



1.2 The villages of Escrick, Deighton and Wheldrake lie at distances of approximately 1.81km, 1.89km and 2.42km from the site respectively. The site lies within an area of open countryside. There are isolated dwellings or agricultural holdings surrounding the site. A public right of way between Escrick and Wheldrake crosses the site at its entrance. Bridge Dyke crosses the site at its western point. The site falls largely within Flood Zone 1, with the area either side of the drain at the site entrance, lying within Flood Zones 2 and 3. The southern part of the site, comprising former displaced material from the mine shaft, is a designated site of importance to nature conservation (SINC).

1.3 Approval is sought for access, with all other matters reserved. An application has also been submitted to Selby District Council under the provisions for cross boundary developments. Access to the site is gained from an existing approximately 1.7km (1 mile) long road via its junction with the A19 north of the village of Escrick. The application has been revised since first submission and now proposes holiday accommodation split into two areas - 1.49ha of land available within the existing car parking area for use by touring campers and caravans (Woodland) and 6.24ha of land available within the existing mine pithead for static caravans (Bowl). It is likely that the proposed caravans would fall within the definition of a caravan in the 1960 Caravan Sites and Control of Development 1960, in that they would be a structure designed for human habitation which is capable of being moved from one place to another. There would be associated engineering works to create bases for the caravans, internal access roads and utility service connections. The application indicates the erection of a reception and shop (150sq.m.) and café bar (200sq.m.).

1.4 Outline consent (ref. C/8/999/18/PA) was granted in 1978 for the use of the site in connection with the mine complex, with reserved matters approval for the mine buildings and landscaping being granted in 1981 (ref. C/8/999/18G/PA). UK Coal submitted a planning application in 2000 (ref. 00/00680/FUL) for the retention of the mine buildings and their reuse for B1 (office and light industrial), B2 (general industrial) and B8 (storage and distribution) purposes, but was withdrawn prior to determination. Following legal advice in 2010, the Council took enforcement proceedings to require the removal of all plant, buildings and machinery from the site in order to comply with conditions of the outline and reserved matters consent. This was appealed by the landowner, but was held in abeyance by the Planning

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Inspectorate until alternative use of the site was investigated and was subject to due process through planning. Full planning permission (ref. 12/03385/FULM) was granted in 2014 for the demolition of the mine buildings and construction of an anaerobic digestion combined heat and power facility and horticultural glasshouse. Subsequently, in 2018, the enforcement notice was withdrawn following removal of the majority of plant, buildings and machinery and the implementation of the 2014 permission. A certificate of lawfulness to confirm implement of the 2014 permission was granted in 2017 (ref. 16/02791/CLD).

1.5 The application is considered to be EIA development as it falls within Schedule 2: Category 12 (Tourism and Leisure) Class c holiday villages. The Council provided a screening and scoping opinion in 2018 to confirm this, and the application is accompanied by an Environmental Statement (ES). In addition to the ES, the application is supported by a Planning Statement, Design and Access Statement, Tourism Supporting Statement and a Statement of Community Involvement. The latter outlines the pre-application consultation with CYC and public exhibitions to facilitate engagement with the local community. The main issues raised at the exhibitions were the potential increase in traffic at the junction with the A19 and the impact permanent residential accommodation would put on local services.

## **2.0 POLICY CONTEXT**

2.1 Yorkshire and Humber Regional Spatial Strategy policies:

- YH9(C)
- Y1(C1 and C2)

2.2 City of York Draft Local Plan Incorporating the 4th set of changes – Development Control Local Plan (Approved April 2005) – relevant policies:

SP2 -The York Green Belt

SP3 – Safeguarding the Historic Character and Setting of York

SP6 – Location Strategy

SP7a – The Sequential Approach to Development

GP1 – Design

GP3 – Planning Against Crime

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GP4a – Sustainability  
GP4b – Air Quality  
GP6 – Contaminated Land  
GP9 – Landscaping  
GP15a – Development and Flood Risk  
NE1 – Trees, Woodlands and Hedgerows  
NE5a – Local Nature Conservation Sites  
NE6 – Species Protected by Law  
NE7 – Habitat Protection and Creation  
GB1 – Development in the Green Belt  
GB10 – Major Developed Sites in the Green Belt  
T4 – Cycle Parking Standards  
V5 – Caravan/Camping Sites

