



Report Reference Number: 2018/1431/FULM

To: Planning Committee
Date: 10 July 2019
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APPLICATION NUMBER:	2018/1431/FULM	PARISH:	Kirkby Wharfe Parish Council
APPLICANT:	Grimston Park Estate	VALID DATE: EXPIRY DATE:	30 th January 2019 1 st May 2019
PROPOSAL:	Proposed construction of 3 no. agricultural buildings including 2 no cattle sheds, 1 no tractor store and 1no. Straw store with hard standing external area and associated landscaping		
LOCATION:	Home Farm, Kikrby Wharfe		
RECOMMENDATION:	GRANT		

This application is to be determined by the Planning Committee as 10 or more letters of representation have been received in relation to the application.

1. Introduction and background

The Site

- 1.1 The application site is located outside of the development limits and any settlement within the village of Kirkby Wharfe and therefore located within the open countryside. The site covers an area of circa 0.80 hectares.
- 1.2 The site is adjoining the existing main farm yard area of the tenanted holding, which is an agricultural unit for undertaking a mix of arable and grazing activities spanning 68 hectares (170 acres) from Kirkby Wharfe to Ulleskelf to the south of the River Wharfe.
- 1.3 To access the current farm buildings the farm utilises two existing accesses, one from the west via an access opposite the Graveyard and one from the north adjacent to the farmhouse. Current surfacing of the farmyard is varied in nature and there is existing hedgerow planting on the boundaries of the current farmstead.

- 1.4 As well as utilising the existing buildings within the application site, the tenants use a “Fold Yard” to the north within the settlement, as well as using a range of buildings at West Farm in Ulleskelf, approximately 2 kilometres from the application site by road.
- 1.5 There are listed buildings to the north west of the application site, and to the south of the application site is the Kirkby Wharfe SSSI which is part of the tenant holding. The site is part Flood Zone 2 and part Flood Zone 3.

The Proposal

- 1.5 The proposals seek to move the farm holdings from a series of locations to a single farm grouping thus consolidating activities into a single location. The submitted Planning, Design and Access Statement (dated January 2019) outlines that the scheme seeks to modernise the operation and consolidate the operation onto one site thus bringing cattle housing and bedding storage from West Farm and Fold Yard to Home Farm.
- 1.6 The applicants have confirmed that the farm is a straw-based farm, animals are generally housed indoors between 1st November and 1st May, approximately 50% of the year. This is of course weather dependent, should we be fortunate enough to have a mild winter, the cattle will be let out earlier. The farmstead comprises 170 acres of grazing parkland for the cattle during their outdoor period. Further to this, as Farm Assured British Beef and Lamb (FABBL) producers, the farm tenants encourage the cattle to graze freely and endeavour to move them outdoors when appropriate and healthy.
- 1.7 The application seeks consent to erect a series of agricultural buildings; two for use by livestock, a tractor store (which is part of one of the livestock buildings) and a straw barn. The buildings are agricultural in design with details being confirmed as part of the submitted drawings of materials.
- 1.8 Alongside these new buildings there is also a defined area for silage storage shown on the plans adjoining the proposed straw barn and new hedgerow planting.
- 1.9 Access would be taken to the grouping via the two existing accesses with the HGV and Farm access being via the access opposite the Graveyard so to the west of the village, and the residential / minor vehicle access being from the access adjacent to the farmhouse.
- 1.10 A detailed drainage plan, calculations on surface water runoff and infiltration calculations have been submitted as part of the application, with the approach shown utilising a mix of rainwater harvesting, soakaways and connections into an existing pond which will be increased in size.

Planning History

- 1.11 The following historical applications are considered to be relevant to the determination of this application:
 - CO/1984/27004 (Alt Ref 8/63/13/PA) – Erection of General Purpose Agricultural Building
Permitted – 1st February 1984

- CO/2004/0291 (Alt Ref 8/63/13A/PA) – Proposed extension to existing agricultural building
Refused – 11th May 2004
- 2008/06671/FUL (Alt Ref 8/63/13B/PA) – Erection of a portal framed agricultural livestock building
Permitted – 3rd September 2008

2. Consultations and Publicity

- 2.1 The application has been advertised as affecting the setting of listed buildings through press and site notices and adjoining neighbours have been notified directly. The comments received on the application are summarised in the following section.
- 2.2 **Kirkby Wharfe Parish Council** – Confirmed discussed at meeting and have no comments to make.
- 2.3 **SDC Planning Policy** - The supporting text in the SDLP states that intensive livestock units comprise buildings and associated works both for the permanent indoor housing of pigs, poultry or cattle and the temporary housing of such livestock when a slurry system is adopted. Based on the nature of the activities undertaken on the site the operation doesn't constitute intensive livestock farming, if the cattle are spending on average half of the year grazing outside. In addition it is noted that earlier applications for development on the site have not considered the operation to be intensive in nature.
- 2.4 **Environmental Health** – Notes that farming well established on the site and that the introduction of modern farming techniques may well lead to a reduction of emissions including noise, odour and flies. Section 5.0 of the Planning Support Statement considers impact on residential amenity but fails to consider the impact on noise, odour or flies and thus would recommend that the applicants be asked to consider the proposals in the context of the NPPF, SP19 and ENV2. Further to additional information from the Applicants (20th March 2019) which outlined that:
- An alternative layout was considered whereby buildings 'C' and 'D' were moved to the East, however this was considered to have unacceptable effects on residents of Main Street due to proximity and would have encroached upon farming land, leading to a reduced income for the farmers. Upon public consultation, the layout was revised, buildings were moved 12m east as to have a reduced visual impact on views from Mallyan Lodge.
 - As the main farmstead for the holding, the majority of activity already takes place at Home Farm, these activities will continue irrespective of planning permission for new structures. Therefore, the impact of relocated activity on the amenity of residents near Home Farm is considered limited, new activity will not be overwhelmingly unacceptable above the level of activity that is already present.
 - Many comments pertain to current farm operations, the proposed design adheres to national welfare standards achieving safety and environmental improvements by providing new facilities that are easier to clean, maintain and operate. The farm tenants are certified Farm Assured British Beef and Lamb (FABBL) farmers who are extremely proud of the beef they produce. Cleaner cattle housing is important in producing high quality beef and reducing potential risk of disease and infection, the designs reflect this.

Having considered this information and the arguments made by the Applicants relating to the noted Standards of Red Tractor Assurance for Farms: Beef & Lamb Standards - FABBL (Oct 2017) and The Department for Environment, Food and Rural Affairs: Code of Recommendations for the Welfare of Livestock (Cattle) (PB7949) – DEFRA (2003), EH confirmed that they had no objections to the scheme.

