that with this in place then setting aside the issue of the impact of the development on the Green Belt, should Members be minded to support the application an appropriate Legal Agreement would be need to cover these matters, and with this it considered that the proposals do not harm acknowledged nature conservation interests, or result in the loss of open space of recreation or amenity value, or which is intrinsically important to the character of the area.

Flood Risk, Drainage and Climate Change

- 4.55 Relevant policies in respect to drainage, climate change and flood risk include Policy ENV1(3) of the Local Plan and Policies SP15 and SP16 of the Core Strategy. Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF. In terms of the AR&ASNP then Policy DBE4 seeks to focus development outside Flood Zones 2 and 3, ensure that surface water is managed alongside the use of SUD's systems and consideration of existing network capacity.
- 4.56 As noted earlier in the report the application site is located in Flood Zone 1 which is at low probability of flooding.
- 4.57 The application is accompanied by a Flood Risk Assessment prepared by Flood Risk Consultancy Limited which details historical flooding, sources of flooding, assesses flood risk, sets out the drainage methods to be incorporated into the site, and mitigation measures. Comments from objectors have been taken into account with respect to potential flooding.
- 4.58 In terms of drainage the application states that foul sewage would be connected to a package treatment plant with surface water directed to a sustainable drainage system and an existing watercourse. Comments from objectors have been taken into account with respect to the drainage of the site; however Yorkshire Water, the Internal Drainage Board and the Lead Officer for Environmental Health have been consulted on these methods of drainage and raised no objections subject to conditions and informatives. In addition the SuDS Officer has requested a condition is attached regarding a detailed design and associated management and maintenance plan of surface water drainage and is satisfied with the information that has been provided.
- 4.59 In terms of climate change then Policy SP15 (B) states that to ensure development contributes toward reducing carbon emissions and are resilient to the effect of climate change schemes should where necessary or appropriate meet 8 criteria set out within the policy. 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. It is noted that in complying with the 2013 Building Regulations standards, the development will achieve compliance with criteria (a) to (b) of Policy SP15(B) and criterion (c) of Policy SP16 of the Core Strategy.

- 4.60 Having taken the above into account it is therefore considered that the proposals adequately address flood risk and drainage subject to appropriate conditions to ensure that these are incorporated at reserved matters stage in accordance with Policies SP15, SP16 and SP19 of the Core Strategy and the NPPF and the approach of the AR&ASNP.

Residential Amenity and Construction Impacts

- 4.61 Policy ENV1 (1) requires that the District Council take account of "The effect upon... the amenity of adjoining occupiers". It is considered that policy ENV1 (1) of the Selby District Local Plan should be given significant weight as one of the core principles of the NPPF is to ensure that a good standard of residential amenity is achieved in accordance with the emphasis within the NPPF. The AR&ASNP also includes Policy H1 (New Housing Development Design and Scale) relating to design considerations, reflecting immediate surroundings and relationship to the highways network.
- 4.62 In addition, Policy ENV2A states that "Proposals for development which would give rise to, or would be affected by, unacceptable levels of noise, nuisance, contamination or other environmental pollution including groundwater pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme."
- 4.63 Policy H1 of the AR&ASNP also notes a series of additional technical considerations that are to be taken into account when assessing schemes including design, car parking, landscaping, greenspace, green infrastructure, non-vehicle impacts, traffic impacts, density and relationship of the development to the settlement in terms of the vehicle generations and the existing highways network.
- 4.64 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the size, scale and massing of the development proposed. In addition, consideration is made to the impacts arising from noise by virtue of vehicles accessing the application site.
- 4.65 The application is an outline application, with all matters reserved, which include the approach to the siting, layout and appearance of the units. As such although the indicative layout shows a possible design solution for the siting of the units the scheme is not for consideration by the Council at this stage, it simply seeks to demonstrate that the site could accommodate the proposed number of dwellings. However, it is considered that given the scale of the site and the scale of the proposed development a scheme could be designed for the site which would result in an appropriate amenity for future occupiers of any resultant development.
- 4.66 In terms of construction impacts on amenity then the application has been considered by the Council's Environmental Health Officers and the NYCC Highways Officers. The EHO Officers have raised no objections and NYCC Highways have sought a condition on approaches to the construction stage requirement confirmation of approaches for construction parking, loading and unloading of materials, storage of plant and machinery and a scheme for the recycling / disposing of waste arising from the developments construction.