2.3 City of York Local Plan – Publication Draft February 2018 (Regulation 19 Consultation) – relevant policies:

SS2 – The Role of York’s Green Belt  
EC4 – Tourism  
D1 – Placemaking  
D2 – Landscape and Setting  
GI2 – Biodiversity and Access to Nature  
GB1 – Development in the Green Belt  
ENV1 – Air Quality  
ENV2 – Managing Environmental Quality  
ENV3 – Land Contamination  
ENV4 – Flood Risk  
ENV5 – Sustainable Design  
T1 – Sustainable Access

### **3.0 CONSULTATIONS**

INTERNAL

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3.1 The proposed development has the potential to cause air quality impacts at sensitive locations during construction and operational phases. Request conditions to require a CEMP and electricity vehicle charge points.

3.2 The site has historically comprised agricultural land prior to development as a mine. The use of the site as a mine has the potential to give rise to land contamination including through the use of various pieces of plant and equipment, train lines, storage of fuels and chemicals and the presence and use of substations at the site. The majority of these contaminative land uses at the site have occurred in the 'bowl' area which has a thick hardstanding surface cover which will limit the potential for contaminant migration. However, there is the potential that the hardstanding may have become contaminated over the years and so careful consideration should be given regarding how this is broken down and re-used across the site, as is currently proposed.

3.3 There are several embankments located on the site which were formed during the development of the mine. These were formed from mounds of the original agricultural land and from materials from the excavated shafts. During the site walkover the embankments were observed as appearing to contain anthropogenic material suggesting over the years other materials have been added to the original natural soils. One of the embankments located in the wildlife area in the eastern section of the site appeared to have limited plant growth which could potentially indicate contamination issues. It is proposed that holiday goers visiting the site will be able to access the embankments meaning there is the potential for contact with the soils. Chemical testing would need to be undertaken on the embankments to ensure they do not contain elevated chemical concentrations which pose a risk to human health receptors.

3.4 Across the bowl area there are several stockpiles of graded demolition rubble from the former amenity buildings in this area. The demolition of these buildings was completed in 2000 and no details are held regarding whether asbestos surveys were completed on the buildings prior to the demolition. The proposal for the development includes the re-grading, crushing and reuse of the demolition rubble across the site. Asbestos testing would need to be carried out on the demolition rubble to ensure it is dealt with appropriately. Request conditions.

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3.5 Request conditions relating to noise from plant and machinery, demolition and construction and an acoustic noise barrier.

#### Public Rights of Way Team

3.6 Two public rights of way are affected by the proposal, Public Bridleway Deighton No 5 and Public Bridleway, Wheldrake No 4. From the west, both are accessed by travelling along New Road. It is understood that there are no proposals to change the alignment of either route. There are no objections to the proposal, although no changes to the surface of either route may be made without first being authorised by public rights of way and both routes should remain open and available to the public during development. A temporary closure or diversion should be sought if the safety of the public using either route is to be compromised during development.

#### Economic Growth

3.7 Strongly objects to the application as the site should be considered as a development site of strategic importance given its size, existing power access to grid and close proximity to the A19 and major road network. In light of York's existing challenges around the provision of suitable employment land for attracting inward investment and facilitating business growth, the application represents a poor use of the site and the applicants should adopt a more ambitious vision for the site that will add greater value to York's economy.

#### Network Management

3.8 No objection subject to conditions covering Section 278 Agreement works, travel plan, cycle parking, CEMP and specific reserved matters application details.

#### Design Conservation and Sustainable Development (Conservation and Ecology)

3.9 Concerns were initially raised with regard to the impact on the Site of Importance for Nature Conservation (SINC) both direct from placements of lodges and indirect through recreational impact/urban edge effects, uncertainty around future management of the SINC, encroachment into existing woodland, potential impact on

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European Nature Conservation Sites (Lower Derwent Valley SPA/SAC/Ramsar, River Derwent SAC and Skipwith Common SAC) within 10km of the site and the lack of detailed information on vertebrates. Amendments to the scheme were sought.