- 2.5 **Conservation Officer** – Notes that there has been no separate Heritage Statement which provides an in depth assessment of significance or setting and there is no identification of potential non-designated heritage assets. There is an assessment within the supporting document but it is minimal and assesses the impact as having a positive impact, however it is unlikely that the construction of large agricultural structures will have a positive impact. The development is likely to change the setting of the listed buildings and may cause a low level of harm to their significance due to the scale of the development.
- 2.6 **Council’s Contaminated Land Consultant** – Advised that utilising an unexpected contamination condition for this application would be appropriate. Given the proposal to construct cattle sheds, a straw store and a tractor store there is limited risk to receptors on the site. The only potential risk would be the accumulation of gases and any potential gas generating materials would be identified during the development and be covered by the unexpected contamination condition.
- 2.7 **NYCC Highways** – No objections subject to conditions detailing construction requirements, setting back of gates and provision of details to prevent water discharging to the highway.
- 2.8 **Public Rights of Way Officer** no response received in the statutory consultation period.
- 2.9 **NYCC Heritage** – noted the portal construction and advised that the proposed buildings will have limited impact on below ground deposits, and it is likely disturbance occurred over the last 200 years. As such the impact on archaeological remains is likely to be localised and can be offset by appropriate mitigation recording during the site preparation and construction, on this basis a condition is suggested for archaeological monitoring in accordance with a written scheme and investigation recording.
- 2.10 **The Environment Agency (Liaison Officer)** – in commenting on the application the EA have noted that the proposed development will only meet the National Planning Policy Framework’s requirements in relation to flood risk if the following planning condition is included:-

“The development shall be carried out in accordance with the submitted flood risk report (FRR)(18349) submitted from Topping Engineers dated October 2018 and the following mitigation measures it details:

- The finished floor levels set no lower than the existing as stated on page 9 of the submitted FRR”.

They have also noted that:

- a) the applicant has stated that the proposal is to retain the existing concrete slab construction to the building floor. These mitigation measures shall be fully

implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development. To reduce the risk of flooding to the proposed development and future occupants.

In addition a suggested informative on flood resistance and resilience, registering for the Floodline Alert/Warnings Direct it is noted that the LPA should liaise with the emergency planning section and considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

- 2.11 **SUDS and Development Control Officer** – Confirmed that the information on the historic infiltration testing has effectively shown that the infiltration provides a viable means of dealing with surface water, and thus recommended a condition on treatment of surface water scheme being agreed prior to the commencement of development. Subsequent to these comments the Applicants provided additional drainage information, which confirmed that the Officer has reviewed that additional submitted information, nothing has specifically been submitted to address the water quality condition. However, from reviewing Drainage Strategy drawing C-50 prepared by Topping Engineers and dated April 2019, it would appear that the roof water will be drained to rainwater harvesting tanks before discharging to the infiltration basin. The roof water does not appear to pass through any treatment facility such as an oil interceptor etc, as per the requirement of the condition. The yard areas are shown to comprise of crushed limestone – this would suffice in terms of pollution control as pollutants from the machinery will spill and infiltrate into the stone, rather than be directed to a surface water storage facility. In light of the additional information provided I confirm that condition LLFA C5 is no longer required. As such the LLFA position remains that it has no objection to the proposed development. However can you please add Drainage Strategy Drawing C-50, dated April 2019 to the list of approved documents, or alternatively apply the following compliance condition to any approved planning permission:

The development shall be carried out in accordance with the details shown on the submitted Drainage Strategy Drawing - C50 prepared by Topping Engineers (dated April 2019), unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure satisfactory delivery of the Sustainable Drainage System.

- 2.12 **Ainsty Area Internal Drainage Board** – Have made comments on the application noting the need for a sustainable drainage scheme for the site and appropriate testing of soakaways.
- 2.13 **Yorkshire Water** – No comments received within the statutory consultation period.
- 2.14 **Emergency Planning** – have advised that they would not expect any need for an Evacuation Plan given the nature of the use, support use of informative referring the developer to the Flood Warnings Direct Alert service.
- 2.15 **Natural England** - Initial comments on the application requested additional information from the Applicants in terms of the sites relationship to the Kirkby Wharfe SSSI, Bolton Percy SSSI and the Sutton Ings SSSI. Further information was provided by the Applicants in April and May 2019 and Natural England

confirmed in comments dated 28th May 2019 that they have no objections to the scheme.

- 2.16 **NYCC Ecology** – Noted the Preliminary Ecological Assessment undertaken by Smeedon Foreman and confirmed that it is considered unlikely that the scheme will impact on the SSSI and noted in responding that the recommendations of the report at Sections 5.2.2, 5.3.10, 5.3.14 and 5.4.1 should be secured on any planning permission.
- 2.17 **Landscape Officer** – Noted that would expect to see a detailed scheme for native hedgerow planting at the site boundaries together with details of the boundary fencing. Boundary fencing should be agricultural in style. The hedgerow planting scheme should include locally occurring native species with details of plant size, quantity and % mix, establishment maintenance and aftercare. Planting should be implemented in the first available planting season.
- 2.18 **North Yorkshire Bat Group** – no response received in the statutory consultation period.
- 2.19 **Police Architectural Liaison Officer** - no response received in the statutory consultation period.
- 2.20 **North Yorkshire Fire and Rescue** – confirmed no objections to the application and that the applicants would need to submit for Building Regulations approval.
- 2.21 **Primary Care Commissioning** - no response received in the statutory consultation period.
- 2.22 **County Council Planning Officer** - no response received in the statutory consultation period.
- 2.23 **Neighbour Summary** – All immediate neighbours were informed by letter, a site notice was erected and an advert placed in the local press. The application received 10 or more letters of representation which raise material matters of objection.

The comments in **objection** can be summarised as follows:-

Principle of Development and Extent of Operation

- The applicants have failed to demonstrate that the scheme is essential for agricultural purposes and is not “consolidation” as stated by the applicants – it is a material increase in size over what exists at West Farm and Fold Yard and is a significant intensification and concentration of the operation which will cause harm
- The need to relocate arises from planning permission being granted for residential development at West Farm Ulleskelf and to be able to progress a residential scheme for the Fold Yard in Kirkby Wharfe not an agricultural necessity
- The application contains no evidence to support the contention that the development will improve the agricultural and environmental efficiency of the tenant therefore there is no basis for on which to judge whether or not the

development is necessary for agricultural purposes, indeed the environmental efficiency may be worse;

- The Applicants have referred to “diversification” of the farmstead however there is no evidence of diversification as the farm produces beef and will continue to do so;
- Improvements at West Farm and the Fold Yard would have less impact than the proposed approach;
- The livestock count will triple on the site with an associated increase in noise being generated by the livestock;
- Policy EMP14 specifically restricts the type of intensive livestock units and the application fails to address this policy.
- The scheme is out of scale with the current operations and the surrounding area

Amenity

- The scheme is intensification of agricultural use, tripling the livestock area, with additional tractor and barn storage which will result in an increase in noise from animals and vehicles, smell, light pollution and potential for increased vermin which will have a significant effect on residential amenity;
- Will result in light pollution thus increasing the pollution already experienced from the orange and white lighting to the cattle shed already on site
- The route of the access from opposite the graveyard is within 50m of residential properties namely Mallayn Lodge
- The proposed silage store is less than 300m from Mallayn Lodge and will impact on amenity of the occupiers and this should be relocated to limit impacts from odour of silage and drainage run off
- Design of the scheme could be improved through use of hardstanding areas that can be effectively cleaned

Highways

- Vehicle traffic will be increased and intensified as a result of noise, disturbance and mud on the highway and light and environmental pollution emissions
- No context for the controlling of access via the access opposite the cemetery and in any instance this access track is onto a narrow county lane, where the sight lines and width of the road appear insufficient for farm vehicles to safely manoeuvre and the internal layout looks tight for manoeuvring of vehicles;
- Given that livestock will be housed indoors from 1 November to 1 May there is a lack of information on manure / effluent management and the resultant vehicle movements that would ensue.