- 4.67 As such it is considered that any impacts on amenity arising from the construction of the development could be controlled through a requirement for the submission of a Construction Management Plan, which although this has not been requested by the EHO it is considered this would be appropriate should the principle of development be supported.
- 4.68 In conclusion it is considered that given the scale of the site and the scale of the proposed development a scheme could be designed for the site which would not result in significant adverse impacts on amenity and would result in an appropriate amenity for future occupiers of any resultant development and a condition can be utilised to manage the construction phase. As such the scheme is considered to accord with the noted policies in terms of the impact on residential amenity.

Archaeology

- 4.69 Policies ENV1 and ENV28 of the Local Plan, Policies SP18 and SP19 of the Core Strategy and the NPPF require proposals to take account of their impacts on heritage assets and in particular in relation to this site, archaeology.
- 4.70 The NPPF (2018) paragraph 189 states Local Planning Authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 4.71 The application was submitted by an archaeological desk based assessment and historic building survey which concludes that the site has negligible potential for the survival of significant archaeological remains and as such no further work is recommended dating from 2015. The applicants have also submitted a letter from their Consultants confirming that:

“The new planning application falls within the area previously considered in detail in the 2015 desk-based assessment and building recording reports. All of the buildings within the new application red line boundary have been recorded in accordance with standard archaeological methodologies and are included in the LS Archaeology Building Recording report dated January 2015. The archaeological potential of this area has been considered in the January 2015 Desk-Based Assessment which concluded the site has negligible potential for the survival of archaeological remains. No further work was considered necessary in advance of or during development as a result of this conclusion. It is my professional opinion that these conclusions remain valid and no further archaeological or heritage interventions are warranted as a result of the new proposals. The existing reports can be submitted with the new application in accordance with the requirements of NPPF paragraph 128”.

- 4.73 The HER Officer has no objections to the proposal and thus having had regard to the above points it is considered that the proposals comply with Policies ENV1 and ENV28 of the Local Plan, Policies SP18 and SP19 of the Core Strategy and the NPPF with respect to the impacts on heritage assets.

Impact on Highways and Sustainability of Location in Transport Terms

- 4.74 Policies ENV1 (2), T1 and T2 of the Local Plan require development to ensure that there is no detrimental impact on the existing highway network or parking arrangements. It is considered that these policies of the Selby District Local Plan should be given significant weight as they are broadly in accordance with the emphasis within the NPPF. Policy H1 of the AR&ASNP also notes a series of additional technical considerations that are to be taken into account when assessing schemes including design, car parking, landscaping, greenspace, green infrastructure, non-vehicle impacts, traffic impacts, density and relationship of the development to the settlement in terms of the vehicle generations and the existing highways network. In addition Policy T7 of the Local Plan relates to provision for cyclists and Policy T8 relates to impacts on public rights of way.

Access

- 4.75 The plan submitted demonstrates that the site would be accessed via the existing access road (Green Lane) which is an unadopted road leading from Broad Lane. The junction of Broad land and Green Lane was improved in June 2016.
- 4.76 The application is accompanied by a Transport Statement by Optima which considers the local highway network, accident analysis, planning history, the existing site, public transport and pedestrian/cyclist accessibility.
- 4.77 The applicants have confirmed that the junction of Green Lane and Broad Lane was improved in June 2016 and Green Lane was also improved through clearing at this time to ensure 5.5metres in width and ensuring passing places were in place. No further specific works are shown as part of the application to this access and adoption of the road would not be sought by the developer or required by NYCC Highways given the scale of the proposed development.
- 4.78 NYCC Highways have considered the access arrangements and have raised no objections to the proposals subject to conditions and the PROW has requested use of an informative on any consent relating to works within the right of way.

Sustainability of Location and Travel Plan Fund

- 4.79 In terms of the sustainability of location for development in highways terms then the Transport Statement by Optima which considers public transport and pedestrian/cyclist accessibility.