3.10 The North Selby Mine site is a good example of how Brownfield sites can support a diversity of species and habitats of high biodiversity value. The proposed redevelopment to a leisure development is not incompatible with this biodiversity value, but will result in a range of impacts that will require mitigation. The revisions to the scheme and additional information submitted has addressed initial concerns raised at pre-app and in initial consultation. The measures proposed to mitigate and compensate for the identified impacts must be secured through planning conditions.

3.11 It is noted that the ES Chapter 8 concludes that it is unlikely that the scheme will significantly increase visitor pressure at Statutory European Nature Conservation Sites and Natural England raises no concerns.

#### Design Conservation and Sustainable Development (Landscape)

3.12 Requests a condition for an Arboricultural Method Statement to protect existing trees shown to be retained.

#### Forward Planning

3.13 For the purposes of s.38(6) Planning and Compulsory Purchase Act 2004, the proposal should be assessed against the saved RSS Green Belt policies. The policies in the NPPF should also be considered as material considerations. Given the advanced stage of the emerging plan's preparation, the lack of significant objection to the emerging policies relevant to this application and the stated consistency with the Framework, we would advise that the policy requirements of emerging plan policies EC4, EC5, T1, D2, GI2 and GI4 should be applied with moderate weight. Only limited weight can be afforded to Policy SS2 and GB1 at this time.

3.14 The site is located within the general extent of York's Green Belt (as per 'saved' RSS policy illustrating the Green Belt's general extent). Substantial weight

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should be given to the harm caused by the development's inappropriateness and any other harm the scheme causes. Development should not be approved except in very special circumstances; the applicant has indicated that very special circumstances exist which would outweigh the potential harm to the Green Belt.

3.15 After analysing the applicant's very special circumstances, it is considered that these do not clearly outweigh the harm to the Green Belt. It is considered that the development would impact on Green Belt openness due to the size of the operation including 434 pitches/units which are not just on the existing mine site. The economic arguments put forward do not satisfy a leisure development in this location, due to the nature of the jobs and do not satisfy the provisions of EC5 due to the size of the development. The impacts on the SINC and landscape also need to be considered by the Council's Ecologist and Landscape Architect. It is also recommended that the applicant should update the EIA based on the latest information in the updated City of York Council HRA (2019), including the Appendix C – the Visitor Survey for Skipwith Common. Policy objection raised.

#### Flood Risk Management

3.16 Flood Risk - Supports response of Environment Agency.

3.17 Foul and Surface Water Disposal – Following site visit to witness infiltration testing and assessment of revised Site Drainage Strategy (Feb 2020), confirm that subsoil conditions do not support the use of soakaways and therefore raise no objections in principle subject to conditions to protect the local aquatic environment and public sewer network and address flood risk matters.

EXTERNAL

#### Planning Casework Unit

3.18 No comments.

#### Highways England



3.19 Having worked closely with our transport planning consultancy team at Jacobs to assess the developmental impact of this site upon the Strategic Road Network, raise no objections to the development proposals in question. Evidence of this formal planning recommendation is detailed within the attached HEPR16 document, while the attached email details Jacobs most recent technical assessment and associated comments for the site.

### Environment Agency

3.20 No objection subject to conditions.

3.21 Flood risk - The proposal must not include any permanent structures within Flood Zone 3 as defined on the Agency's Flood Map for Planning. In terms of flood warning, having reviewed flood risk assessment, it is considered that there will be a danger to some or danger to most and that there is access to Flood Zone 1 in close proximity on the development site.

3.22 Flood Compensation - In response to amended information with indicative masterplan dated 6 March 2020, comment that please to see that the location of proposed flood compensation has been amended appropriately. Condition requested to cover details.

3.23 Ground contamination - The site is located upon the Sherwood sandstone, a principal aquifer capable of supplying baseflow to rivers and water supply on a strategic level. It is not within a SPZ or other environmental designation. No objection to hydrogeological assessment and agree with the conclusions of the site investigation which did not show any evidence of significant contamination. The risk from the development will not be significant to water resources.

### Natural England

3.24 No objection as the proposed development will not have significant adverse impacts on statutorily protected sites or landscapes and proposed amendments are unlikely to have significantly different impacts on the natural environment than the original proposal.