- Road safety assessments should be undertaken of the proposed access opposite the cemetery
- The access from the main road to the site is unlit, and single track with no footpath and is used by school children / horse riders so safety will be compromised by increase vehicle movements
- The use of the access opposite the graveyard will impact on this historic access
- The use of the access opposite the graveyard will limit parking in this area
- The road is currently experiencing an increase in traffic due to development in Ulleskelf and Church Fenton and the exist to Raw Lane from Kirkby Wharfe is currently a blind exit

Landscaping

- EMP13 (5) requires adequate screening and landscaping. The application shows screening via mature plants, but how will this requirement be complied with in the short or medium term
- Previous offers to undertake landscaping have not come to implementation and a condition on landscaping should be utilised to screen and landscape the development and this should include mature trees and quick growing species so as to benefit nearby residents and help filter noise, smells , emissions and light
- The landscaping approach should be clarified and the site should be surrounded by banking with planting of fast growing and mature trees for instant impact which would be more effective than just hedging and native trees

Nature Conservation / Biodiversity and Habitats

- The applicants have not demonstrated how the scheme relates to EMP13(6) or ENV8
- The information provided on treatment of manure stores and slurry lagoons and emissions from livestock is insufficient to establish harm on vegetation and habitats and habitat bio-diversity
- Ammonia emissions and air quality are a concern in terms of impact on SSSI's in the area
- No evidence of consideration of bio-diversity net gain within the submissions

Heritage and Archaeology

- The submission when considering heritage fails to acknowledge that the site is in the heart of a medieval settlement and there is insufficient information provided to allow an assessment and to ensure that there will be no harm and archaeological investigations should be required before permission is granted
- Agree with the response from Mr Rowe NYCC Heritage Officer and support his recommendations and conditions.

Flood Risk and Drainage

- The site includes Flood Zone 2 and 3 land, and this form of development should not be permitted in these high risk flood areas
- The water table in this area is high and the ground is prone to flooding and this development will significantly increase the risk of flooding in wet period for the whole village
- Leakage of manure, slurry and other substances potentially noxious to the environment possible
- The initial information provided on flood risk and drainage is unsatisfactory and no detail is provided on the approaches to be utilised and later submissions by the Applicants are no up to date nor does it confirm the soakaway capacity as such there is no confirmation in place that the use of soakaway can accommodate the development.
- Flooding has occurred at Mallyan Lodge and The Croft within garden areas since 2008 since the construction of the cattle shed
- There are already issues with drainage in the vicinity of the site and the pond shown on the plans was only recently dug and is small in size
- Existing problems will only be exacerbated by the proposals and account should be taken of the views of the ILFA Officer in determining the application and up to date testing should be undertaken and old data should not be relied upon.
- It should be questioned who will be responsible for doing the drainage works – the tenant or the owner?

Other Matters

- The scheme would require relocation of a overhead power line and its siting underground however the application fails to provide any information on why this is necessary, how this will be done and whether the applicants can control this or deliver it.
- The Council has not sent a letter advising of the application to the Occupiers of “The Croft”
- The membership of the Parish Council, consulted on this application, includes the Applicants and the Tennant of the Farm.
- Many of the properties affected by the development are tied dwellings and this may impact on the level of comment on the application.

The comments in **support** can be summarised as follows:-

- Parkhill Vets Ltd, as vets for Home Farm for 30 years, note support for the scheme noting that the building will greatly improve the health and welfare of the cattle and enhance under foot conditions will be possible within new

accommodation over that currently used. Also note that the new provision will assist in disease prevention, with a design that will make mucking out and cleaning easier as well as monitoring of sick or calving animals.

- Occupiers of an adjacent dwelling / nearby dwellings note support for the scheme on the following grounds:
 - As will reduced vehicles movements as journeys to older yard in Ulleskelf would not be required,
 - As will improve road safety, will allow farm to not have to use out dated buildings in the centre of the village and at Ulleskelf
 - Comments that the area is not prone to flooding and did not flood at the Boxing Day floods
 - As will accounts for animal welfare and modern farming practices
 - As will improve the village and make more pleasant

The comments made **neither supporting or objecting** can be summarised as follows:

- Support that HGVs will not be coming through the village and will be using the access opposite the cemetery
- The use of this access will remove the necessity for traffic to negotiate the very narrow Main Street

3. Site Constraints and Policy Context

Constraints

- 3.1 The site is in the open countryside, outside the development limits of any settlement and part Flood Zone 2 and part Flood Zone 3. The site is also noted as potentially contaminated from agricultural use.
- 3.2 There are a series of listed buildings in the settlement, with Woodside Cottage (Grade II) and The White House (Grade II) and within proximity of a Listed Building being the closest to the north west of the application site.

Policy Context

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.
- 4.3 The National Planning Policy Framework (February 2019) (NPPF) replaced the July 2018 NPPF, first published in March 2012. The NPPF does not change the status

of an up to date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.

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

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

Selby District Core Strategy Local Plan

4.5 The principal Core Strategy Local Plan policies are:

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

4.6 Policy SP1 of the Core Strategy outlines that *"when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework"* and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in the NPPF in relation to the presumption in favour of sustainable development and decision taking.

4.7 Development in the countryside is limited in SP2 to the replacement or extension of existing buildings, the re-use preferably for employment and well-designed new buildings of an appropriate scale which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities.

4.8 SP13 (c) relates to scale and distribution economic growth in rural areas and supports growth in local employment opportunities or expansion of business and enterprise including, diversification of agriculture and other land based rural activities, noting that development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area and seek a good standard of amenity.

4.9 SP15 relates to ensuring that account is taken in decision making of flood risk, sustainable drainage, contamination, and that design and layout of development contributes to reducing carbon emissions and where necessary and appropriate improve energy efficiency, incorporate sustainable construction, sustainable drainage methods, enhance habitats including landscaping, minimise traffic growth and make provision for renewable / decentralised energy.

- 4.10 SP18 relates to the consideration of the impacts of development in terms of protecting and enhancing the environment, considering historic context, ecology, green infrastructure, landscape, bio-diversity, pollution and energy / water consumption alongside steering of development to area of least environmental and agricultural quality.
- 4.11 Policy SP19 promotes high quality design and provides that development proposals should have regard to local character, identity and context including being accessible to all.