- 4.80 Members should note that the site is located approximately 11km (by road) from York City Centre and approximately 30km (by road) from Selby Town Centre which are the largest main settlements which provide for employment, shopping and leisure facilities. Appleton Roebuck is located approximately 2km from the site, providing the nearest Primary School. It is acknowledged that walking is unlikely to be a desirable option as the application site is located in a countryside location which does not benefit from public footpaths and as such, for residents to access facilities in the village they would have to walk on the road or overgrown grass verges. Whilst accessibility by cycle may be possible it is also likely to be impractical due to the road conditions and distances involved. In addition although the site is located on a bus route, the nearest bus stop is located in the village itself. It is therefore a realistic proposition that residents would be reliant on private car for travel to work, school and to local shops and facilities.
- 4.81 The submitted Transport Statement report seeks to respond to the approach taken by the Council in the consideration of an earlier application for the wider development of the site under Application 2015/1059/COU which was withdrawn, but a reason for refusal in the Officers Committee Report noted that the development was considered to be an unsustainable location given its divorced location from Appleton Roebuck, Copmanthorpe and Bishopthorpe and that the scheme failed to adequately facilitate the use of sustainable transport methods.
- 4.82 Through the proposed "Travel Plan Fund" the occupiers will for the first 12 months of occupation be able to seek funds from the fund for discounted public transport ticketing, bicycle and electric bicycle purchase, cycle equipment or car club membership / usage. The Statement also confirmed that the applicant would manage and deliver the Travel Plan Fund which would include administering of the fund and liaison with SDC and NYCC on appropriate uses for the fund. Alongside this the Statement notes that all units would be provided with an electric vehicle charging point, appropriate cycle storage and a high speed broadband connection.
- 4.83 Officers have considered the contents of the Transport Statement and the proposed "Travel Pan Fund" and have taken into account comments from objectors with respect to the accessibility/sustainability of the site. The approach the applicants have defined seeks to respond to the point raised on 2015/1059/COU and does provide a Travel Plan element that would not normally be expected for a scheme of this scale (i.e. 5 units). The approach of Policy SP15(f) of the Core Strategy does support such mechanisms but these should only be required where necessary and appropriate.
- 4.84 It is accepted that such a mechanism could potentially reduce reliance on the private car and encourage use of public transport, however, Officers do not consider this fully negates the unsustainability of the location per se. It would have some potential to assist in securing modal transfer and therefore it is not considered that a reason for refusal based on the site being unsustainable in transport terms can be sustained on the basis of the sites transportation linkages. However, should Members be minded to support the application an appropriate Legal Agreement would be need to cover this matter.

Land Contamination

- 4.85 Policies ENV2 of the Local Plan and SP19 of the Core Strategy relate to contamination.
- 4.86 Comments from objectors with respect to potential contamination issues at the site and in the immediate vicinity have been noted.
- 4.87 The application is accompanied by a Geo-environmental Appraisal (dated February 2014) which have been assessed by the Council's Contamination Consultant. The Consultant has advised the previous uses of the site, noting they could have resulted in contamination, including asbestos organics from slurry lagoons, above ground storage tanks, pathogen contaminants and gases from slurry lagoons. In this context the Consultants notes the recommendations of the submitted survey relating to topsoil management, further site investigation once demolition completed and the approaches on surface cover depths with clean soils on areas of made ground. The advice confirms that should the consent be supported then conditions should be utilised requiring further site investigations prior to commencement of development, submission of a remediation statement, submission of a verification report and a condition to cover discovery of any unexpected contamination.
- 4.88 If Members were minded to approve the scheme contrary to Officer Recommendation then the use of pre-commencement conditions would need to be agreed as would a S106 Agreement. As such in with the requirements of new legislation on pre-commencement conditions further discussions would be needed to attain this agreement. If this was secured the scheme can be considered with respect to contamination in accordance with Policy ENV2 of the Local Plan and Policy SP19 of the Core Strategy.