## Yorkshire Water

3.25 Water Supply - Request conditions in order to protect the local aquatic environment and YW infrastructure.

3.26 Waste Water - There are no public sewers within the vicinity of the site. The application suggests that both foul and surface water will drain to a private waste water treatment plant.

3.27 In response to revised flood compensatory storage plan, make no further comments.

## Ouse and Derwent Internal Drainage Board

3.28 The Board does have assets adjacent to the site in the form of Bridge Dyke and Halfpenny Dyke, which are adjacent to the site, are Board maintained watercourses these watercourses are known to be subject to high flows during storm events.

3.29 Highlights the prior written consent that is needed for any connection to, discharge into, works within or over, or construction works within 9 metres of a Board maintained watercourse. This includes the raising of the road and increasing hedgerows.

3.30 The Board supports the recommended conditions by the Environment Agency regarding the compensatory flood storage area.

3.31 Notes the reduction in hardstanding areas to 3.04 hectares. Noting that soakaways are not viable, suggests the use of an attenuation pond. Seeks clarification about treated foul flows. Requests drainage conditions and informatives if approved.

## North Yorkshire Police

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3.32 Following a 12 month period crime and disorder analysis, the site is located within a low crime and disorder area, with 1 recorded crime. Consideration should be given to secure cycle storage for each unit or a secure communal storage area within independent anchorage points given the nature of this type of development.

#### Butterfly Conservation (Yorkshire)

3.33 This site is valuable and unique in the Vale of York as a natural resource as it is a large site with an unusually good population of typically limestone quarry lepidoptera including high priority for conservation species and nationally scarce species. The site is feeding out these species to many other sites locally for some distance. Presently it is degrading due to scrub encroachment. The current plan would preserve and mitigate it to some degree. There will be a considerable downside from arrival of domestic cats and dogs if pitches are sold and pets allowed due to major grazers of the site (Brown Hare and deer) being lost, which would significantly degrade the site. There is need for a section 106 so that there is assurance of a more refined plan.

#### Escrick Parish Council

3.34 Supports the principle of the proposed use but objects to specific details and requests following amendments:

- Reduction of scale of development to delete those areas of accommodation located within the SINC and established woodland;
- Restrictions to prevent permanent residential use of the holiday accommodation;
- A maximum number of accommodation units on the site to be specified in any consent;
- Works required and restrictions applied to mitigate impact of light, noise and traffic during construction and use of the holiday park;
- The highways impact of the development on the A19 needs to be thoroughly understood and mitigated as appropriate, with the potential requirement for improvements to A19/New Road junction;
- Encouragement of sustainable travel with installation of footpath/cycleway along length of New Road and within A19 verge from junction to garage/shop on edge of Escrick;

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- Construction traffic and heavy lorries delivering the lodges and static caravans should be prohibited from using Skipwith Road and other streets within the village to safeguard residential amenity;
- Conditions imposed restricting hours of construction work and requiring 'Code of Considerate Practice' to minimise impact on local community.

### Deighton Parish Council

3.35 Deighton Parish Council supports the general plans, but has concerns about a number of items which should be addressed before planning approval is granted:

- The comments made by Escrick Parish Council are fully supported by Deighton Parish Council.
- In addition, Councillors have requested that measures are considered to mitigate large/slow vehicles entering/exiting the site, such as VAS to keep vehicles within the speed limit. Currently, the police do not carry out speed checks in the 40mph limit through Deighton: or other measures to slow down the speed of vehicles in both directions on the A19.

## **4.0 REPRESENTATIONS**

4.1 One response from resident on New Road, objecting on following grounds:

- Scale of proposals is out of proportion to the size of the site;
- Access, traffic and safety considerations.

4.2 One objection from resident of Escrick village:

- The increased congestion and pollution that will be caused on the already over used A19;
- Increased accident blackspot as turning across A19 is already bad and dangerous;
- Building on green belt - area needs to be left as intended after mine finished being used;
- The owner is linked to the previous applicant and threatened at the open meeting better us than getting the anaerobic digestion facility;
- Closure of a right of way that is regularly used;

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- Opening for further development - 2 local land owners have already stated their intention to re-submit their applications for caravans that have previously been turned down;
- Impact on local environment, including noise and disturbance from alcohol being sold on site.