Selby District Local Plan

4.12 The relevant Selby District Local Plan policies are as follows:

- ENV1 - Control of Development
- ENV2 – Pollution and contaminated land
- ENV3 – Light Pollution
- EMP13 – Control of Agricultural Development
- ENV28 – Archaeological Remains
- T1 – Development in Relation to the Highway Network
- T2 – Access to Roads

- 4.13 Policies ENV1, ENV2 and ENV3 of the Local Plan set a context for the consideration of the impacts of a development in terms of effect on character of the area, amenity, highways, capacity of local infrastructure, design, layout, materials, ecology, archaeology, contamination, light pollution, groundwater pollution, energy conservation and allowing for the consideration of any material consideration.
- 4.14 Policy EMP13 of the Local Plan outlines that agricultural development will be permitted provided the proposals are necessary for agricultural purposes; is well related to existing farm buildings or situated on a site which minimises its visual impact; would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity; is of a scale and design appropriate to its setting; is adequately screened and landscaped; and would not harm acknowledged nature conservation interests or a historic park or garden.
- 4.15 Policies T1 of the Local Plan relate to consideration of the highways impacts of development. Policy T1 notes that development should be well related to existing highways networks and will only be permitted where existing roads have adequate capacity otherwise off site highways works may be required. Policy EMP13 (3) notes that agricultural development will be permitted provided that it “would not create conditions prejudicial to highways safety or which would have a significant adverse effect on local amenity.”
- 4.16 Reference has been made in comments on the application to “Policy EMP14 – Intensive Livestock Units” of the Local Plan. This policy is not considered relevant to the determination of the application on the basis that the nature of the activities undertaken on the site the operation doesn’t constitute intensive livestock farming, if the cattle are spending on average half of the year grazing outside. In addition in earlier applications for development on the site have not considered the operation to be intensive in nature.

5 APPRAISAL

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

1. Principle of Development and Extent of Operation
2. Design and Layout including Visual Impact
3. Impact on Residential Amenity
4. Impact on Highways
5. Impact on Heritage Assets including Archaeology
6. Flood Risk, Drainage and Climate Change
7. Landscaping
8. Nature Conservation / Biodiversity and Habitats
9. Contamination
10. Other Matters arising from Consultations

Principle of Development and Extent of Operation

- 5.2 The Selby District Core Strategy Local Plan Policy SP2 is silent on agricultural development per se, but does include well-designed new buildings of an appropriate scale which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities.
- 5.3 Policy EMP13 of the Local Plan outlines that agricultural development will be permitted provided the proposal are necessary for agricultural purposes; is well related to existing farm buildings or situated on a site which minimises its visual impact; would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity; is of a scale and design appropriate to its setting; is adequately screened and landscaped; and would not harm acknowledged nature conservation interests or a historic park or garden.
- 5.4 The new buildings are sited adjacent to existing farm buildings, with two being to the immediate east and one to the immediate south. The units are agricultural in design with solid concrete panel sides and open sides, cantilevered eaves, feeding provision, a silage area and hardcore circulation areas. There is also landscaping shown surrounding the development and gated access to the fields to the east of the yard area. The new buildings would reflect the scale and massing of the existing provision on the site as would their materials.
- 5.5 In terms of the scheme being necessary for agricultural purposes then the submitted Planning, Design and Access Statement (dated January 2019) outlines that the scheme seeks to modernise the operation and consolidate the operation onto one site thus bringing cattle housing and bedding storage from West Farm and Fold Yard to Home Farm. In addition it is noted that all farmyard manure handling would be on the site rather than being split across three locations, as well as the cattle being in a single location thus assisting in animal care / husbandry.
- 5.5 To underpin this position the Planning, Design and Access Statement (dated January 2019) also notes that the buildings at West Farm have deteriorated due to their age, are not fit for purpose, do not meet current standards for livestock welfare / care in terms of ventilation and light, there is a lack of cattle handling facilities at the site and the provision does not provide a safe working environ. In addition the poor quality of surfaces means that surface water is at risk of pollution. In terms of the area used at the Fold Yard then this is noted as being in disrepair, functionally unsuitable and potentially hazardous for animals and workers alike. In addition

these buildings are noted as being nestled between cottages in the central part of the village impacting on amenity and requiring traffic movements in the central part of the village between the Fold Yard and Home Farm / West Farm.

- 5.6 In terms of the need for the farm to move from West Farm then the submitted Planning, Design and Access Statement (dated January 2019) outlines that the proposals will support agricultural and environmental efficiency of the tenant as well as providing modern and functional facilities to operate as a rural business thus enabling the tenant to continue operations and the landowner to future proof his activities in a main farmstead.
- 5.7 Although, it is acknowledged by Officers that the moving of operations from West Farm arises in part as a result of the outline consent being granted for residential re-development of that site, and moving operations from the Fold Yard to the north west of Home Farm would also potentially allow for conversion of these building, but this is not part of the application being considered.
- 5.8 The applicants have set out a clear case for the consolidation of the operation based on agricultural grounds, which is also supported by their Vets on health and welfare grounds. They have also set out a case for the extent of the accommodation being provided at the site.
- 5.9 As such it is considered that it has been demonstrated that the scheme is necessary for agricultural purposes and the scheme is considered acceptable in principle subject to consideration of the siting, design, highway impacts, landscaping and impacts on nature conservation which will be assessed later in the report.
- 5.10 In terms of whether the application represents “intensive agricultural operations”, and thus whether the principle of the development should be considered against Policy EMP14 of the Local Plan. As noted above the extent of the operation has been considered by officers and having taken into account the basis for Policy EMP14 it is not considered that the operation is intensive and as such the scheme is not required to be considered against this Policy in the view of Officers.
- 5.11 Objectors have also stated that they consider that improvements at West Farm and Fold Yard would have less impact than the proposed approach. The Council is not being asked to consider whether there is an alternative approach and has to assess the scheme as submitted.
- 5.12 On balance it is considered that the applicants have demonstrated a case for the development on agricultural grounds, which will support a rural business and the local economy. The principle of additional agricultural buildings at Home Farm is considered acceptable and to accord with Policy SP2 of the Core Strategy and Policy EMP13 of the Local Plan subject to the consideration of the siting, design, highway impacts, landscaping and impacts on nature conservation which will be assessed later in the report.

Design and Layout including Visual Impact and Landscaping

- 5.13 Policy ENV1 requires consideration of the design and layout of schemes and their effect on the character of the area, in addition Policy EMP13 of the Local Plan considers the approach on the design of new agricultural buildings, in terms of them being well related to existing farm buildings or situated on a site which minimises its

visual impact being of a scale and design appropriate to its setting and adequately screened and landscaped.