Housing Mix

- 4.89 The submitted layout is purely indicative as is the mix of units, as the description of development does not state the mix or square footage to be developed as part of the scheme. The detailed design of the properties, orientation, boundary treatments and relationship of windows to other properties would be fully established at reserved matters stage so as to ensure that no significant detriment is caused through overlooking, overshadowing or creating an oppressive outlook between these units.
- 4.90 In terms of mix of units Policy SP8 of the Core Strategy and Policy H2 of the AR&ACNP support development utilising a mix of unit sizes linked to the findings of housing market assessments, needs surveys and having regard to the mix of housing in the locality.
- 4.91 As noted above the application is purely in outline with means of access for determination only and the layout as submitted is indicative. The purpose of such layouts in outline applications is to show a possible solution and to demonstrate the quantum of development for which consent is being sort is not unrealistic and could be accommodated. As such the mix of units and the layout of these would be the subject of a reserved matters submission, in confirming the scale and layout as a reserved matter and a matter for the later stages of the planning process.

- 4.92 There is nothing on the submitted indicative layout that leads the Council to conclude that the site is not capable of accommodating 5 dwellings with associated garden areas / parking and the Applicants would be expected to demonstrate how they have met the requirements of Policies H2 and SP8 at the reserved matters stage should outline permission be granted.
- 4.93 As such, despite the mix shown on the indicative layout, it is not considered a reason for refusal on this matter.

Recreational Open Space

- 4.94 Policy RT2 of the Local Plan states “Proposals for new residential development comprising 5 or more dwellings will be required to provide recreation open space at the rate of 60 square metres per dwelling on the following basis:

“For schemes of more than 4 dwellings up to and including 10 dwellings, through a commuted payment to enable the district council to provide new or upgrade existing facilities in the locality.”

- 4.95 The Council adopted its Community Infrastructure Levy (CIL) on 1 January 2016 which requires a levy to be paid for any off-site contributions which is calculated on the floor space created as part of the development.

Affordable Housing

- 4.96 Core Strategy Policy SP9 and the accompanying Affordable Housing SPD sets out the affordable housing policy context for the District in addition Policy SP9 of the Core Strategy 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.
- 4.97 The applicants have submitted a Viability Appraisal as part of the application, which has in this instance not being considered by the District Valuer given that there is an objection in principle to the development of the site given its Green Belt location and the nature of the proposed development.
- 4.98 The updated Viability Appraisal (4th July 2018 Update) considers the value of the site, the value of possible alternative uses and the assessment includes a sum of circa £47,000 by way of an Affordable Housing contribution. It also notes that such a contribution would not be required if “Vacant Building Credit” is applied. As part of the discussions with the Applicants it has been agreed in this instance there would need to be account taken of the “Vacant Building Credit”, given the scope of vacant buildings to be removed from the site versus the new build amount in assessing the ability of the site to contribute on Affordable Housing. As such although the scale of development for the site is not confirmed in terms of floor area, so this could be above 1000sq m. In this context although the development is for less than 10 units it is considered that in this instance given the acceptance of the Vacant Building Credit then the Council should not seek an Affordable Housing contribution for the development.

Loss of Agricultural Land

- 4.100 Policy in respect to the loss of agricultural land is provided by Policy SP18(9) of the Core Strategy and paragraph 170 of the NPPF (2018). Paragraph 170 of the NPPF (2018) states local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Such land comprises grade 1-3a agricultural land.
- 4.101 Within one of the letters of objection, concern has been raised regarding the potential loss of agricultural land through the proposed development. The Agricultural Land Classification Yorkshire and The Humber identifies that the land is graded as Grade 3 (good to moderate) and although the site was last used for agricultural purposes, given the contamination within the site, the proposal would not result in the loss of best and most versatile agricultural land.
- 4.102 Therefore, having had regard to Policy SP18(9) of the Core Strategy and paragraph 170 of the NPPF (2018), it is considered that although the loss of agricultural land and associated loss of economic and other benefits weighs against the proposal, given the size of the application site and the agricultural grading of the land, only very limited weight should be afforded to this matter.