## **5.0 APPRAISAL**

### 5.1 Key issues:

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

## PLANNING POLICY CONTEXT

5.2 Central Government guidance is contained in the National Planning Policy Framework ("NPPF", 2019). Paragraph 11 establishes the presumption in favour of sustainable development, which runs through both plan-making and decision-taking. In decision-taking this means approving development proposals without delay that accord with an up-to-date development plan. In the absence of relevant development plan policies or where they are out-of-date, permission should be granted unless policies in the Framework that protect areas or assets of particular importance, including land designated as Green Belt, provide a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

5.3 Section 38(6) of the Planning and Compensation Act 2004 requires determinations be made in accordance with the development plan unless material considerations indicate otherwise. The relevant development plan for this area of York includes the retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS"), saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. The retained RSS policies, YH9(C) and Y1(C1 and C2), relate to York's Green Belt and the key diagram, Figure 6.2, insofar as it illustrates the general extent of the Green Belt around York with an outer boundary about 6 miles from the City Centre. The application site falls within the general extent of the Green Belt as shown on the Key Diagram of the RSS.

5.4 Although there is no formally adopted local plan, the Development Control Local Plan (DCLP) was approved for development control purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF. However, such policies can be afforded very limited weight. The relevant policies are summarised in section 2.1 above. The site is included in the general extent of Green Belt on the Proposals Map that accompanies the plan.

5.5 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the NPPF, the relevant 2018 Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

5.6 Relevant policies are set out in section 2, but are attributed little weight. The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications; the evidence base includes the Approach to Green Belt Appraisal 2003, Topic Paper Approach to Defining York's Green Belt (May 2018) and the Green Belt TP1 Addendum and Annex 2 Outer Boundary Descriptions and Justifications (2019). In these evidence base documents, the site lies within Area D3 Extension to green wedge: Heslington Common that retains an open area south of the A64 in order to continue a wedge of countryside outside the ring road. As such, it is included on the Proposals Map accompanying the 2018 draft plan within the general extent of Green Belt.

## PRINCIPLE OF DEVELOPMENT

5.7 The proposal involves the use of a former mine site located within open countryside north of Escrick for a holiday village of static and touring caravans. These would be sited within the existing operational area of the mine, which falls entirely within the CYC boundary, with ancillary facility buildings and engineering works to create bases for the siting of the caravans, internal access roads/paths and service connections. The surrounding land within the larger site but outside the former operational area of the mine is to be retained as woodland, agricultural grassland and open mosaic habitat.

5.8 The NPPF supports a prosperous rural economy with, *inter alia*, sustainable rural tourism and leisure developments which respect the character of the countryside (paragraph 83(c)). At paragraph 84 it states that 'the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist'. DCLP policy V1 discourages visitor accommodation outside settlements within the Green Belt unless it involves reuse of existing buildings that have alternative means of transport than the private car. Policy EC4 Tourism of the 2018 emerging plan supports proposals that maintain and improve the choice and quality of visitor accommodation. Policy EC5 Rural Economy indicates that York's rural economy will be sustained and diversified through, *inter alia*, permitting camping and caravan sites for holiday and recreational use where proposals can be satisfactorily integrated into the landscape without detriment to its character, are in a location accessible to local facilities and within walking distance of public transport, and would not generate significant

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volumes of traffic. The supporting text to this policy refers to the serious harm to landscape that can be created by insensitively located or unduly large caravan sites. All proposals will be expected to be unobtrusive within the landscape and be in keeping with the character of the rural area.

5.9 As a result of its rural location and open setting of the surrounding land, the site is considered to fall within the general extent of York's Green Belt. This is supported by emerging Local Plan evidence base documents. The site also lies partly within Flood Zone 3 (high probability). In accordance with paragraph 11 of the NPPF and as the site lies within land designated as Green Belt and an area at risk of flooding, the proposal needs to be assessed against the restrictive policies in Chapter 13 'Protecting Green Belt land' and 14 'Meeting the challenge of climate change, flooding and coastal change' of the NPPF.