- 5.14 The site lies in open countryside and the new barns / sheds immediately adjoin the existing agricultural buildings and the farmhouse. The site sits within the context of the village and is currently visible from a series of surrounding properties, but also as entering the village from Raw Lane (B1223) and as travelling along this road from Ulleskelf towards the A162 Tadcaster Road. Current surfacing of the farmyard is varied in nature and there is existing hedgerow planting on the boundaries of the current farmstead.
- 5.15 The proposed buildings are sited to the east of the existing farm buildings with the exception of Building D (Straw Barn) which is set to the south of the new buildings. The Planning, Design and Access Statement (dated January 2019) notes that as a result of discussions with the neighbours during a pre-submission consultation the location of Building D was amended to seek to reduce the visual impact on Mallayn Lodge to the north west. It is also noted that the other barns have been sited to sit in the context of the existing barns. The Site Layout Plan also shows additional hedge planting around the site, the specification for which is not defined. However, the submitted the Planning, Design and Access Statement (dated January 2019) notes that this was increased in extent following pre-submission consultation that were undertaken by the Agents.
- 5.16 Objectors have raised concerns in terms of the location of the silage store, the securing of the landscaping, whether there should be bunding around the site over just landscaping and whether the hardcore areas should be improved to assist in cleaning. The Vets in supporting the application have noted that the approach being taken will assist disease prevention, assist in mucking out and cleaning as well as monitoring stock.
- 5.17 The siting of the new buildings and the proposed massing / scale set to the east of the existing barns and the south east of the farmhouse means that they will sit against the existing built form of the grouping. In addition the siting of Building D not only sits in the context of the grouping but also is sited in such a manner to be appropriately sensitive to the views from Mallayn Lodge which has been visited by Officers. In terms of the views of the buildings when entering the village from the B1223 (Raw Lane) then the buildings will be visible as they will be from "The Croft" which lies to the south of the application site however they will read as part of a farm grouping which is characteristic of this area and any agricultural area and additional hedgerow planting is also proposed to assist. In terms of the siting of the silage store then clearly there will be a need for such a provision on site and this has been located in the southern section of the site which is also considered to be acceptable.
- 5.18 The siting of the silage store has been justified by the applicants in this location on the basis that the silage needs to be located within close proximity to the barns to assist in ensuring efficiencies of operations and internalise the storage to within the farmstead thus assisting in minimising the noise and disturbance created by the activity. They have confirmed that the grass cut is made into haylage not silage so has a higher dry matter content so no silage effluent is made as it is wrapped in plastic bales bale wrap measuring 0.91 metres (3ft) diameter These bales are then stacked on 3 bales high to a height of approximately 2.74 metres (9 feet). They have also advised that the current area of the haylage bales storage at Home Farm

will be built over with the new farm building isolation livestock unit and that the new storage area is a replacement not an additional storage area.

- 5.19 It is considered that the buildings would appropriately read as part of a grouping, are well related to the existing grouping and also are of a character appropriate to the area, and of a layout and design which minimises the visual impact on the area in accordance with Policy EMP13 and ENV1 of the Local Plan whilst meeting the agricultural need and function.
- 5.20 In terms of the landscaping of the site then the current boundaries of the site are defined either by hedging, post and rail fencing or post and barrier fencing. The submitted "Site Layout Plan (ref 599-02 Revision G)" shows areas of landscaping around the resultant farm grouping with an access gate to the adjacent farmland to the east. There is no specification for this planting, nor have any boundary treatments being confirmed as part of the application.
- 5.21 Having consulted the Councils Landscape Officer then they have advised that the use of an earth bund in this case would not be appropriate or necessary and in any instance the proposed buildings are characteristic of the area and the use of the hedging as shown on the site layout plan is appropriate. In terms of the this hedging then it is noted that limited detail has been provided on the mix of this hedgerow other than within the Ecology Report which notes use of native berry bearing tree and shrub species and the under sowing of a wildflower mix to the new hedgerow. In this context it is considered that a condition should be utilised to not only secure a full specification for the planting but also its implementation and retention.
- 5.22 In conclusion it is considered that the siting of the buildings in close proximity to the existing farmhouse and farm buildings alongside sensitive siting and landscaping means that the expansion of the farm grouping with buildings that are characteristic of the area is in accordance with Policy ENV1 and EMP13 of the Local Plan and the approach of the NPPF.

Impact on Residential Amenity

- 5.23 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. 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" and Policy EMP13 (3) also notes that schemes should not have a significant adverse impact on local amenity".
- 5.24 Home Farm sits on the edge of the settlement of Kirby Wharfe and the tenant currently utilises both the provision at Home Farm but also the Fold Yard approximately 60 metres to the west of the Farmhouse alongside using accommodation at West Farm in Ulleskelf.
- 5.25 The application was subject to pre-submission consultation by the farm via their Agents and changes were made to the scheme to seek to address concerns in terms of the impact on amenity, which included increasing landscaping and re-siting

of the proposed buildings, as noted above. The submitted Planning, Design and Access Statement (dated January 2019) notes that changes were made to the scheme in the context of this consultation. The same Statement notes that the proposals will mean that there will no longer be a need for daily vehicle movements between Home Farm and The Fold Yard and West Farm, which is argued as a benefit of the scheme from an environmental perspective and from a vehicle movement perspective also.

- 5.26 Additional information received from the Agent under cover letter of the 20th March 2019 noted that

“As the main farmstead for the holding, the majority of activity already takes place at Home Farm, these activities will continue irrespective of planning permission for new structures. Therefore, the impact of relocated activity on the amenity of residents near Home Farm is considered limited, new activity will not be overwhelmingly unacceptable above the level of activity that is already present”.

noting that

“Many comments pertain to current farm operations, the proposed design adheres to national welfare standards achieving safety and environmental improvements by providing new facilities that are easier to clean, maintain and operate. The farm tenants are certified Farm Assured British Beef and Lamb (FABBL) farmers who are extremely proud of the beef they produce. Cleaner cattle housing is important in producing high quality beef and reducing potential risk of disease and infection, the designs reflect this.”

As such the Agents argue that “current farm operations are time-consuming, inefficient and fail to utilise all equipment available at Home farm. The proposals will make this holding less intensive whilst improving efficiency, safety and environmental management of the farm as to maintain the Goodrick’s stature as producers of high quality beef”.

- 5.27 In commenting on the application and the information provided in March 2019 by the Agent the Council’s Environmental Health Officers have raised no objections to the scheme. They have in making these comments considered the initial submissions and the additional information noted in the 20th March 2019 submissions.
- 5.28 Objectors have raised concerns in terms of the noise impacts on occupiers of nearby dwellings, increased light pollution, increased use of the access past Mallayn Lodge and the location of the silage store.
- 5.29 The Home Farm operation is already present within the village and there is also significant activity within The Fold Yard and at West Farm Ulleskelf. The Applicants have argued that they have designed the scheme to seek to take account of the comments of neighbours as a result of pre-submission consultations, and the scheme shows the new accommodation sited away from existing dwellings, to the east of the existing barns and set back from the access frontage within the village itself. In addition one of the purported benefits of the scheme that is outlined by the Applicants is that the scheme will allow for the consolidation of the farms activities in one location, thus removing the activities on The Fold Yard in the central part of the village and from West Farm Ulleskelf.