Waste and Recycling

- 4.103 Policies ENV1 and CS6 of the Local Plan and the Developer Contributions Supplementary Planning Document set out the criteria for when contributions towards education, healthcare and waste and recycling are required. These policies should be afforded significant weight but considered in the context of the CIL requirements.
- 4.104 In commenting on the application the Council's Waste and Recycling Officer has raised concerns at the ability of the refuse vehicle to access the site given the distance from the main road the nature of Broad Lane and on the indicative layout. The applicants have confirmed that Green Lane will be 5.5m width with passing places, but it is not intended that this would be adopted. In such cases the Waste and Recycling team have confirmed that the dwellings if consented would be added to the rural round which utilises a smaller vehicle and therefore the access road would be acceptable. In terms of the internal layout then this would be considered at the Reserved Matters stage and the smaller collection vehicle would need to be accommodated. For a development in this type of location (i.e. on the rural round) the properties would not be able to be provided with wheeled bin collection and occupiers would need to bag waste for collection.
- 4.105 The access for a refuse vehicle within the site would be considered at the reserved matters stage and the design submissions would be expected to show that a vehicle can access the development and that the new access would not prohibit access to existing developments in addition a scheme for refuse collection would be required and this could be included as a condition if approval was recommended.

Other Issues

- 4.106 A series of other issues have been identified in the objections and letters of support on the application. Considering these in turn:

Viability Case

Objectors have noted that it is considered that these submissions should be made public for all parties to consider. This is not considered appropriate given the nature of the information contained within such a submissions is commercially sensitive. As such it is the Council's standard practice not to publish such reports and there is no reason to vary from this approach on this application.

Marketing of the Site

Objectors have noted that the site has not been advertised for its current use (agricultural) or for an alternative use. This is not considered to be required in this case.

Not Previously Developed Land

Objectors have stated that the Council should consider as an agricultural site and not previously developed land. This is the case and the starting point for the Council.

No Submissions made by the Owners for Conversion using Part Q of the GDPO

The applicants have chosen not to progress the site via this route at this time and the application before the Council is for the redevelopment of the site and this has to be determined on its merits. This is not considered to represent a fallback position.

De-Contamination Works will have Impact on Ecology and result in HGV Movements

The applicants have submitted a Remediation Method Statement and ECEMP since these comments were made which considers ecological matters and the de-contamination of the site. The NYCC Highways Officers have also requested a condition on a CEMP for the construction stage which will address HGV movements.

What do the Registered Social Landlord (RSL) think of the Site?

The scheme is not proposing to provide on site affordable housing provision so no view is required from the Rural Housing Affordable Housing Officer on the scheme nor is a view needed from an RSL.

Possible Impact of Nearby Controlled Animal Burial Site

Objectors have noted that there has been a controlled animal burial site used within the vicinity of the site which has not been taken into account in the submitted information on ground conditions. The proposed conditions on contamination would ensure that ground investigations fully re-assess the site and therefore this matter can be considered at a later stage should Members be minded to support the application.

Controls on Ground Disturbance by Occupiers post Remediation

Objectors have noted that they consider there should be restrictions post remediation to prevent ground disturbance through gardening / vegetable planting. Advice on this matter was sought by Officers from the Contamination Officer and they have noted that “the proposed remediation recommended for the site is the use of imported soil over any Made Ground and reuse of natural topsoil in other areas once the topsoil has been validated as uncontaminated. Further site investigation still needs to be undertaken at the site and a remediation statement submitted following the outcome of this. We would only accept a remediation proposal that we considered was sufficient to protect human health receptors, including during their use of any garden areas”. As such they would potentially identify the need for a no dig layer between the Made Ground and imported soils if this thought necessary following the further site investigation. As such they have advised that the contaminated land conditions are designed to break the linkages between contamination and receptors, ensuring the site is safe and suitable for the proposed use rather than restricting the use of the site. In addition there isn't a need to restrict the use of a site once contaminated land planning conditions have been discharged as the site will be suitable for the proposed use.

Right to Use the Bridleway for Access to the Site

Objectors have questions the developers ability to use the PROW for the site access. There are no objections from NYCC Highways / PROW Officers to the use of this route. If there is a restrictive covenant or any other title deeds restrictions on the use of this access for the proposed use this would be a matter for the developer.

Planning Committee

Objectors have stated that they consider the site to be controversial and any decision made on the application should be made by the Council's Planning Committee. As the application has not received 10 objections it is not considered locally controversial in terms of the Council's Constitution and Scheme of Delegation. As noted this report is before Committee on the basis that 10 letters of support have been received and Officers are minded to refuse the application.