## GREEN BELT POLICY

5.10 The NPPF confirms that, in order to prevent urban sprawl by keeping land permanently open, all development in Green Belts is inappropriate unless it falls within the list of exceptions contained in paragraphs 145 and 146. Inappropriate development is, by definition, harmful and should only be allowed in very special circumstances.

5.11 At paragraph 145(g) of the NPPF, the construction of new buildings as part of the partial or complete re-development of previously developed land that does not have a greater impact on openness of the Green Belt than the existing development is appropriate development. Engineering operations and material changes in the use of land (such as to outdoor sport and recreation) are not inappropriate under paragraphs 146(b) and 146(e) respectively of the NPPF, providing they preserve openness of the Green Belt and do not conflict with the purposes of including land within it.

5.12 The NPPF defines previously developed land as 'land which is or was occupied by a permanent structure, including the curtilage of the developed land...and any associated fixed surface infrastructure'. The definition excludes, firstly, land that has been developed for mineral extraction where provision for restoration has been made through development management procedures and, secondly, land that was

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previously developed but where the remains of permanent or fixed surface structure have blended into the landscape. However, in light of the site's history, including the fact that the restoration provision has not been fully enforced, the removal of the enforcement notice after removal of the majority of mine buildings and implementation of the approved 2014 application, the former operational area of the mine is considered to be previously developed land as defined by the NPPF. The current level of development on the site comprises areas of hard surfacing and six smaller colliery buildings centred round the capped shifts on the pithead, which have been retained due to the presence of protected species and waste water infrastructure. The former pithead is enclosed by a high fence. The land outside the operational area, being undeveloped or land reclaimed by nature is not considered to constitute previously developed land.

5.13 The erection of any buildings on the former pithead would fall within 145(g) and providing they had no greater impact on openness than the existing built form would constitute appropriate development. However, these would be ancillary to the main element of the proposal being the use of the land for siting static and touring caravans as part of a residential leisure development, which would not fall within any of the listed exceptions in paragraph 146 of the NPPF. As such, the proposal overall would be inappropriate development in the Green Belt.

5.14 In addition to the assessment of appropriateness in the Green Belt, consideration needs to be given to the impact on the openness and purposes of the Green Belt. Whilst it is acknowledged that there is the 2014 implemented permission for an anaerobic digestion facility and horticultural glasshouses, the baseline for considering the impact on openness is the existing development on site, comprising areas of level hard surfacing and six retained former colliery buildings. The proposal would result in an increase in the amount of three-dimensional development across the site over and above the current extent of retained buildings, which would in turn have a moderate impact on the openness of the site due to the limited short and longer distance views of the site possible because of the existing topography and landscaping of the site.

5.15 The proposal would not conflict with the five purposes that Green Belt serves as listed in paragraph 134 of the NPPF. These are:

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- a) to check the unrestricted sprawl of large built-up areas – the site is physically separate from York urban area and its outlying villages and is a former mine that has an implemented permission for development as an AD facility and glasshouses;
- b) to prevent neighbouring towns from merging into one another - the application site is nearby, though physically separate from the surrounding villages of Escrick, Deighton and Wheldrake and as a result would not lead to these neighbouring settlements merging;
- c) to assist in safeguarding the countryside from encroachment – the proposal relates to the re-use of a former mine site and the part that is considered to be previously developed land;
- d) to preserve the setting and special character of historic towns – longer distance views from the south of the historic city of York and its Minster would not be adversely affected by the development which lies at lower level nor would it affect the historic layout of the City and its surrounding hinterland of villages amidst open countryside;
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land – the proposal would not assist in the regeneration of other urban area, but would bring previously developed land into a use.

5.16 Overall, however, the proposal constitutes inappropriate development in the Green Belt that would also erode its openness to a moderate degree. Such harm is attributed substantial weight as required by paragraph 144 of the NPPF and the proposal should not be approved unless the harm is clearly outweighed by other considerations.

## FLOOD RISK

5.17 Paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.

5.18 The site falls largely within Flood Zone 1 (low probability), and, as such, should not suffer from river flooding. However, the access road at its entrance and the land either side of it falls within Flood Zone 3 (high probability). Advice in the NPPF and its accompanying Planning Practice Guidance requires that a sequential approach

be taken to the location of development with development being directed to land at least risk of flooding before higher risk areas are considered. No permanent structures are proposed in Flood Zone 3. The access is existing and cannot be re-positioned. The application proposes to raise the level of the access to lift it above the height of flood waters and provide compensatory flood storage on the land to the west. This is considered to be acceptable subject to detailed design, which can be required through condition.