- 5.30 It should also be noted that the proposed development is subject of the application on the basis that prior notification for the erection of agricultural buildings could not be pursued given the scale of the accommodation to be provided, however the Estate could over the passage of time through numerous submissions secure consent for the range of buildings being proposed under this submission. So as a result of the application being via a single Full Application, then the approach to the site can be fully assessed and conditions can be sought that ensure some of the benefits are derived from the development, such as defined access points, cessation of use of The Fold Yard which would not be possible via a prior notification process.
- 5.31 It is accepted that the scheme will result in a change to the environment in the village as a result of the erection of the additional buildings, and the re-arrangement of activities by the farm through consolidation on the site. As noted above the key benefit of the scheme set out by the applicants is that the use of the Fold Yard will cease and there will be reduced traffic movements not only between The Fold Yard but also between Home Farm and West Farm in Ulleskelf.
- 5.32 The impact of the development on residential amenity has to be considered in the current operations, the nature of the proposed use and the extent of control that can be afforded to ensure that the operation does not adversely affect surrounding occupiers in amenity terms.
- 5.33 The proposed scheme is clearly for agricultural use and it is considered that it has been designed not only to take account of the farming needs but also in such a manner to take account of surrounding residential properties in terms of the siting of the barns, and the introduction of new landscaping on the site boundaries. In addition the Agents have also confirmed that they would accept use of a condition requiring that activities cease at The Fold Yard and at West Farm Ulleskelf within 3 months of the of the completion of the scheme, so there is certainty that the uses would cease at these locations. In addition there would be benefits arising from the reduction in vehicle movements in amenity terms for the residents of the village. In commenting on the application then the Council's Environmental Health Officers have raised no objections to the proposed scheme.
- 5.34 In terms of the lighting of the site then there are no details provided of lighting for the new barns as part of the application and although it is anticipated that such lighting would be required to allow for animal care, it is considered that details of any floodlighting can be agreed post decision and controlled via condition in the interest of amenity, ecological protection and for the avoidance of doubt.
- 5.35 In terms of the increased use of the access past Mallyn Lodge then the Applicants Agent has advised that the access is in use and this was evident on site. Clarification has also been provided on the anticipated extent of the HGV movements which has been confirmed as expected to be an average of approximately 3-4 per month, and they have also advised that the quantum of deliveries will remain the same as the size of the herd is remaining the same. In terms of the impacts of the increased use of this access then this has to be balanced against the benefits in amenity terms as a result of reduced traffic between the Fold Yard / West Farm and Home Farm through the consolidation of the farms activities at one location and it should be noted that not all traffic is using this access only HGV's. On balance it is considered that the level of movements is

of a scale that is when balanced to the benefits of HGV's not accessing the farm through the village acceptable.

- 5.36 As such it is considered, subject to a condition on lighting, that the proposals will not give rise to unacceptable levels of noise or nuisance or impact on amenity which would in a rural area amount to a significant adverse impact on local amenity. As such the scheme is considered to accord with Policies ENV1, ENV2A and EMP13 of the local plan and the approach of the NPPF.

Impact on Highways

- 5.37 Policies ENV1 (2), of the Local Plan require development to ensure that there is no detrimental impact on the existing highway network or parking arrangements. Policy T1 of the Local Plan relate to consideration of the highways impacts of development. Policy T1 notes that development should be well related to existing highways networks and will only be permitted where existing roads have adequate capacity otherwise off site highways works may be required. Policy EMP13 (3) notes that agricultural development will be permitted provided it "would not create conditions prejudicial to highways safety or which would have a significant adverse effect on local amenity." It is considered that these policies of the Selby District Local Plan should be given significant weight as they are broadly in accordance with the emphasis within the NPPF.
- 5.38 The Layout Plan shows that access would be taken to the grouping via the two existing accesses with the HGV and Farm access being via the access opposite the Graveyard so to the west of the village, and the residential / minor vehicle access being from the access adjacent to the farmhouse. The submitted Planning, Design and Access Statement (dated January 2019) outlines that the consolidation of the farm activity onto the one site will reduce movements as trips between sites will no longer be required, and there would no movements into the Fold Yard.
- 5.39 Objectors have noted concerns in relation to highways in terms of increased highways movements resulting in noise disturbance, likelihood of mud on the highway, conflict of vehicle / pedestrian / horse movements on the narrow network, need for vehicle movements arising from the movement of effluent and the access roads being unlit. In addition comments have been made in support of the application in relation to highways noting that it is considered that the scheme will reduce movements as the farmer would not need to move between sites to manage stock and that there would be enhancement to the village as a result.
- 5.40 In terms of the noted concern that the development will increase mud on the road, then it is not within the remit of planning to address such issues, and this would be a matter for the Highways Authority should there be an issue on the adopted highway as a result of the farms activities.
- 5.41 In commenting on the application the NYCC Highways Officers have raised no concerns in terms of highway safety or conflict and have noted a suggested condition relating to the construction of the access in accordance with their standard details, a restriction on gates being added within 13 metres of the carriageway and provision of drainage to prevent surface water from discharging onto the existing or proposed highway which and shall be maintained thereafter to prevent such discharge. They have no objections subject to such a condition which has been confirmed as acceptable to the applicants as a pre-commencement condition and

that these works can be delivered within highways land or land in the applicants control.

- 5.42 It is considered that in the context of no objections from NYCC highways and the benefits of a defined access approach, alongside reduced movements between the different sites used by the holding, then on balance the scheme is accepted in highways terms subject to the noted condition as suggested by NYCC Highways. As such it is considered that there is no detrimental impact on the existing highway network and it would not create conditions prejudicial to highways safety to warrant refusal on highways grounds and as such the scheme accords with ENV1 (2) and EMP13 of the Local Plan.

Impact on Heritage Assets including Archaeology

- 5.43 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. Whilst considering proposals for development which affects a Listed Building or its setting, regard is to be made to Section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.
- 5.44 The site lies to the east of Woodside Cottage (Grade II) and to the south east of "The White House" (Grade II) as such for expediency the application was advertised as being within the proximity of these listed buildings. Consultations were also undertaken with the NYCC Heritage Officer who consider archaeology and the Councils Conservation Officer.
- 5.45 The submitted Planning, Design and Access Statement (dated January 2019) does consider the impact of the scheme on the noted heritage assets outlining that the noted assets and concluding that the new development have a negligible effect on the heritage assets of the village through their siting, design and the introduction of additional landscaping as well as on the basis that the development is an expansion of an existing agricultural operation.
- 5.46 In commenting on the application the Conservation Officer noted there is an assessment within the supporting document but it is minimal and assesses the impact as having a positive impact, however it is unlikely that the construction of large agricultural structures will have a positive impact. The development is likely to change the setting of the listed buildings and may cause a low level of harm to their significance due to the scale of the development. It is considered that there is a clear segregation between the new buildings and the listed buildings as a result of not only distance but the existing agricultural buildings, and the land occupied by the new buildings is already in agricultural use and the buildings are of a design, character and type that would be expected in the location. As such although it is accepted that there will be some harm this is not considered to be significant harm and as such to warrant refusal on the grounds of harm to the Listed Buildings.
- 5.47 In terms of the archaeological assets then the NYCC Heritage Officer in commenting on the application has noted the portal construction and advised that the proposed buildings will have limited impact on below ground deposits, and it is likely disturbance occurred over the last 200 years. As such the Officer has advised that the impact on archaeological remains is likely to be localised can be offset by

appropriate mitigation recording during the site preparation and construction, on this basis a condition is suggested for archaeological monitoring in accordance with a written scheme and investigation recording. This is considered reasonable and appropriate.