5. CONCLUSION

- 5.1 The application site is located outside the defined development limits of Appleton Roebuck, which is a Designated Service Village as identified in the Core Strategy within the Green Belt. The application site comprises part of a former barracks site last used for agricultural purposes. There are a mix of existing buildings on the site, including a building last used as a dwelling and a range of buildings for which an extant consent is in place for conversion to a dwelling. The site is accessed via Green Lane which is a public right of way / bridleway from Broad Lane which leads to the village of Appleton Roebuck to the west and Bishopthorpe (York) to the east. The application site fronts Green Lane and is surrounded by agricultural fields.

- 5.2 The application is made in Outline for the demolition of existing buildings on the site and the erection of five dwellings (Class C3). Access is for agreement but all other matters are reserved for later consideration via Reserved Matters submissions. The application is accompanied by an indicative layout which shows how the site could potentially be developed for 5 dwellings. The applicants have noted in their submissions that the development of site would result in 2.1 hectares of the land owned by the applicants being developed and the remaining 4.3 hectares would be restored to open space and be left permanently "open land". It is proposed to utilise the existing access to the site which is located in the north eastern corner accessed from Green Lane which is an unadopted highway and public footpath/bridleway located off Broad Lane.
- 5.3 A case for Very Special Circumstances has been advanced by the applicant and having assessed these, it is considered that many of the circumstances highlighted comprise normal planning considerations and as such do not amount to very special circumstances which would clearly outweigh the harm by reason of inappropriateness within the Green Belt and the other harms are identified within the report. As such having had regard to Paragraphs 143 and 144 of the NPPF (2018) the proposed development constitutes inappropriate development in the Green Belt and therefore is harmful by definition and should only be approved if very special circumstances exist that clearly outweigh the harm by reason of inappropriateness and any other harms caused. It has been demonstrated that the harm by reason of inappropriateness and other harms caused have not been outweighed by other considerations and as such very special circumstances do not exist to justify approval of the application. The proposal is therefore contrary to Policies SP2 and SP3 of the Core Strategy and the NPPF with the respect to the principle of development in the Green Belt.
- 5.4 The proposed development of 5 dwellings and new access road in this isolated, rural location would, have a result of the urban built form and associated activities and paraphernalia result in an urbanising impact to the detriment to the rural character, landscape character and form of the area. The proposals therefore accord with Policy ENV1 of the Local Plan, Policies SP18(1) and SP19 of the Core Strategy and the NPPF (2018).
- 5.5 The development of the site would be contrary to Paragraph 78 of the NPPF as it would not represent sustainable development in rural areas and it will not enhance or maintain the vitality of the rural community. Nor does it represent a form of development that can be considered to be acceptable isolated homes as there are no special circumstances to support the proposals against the special circumstances identified.
- 5.6 Matters of acknowledged importance such as flood risk, drainage, residential amenity, nature conservation and protected species, archaeology, land contamination, open space, affordable housing and housing mix are considered to be acceptable.

6. RECOMMENDATION

This application is recommended to be REFUSED on the following basis:

01. Having had regard to Paragraphs 143 and 144 of the NPPF (2018) the proposed development constitutes inappropriate development in the Green Belt and therefore is harmful by definition and therefore should only be approved if very special circumstances exist that clearly outweigh the harm by reason of inappropriateness and any other harms caused. It has been demonstrated that the harm by reason of inappropriateness and other harms caused have not been outweighed by other considerations and as such very special circumstances do not exist to justify approval of the application. The proposal is therefore contrary to Policies SP2 and SP3 of the Core Strategy and the NPPF with the respect to the principle of development in the Green Belt.
02. The development of the site for 5 dwellings would be contrary to Paragraph 78 of the NPPF as it would not represent sustainable development in rural areas and it will not enhance or maintain the vitality of the rural community. Nor does it represent a form of development that can be considered to be acceptable isolated homes as there are no special circumstances to support the proposals against the special circumstances identified.
03. Paragraph 78 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.' It goes on to state that 'Local Planning Authorities should avoid isolated homes in the countryside unless there are special circumstances.' The proposals do not meet any of the special circumstances identified.

7. Legal Issues

7.1 Planning Acts

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

7.2 Human Rights Act 1998

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

7.3 Equality Act 2010

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

8. Financial Issues

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

9. Background Documents

Planning Application file reference 2018/0270/UTM and associated documents.

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Appendices: None