- 5.48 As such, subject to the noted condition, the scheme is on balance considered to accord with Policies ENV1 and ENV28 of the Local Plan, Policies SP18 and SP19 of the Core Strategy and the NPPF.

Flood Risk, Drainage and Climate Change

- 5.49 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..
- 5.50 The site lies partly within Flood Zone 2 and Flood Zone 3 and as such a Flood Risk Assessment has been submitted by the developer and advice has been sort from the Environment Agency on the application.
- 5.51 The application form confirms that the site will utilise a sustainable drainage approach, with use of soakaways and flows being directed to an existing pond which is to be enlarged. In specific response to comments from consultees / neighbours the Agent have provided additional information on soakaway testing, impermeable areas and the drainage approach, and the proposed approach has been shown on Plan 18349-C-50 "Drainage Strategy" dated April 2019.
- 5.52 Objectors have noted concerns in terms of the drainage impacts of the development, the need for a clear system and the possibility of floods.
- 5.53 In terms of the sequential test then the applicants have noted that the site is in Flood Zone 2 / 3 and that the use is a "less vulnerable" use (i.e. agricultural use and buildings") in terms of the consideration of flood risk and application of the sequential testing. The Planning Practice Guidance outlines that when applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken so for example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere. The application is considered to be an consolidation of the farm business onto a single site and as such it is considered that a pragmatic approach is to consider the scheme to be not only a less vulnerable use but also sequentially acceptable. In addition as noted above the application is accompanied by an FRA, soakaway testing and a drainage scheme.
- 5.54 In commenting on the application the Environment Agency (EA) has raised no objections subject to the scheme being progressed in line with the FRA and noted measures.
- 5.55 The SUDS Officer has confirmed that the information on the historic infiltration testing has effectively shown that the infiltration provides a viable means of dealing with surface water, and thus recommended a condition on treatment of surface water scheme being agreed prior to the commencement of development. Comments from the SUDS Officer are awaited in terms of the Plan 18349-C-50 "Drainage Strategy" dated April 2019 have been received and they have requested

that the scheme be implemented in accordance with the April 2019 submission plan and noted conditions..

- 5.56 The EA made reference in their response to the need for the Applicants to take account of Flood Alert services and to have an evacuation plan. In line with the advice of the Emergency Planning contact at NYCC this can be covered via an informative.
- 5.57 In terms of climate change then the 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. Having had regard to the nature and scale of the proposal, it is considered that its ability to contribute towards reducing carbon emissions, or scope to be resilient to the effects of climate change is so limited that it would not be necessary and, or appropriate to require the proposals to meet the requirements of criteria of SP15 (B) of the Core Strategy. Therefore having had regard to Policy SP15 (B) it is considered that the proposal is acceptable.
- 5.58 It is considered that subject to the implementation in accordance with the submitted FRA and Plan 18349-C-50 "Drainage Strategy" dated April 2019 is considered to acceptable and accord with the noted Policies of the Local Plan and Core Strategy and the NPPF.

Nature Conservation / Biodiversity and Habitats

- 5.59 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.
- 5.60 The application is accompanied by Preliminary Ecological Appraisal (PEA) dated November 2018 and following comments from Natural England additional information was provided in the form of a SCAIL Assessment by the applicants.
- 5.61 The Preliminary Ecological Appraisal prepared by Smeedon Foreman assessed protected species and, considered statutory and non-statutory protected sites and assessed the habitat on site. It concluded that the site is of minimal ecological conservation interest though the hedgerow is of some value. The report also identifies a series of mitigation measures including noting suggested species for the new hedgerow, precautionary working methods in relation to breeding birds, badgers and hedgehogs and as such concludes that if these are followed there would be minimal impact to local conversation status and protected species.
- 5.62 The SCAIL Assessment was submitted in the context of initial comments from Natural England who raised objections to the scheme in terms of the emissions associated with the cattle operation in terms of odour, ammonia and particulate matter and the impact of this on nature conservation assets and habitats. The Agent having undertaken these assessment thus advised that the existing position of cattle housing at Fold Yard and West Farm already exceeds the critical load levels of the assessment and the proposals lead to a marginally increase of deposition levels.

- 5.63 Objectors have also noted concerns in terms of overall impacts on nature interest including from manure stores and slurry lagoons, alongside impacts on SSSIs from ammonia and whether there is any bio-diversity gain arising from the development.
- 5.64 Consultations with the Natural England and the NYCC Ecologists have confirmed that they have no objections to the scheme with the County Ecologist advising that the scheme should be progressed in accordance with the recommendations of the report at Sections 5.2.2, 5.3.10, 5.3.14, 5.4.1, 6.1.2, 6.1.3 and 6.1.4 of the Preliminary Ecological Appraisal (PEA) prepared by Smeedon Foreman. In addition as noted above a full landscaping specification for the hedgerow will be required taking account of the recommendations of the noted Report.
- 5.65 In terms of bio-diversity net gain then NYCC Ecology has advised Officers that the submitted PEA and the noted sections confirm recommendation and mitigation which would amount to gain and in addition the approaches do reflect the advice of Natural England. As such it has been advised that the condition approach will secure to improvements and net gain can be considered to have been provided.
- 5.66 On balance it is considered that the Applicants have demonstrated to the satisfaction of the consultees that the impacts on protected species and habitats subject to the noted conditions.

Contamination

- 5.67 Relevant policies in respect of land contamination include Policy ENV2 of the Selby District Local Plan and Policy SP19 "Design Quality" of the Core Strategy.
- 5.68 Advice has been sort on the proposal from the Council Contamination Consultant as the site is identified as potentially contaminated on the Council's records as result of the agricultural activity on the site. They have advised that it would be appropriate to utilising an unexpected contamination condition for this application. Given the proposal to construct cattle sheds, a straw store and a tractor store there is limited risk to receptors on the site. The only potential risk would be the accumulation of gases and any potential gas generating materials would be identified during the development and be covered by the unexpected contamination condition.
- 5.69 Subject to the aforementioned condition, it is considered that the proposal would be acceptable in respect of land contamination and is, therefore, in accordance with Policy ENV2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

Other Matters arising from Consultations

- 5.70 A series of other issues have been raised in comments on the application. These are assessed in the following section.
- 5.71 The relocation of the overhead power line is a matter for the implementation of the development. The practicalities and costs of these works is not a matter for consideration at the planning application stage.
- 5.72 In the context of comments made on the scope of consultations, the application was advertised via site notices at both sides of the village, and additional letters were sent out to the noted properties.

- 5.73 Comments have been made on the membership of the Parish Council within objections, noting that the Parish Council includes the applicants and the tenants. The Parish Council in responding on the application have offered no specific comments on the submissions. In addition any questions over the governance arrangements of the Parish Council are not for a planning application to take account of and this matter would be considered by the Monitoring Officer if a complaint was to be lodged. Having checked with the Monitoring Officer no such submissions have been made.
- 5.74 Comments have been made noting that many of the properties affected by the development are tied dwellings which may impact on the level of comment on the application. The impact on amenity of occupiers of dwellings, be these private homes / rented or tied dwellings, is considered by Officers in assessing applications, comments do not need to be specifically made by an occupier to ensure any impact on the amenity of the dwelling is considered. As such a lack of comment from a property does not mean that the impact on that property is not assessed. In terms of the volume of comments received on the application as a result of consultations has resulted in comments from a range of properties and is at a level meaning that the application is being considered by committee, as such it is not considered that the tied occupancy status of the dwellings has in any way impacted on the assessment or consideration of the application.

Legal Issues

- 6.14 Planning Acts: This application has been determined in accordance with the relevant planning acts.
- 6.15 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.
- 6.16 Equality Act 2010: This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

Financial Issues

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

8. Conclusion

- 8.1 The scheme is for the consolidation of farming activities currently undertaken across Home Farm Kirkby Wharfe, the Fold Yard Kirkby Wharfe and at West Farm Ulleskelf by a tenant of the Grimston Park Estate. The application seeks consent for the erection of new buildings at Home Farm for agricultural use. On balance it is considered that the scheme is acceptable subject to conditions and informatives having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations.

9. Recommendation

The application is recommended for GRANT subject to the following conditions:

01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

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

- Proposed Site Location Plan Ref 599-13-A dated 11th January 2019
- Proposed Site Layout Plan Ref 599/02 Revision G dated 11th January 2019
- Proposed Cattle Isolation & Calving Units – Plans and Elevations Ref 599/03 Revision A dated 9th January 2019
- Proposed Cattle Shed A Plans Ref 599/04 dated 7th December 2018
- Proposed Cattle Shed A Elevations Ref 599/05 dated 7th December 2018
- Proposed Cattle Shed B Ref 599/07 dated 7th December 2018
- Proposed Tractor Shed C Plans Ref 599/08 Revision A dated 11th January 2019
- Proposed Tractor Shed C Elevations Ref 599/09 Revision B dated 11th January 2019
- Proposed Straw Barn D Plans Ref 599/10 Revision A dated 11th January 2019
- Proposed Straw Barn D Plans Ref 599/11 Revision B dated 11th January 2019

Reason: For the avoidance of doubt.

03. No development shall commence above slab level until a sample panel of the proposed materials mix to be used in the construction of all of the external surfaces and boundary walls shall have been prepared on site for inspection and approved in writing by the Local Planning Authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond, pointing technique and palette of materials (including any roofing, cladding or render) to be used in the development. The development shall be constructed in accordance with the approved sample.

Reason : In the interest of design quality.

04. The development shall be carried out in accordance with the submitted Flood Risk Report (FRR)(18349) submitted from Topping Engineers dated October 2018 and finished floor levels set no lower than the existing as stated on page 9 of the submitted FRR and Drainage Strategy Plan Ref 18349/C-50 dated April 2019. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants

05. The development shall not commence until a scheme, detailing the treatment of all surface water flows from parking areas and hardstanding through the

use of road side gullies, oil interceptors, reedbeds or alternative treatment systems, has been submitted to and approved in writing by the Local Planning Authority. Use of the parking areas/hardstanding shall not commence until the works comprising the approved treatment scheme have been completed. Roof water shall not pass through the treatment scheme. Treatment shall take place prior to discharge from the treatment scheme. The treatment scheme shall be retained, maintained to ensure efficient working and used throughout the lifetime of the development.

Reason: To prevent pollution of the water environment from the development site

06. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements
- a. The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E2.
 - b. Any gates or barriers shall be erected a minimum distance of 13 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
 - c. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and shall be maintained thereafter to prevent such discharges

Reason: In accordance with Policy T1 of the Selby District Local Plan and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience

07. No demolition or development shall commence until a Written Scheme of Investigation for an Archaeological Watching Brief has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:
- i. The programme and methodology of site investigation and recording
 - ii. The programme for post investigation assessment
 - iii. Provision to be made for analysis of the site investigation and recording
 - iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - v. Provision to be made for archive deposition of the analysis and records of the site investigation
 - vi. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the Written Scheme of Investigation and the development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation.

Reason: In accordance with Section 16 of the NPPF (paragraph 199) as the site is of archaeological significance.

08. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

09. The development hereby permitted shall be carried out in accordance with the mitigation and enhancement measures set out in Sections 5.2.2, 5.3.10, 5.3.14, 5.4.1, 6.1.2, 6.1.3 and 6.1.4 of the submitted Preliminary Ecological Assessment undertaken by Smeedon Foreman dated November 2018.

Reason - In the interest of amenity, ecological protection and for the avoidance of doubt

10. Notwithstanding the detail shown on Site Layout Plan Ref 599-02 Revision G no development shall commence above slab level until a full detailed landscaping and planting scheme and fencing details has been submitted and agreed with the Local Planning Authority.

The scheme shall include:-

- Details of the species, location, planting density and stock size in respect of all tree and shrub planting
- Details of the measures for the management and maintenance of the approved landscaping

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

Reason - in order to ensure for the preservation and planting of trees and landscaping in accordance with s.197 of the Act and in order to comply with saved Policy ENV1 of the Selby District Local Plan.

11. The existing agricultural activity at "The Fold Yard Kirkby Wharfe" (as shown on Plan J002325.PO1 dated 10th June 2019) and "West Farm Ulleskelf" ((as shown on Plan J002325.PO2 dated 10th June 2019) shall cease within **3 months** of the completion of the scheme hereby approved.

Reason: In the interest of residential amenity and for the avoidance of doubt and in accordance with Policy ENV1(1) of the Selby District Local Plan and the advice contained within the NPPF

Informatives

01. The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.
02. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage. To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the flood risk and coastal change pages of the planning practice guidance. The following documents may also be useful:
 - Department for Communities and Local Government: Preparing for floods <http://www.planningportal.gov.uk/uploads/odpm/400000009282.pdf>
 - Department for Communities and Local Government: Improving the flood performance of new buildings: <https://www.gov.uk/government/publications/flood-resilientconstruction-of-new-buildings>
03. The applicant/occupants should phone Floodline on 0345 988 1188 to register for Floodline Warnings Direct, or visit <https://flood-warninginformation.service.gov.uk/warnings>. It is a free service that provides flood warnings direct by telephone and mobile. It also gives practical advice on preparing for a flood, and what to do if one happens. By providing an advanced warning, it will allow protection measures to be implemented such as moving high value goods to an elevated level as well as evacuating people off site. It should also be noted that the occupiers / owners of the site will be responsible for any animal evacuation.
04. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in Conditions

9.2 Planning Application file reference 2018/1431/FULM and associated documents.

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Appendices: None