5.19 A site-specific flood risk assessment has been carried out for the proposed development and confirms that the proposed development will not increase the risk of downstream flooding. Infiltration tests undertaken have demonstrated that the site is not suitable for soakaways. It is proposed to install a new waste water treatment plant to dispose of foul water utilising the existing outfall from the system in place as part of the colliery. Existing permitted discharge points and flow rates would be retained. Conditions are sought to cover the detailed design of foul and, in particular, surface water drainage.

5.20 Overall, the proposal has sought to direct development away from areas at the highest risk of flooding and has demonstrated that the site can be adequately drained without increasing flood risk elsewhere. Therefore, subject to conditions covering water supply, waste water and flood risk, it is acceptable in flood risk terms and complies with national and local flood risk planning policy.

## HIGHWAY SAFETY

5.21 The NPPF encourages development that is sustainably located and accessible. Paragraph 108(b) requires that all development achieves safe and suitable access for all users. It advises at paragraph 109 that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Policy T1 of the 2018 emerging Local plan supports the approach of the NPPF in that it seeks the safe and appropriate access to the adjacent adopted highway, giving priority to pedestrians and cyclists. Policy T4 of the 2005 Draft Local Plan seeks adequate cycle parking provision.

5.22 The site has an existing access road, built to serve its use as a mine. It joins the York-Selby A19 to the north of the village of Escrick. A Transport Statement has been submitted with the application and confirms that the junction capacity testing indicates that the additional traffic movements would not lead to capacity issues at this junction of the A19 with New Road.

5.23 Three public rights of way connect into or run through the site. These are footpath 35.28/2/1 that runs from Escrick to New Road at Spring Wood, bridleway 23/5/10 that runs along the southern site boundary and bridleway 6/4/20 that runs along New Road following the northern site boundary. These existing public rights of way would be retained. Whilst no footpaths would need to be diverted, there may be the potential for disturbance due to increased vehicles movements along the access road. It is indicated that warning signs could be erected at crossing points to mitigate any hazard. New recreational footpaths constructed of recycled crushed material are proposed within the site. It is indicated on the masterplan that a connection could be made from the existing public right of way on the south-west side of the site with the recreational footpaths.

5.24 The nature and location of the site means that it is not in the most sustainable and accessible location. A shop and café bar are proposed on site to cater for daily needs. The site is adjacent to and within walking distance via PROW or New Road of Escrick village, which has some local services including shop, pubs and restaurants and a church. There is access to the primary visitor centres of York and Selby via the National Cycle Route 65 and the 415 York-Selby bus service along the A19. The park and ride at the McArthur Glen Designer Outlet is within short driving distance.

5.25 Improvements to the footpaths on the A19 between New Road and the petrol station to enable bicycles to connect to the National Cycle Route, improved signage and traffic calming measures near the site access road are sought by way of a Section 278 Agreement. A Travel Plan to include a site management strategy and further details of internal access roads, cycle links and adequate car and cycle parking are required by condition. Subject to the above requirements, there is no objection on highway safety grounds to the proposal.

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5.26 Chapter 11 of the NPPF seeks the efficient use of land, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Chapter 12 gives advice on design, placing great importance to that design of the built environment. In particular, paragraph 127 of the NPPF states that planning decisions should ensure that development will, inter alia, add to the overall quality of the area, be visually attractive, be sympathetic to local character and history, and have a high standard of amenity for existing and future users. Emerging Local Plan policies D1: Placemaking and D2: Landscape and Setting reflect advice in the NPPF. In particular, Policy D2 seeks to conserve and enhance the quality of the character and landscape in York through an understanding of its natural and historic features, good landscape design, biodiversity enhancement and water sensitive design.

5.27 A Landscape and Visual Impact Assessment was undertaken as part of the ES, which considered the difference between the implemented approved AD facility and the proposed leisure scheme. It concludes that the proposed development would not result in any significant adverse effects on landscape character or visual amenity either during construction or operational stages.

5.28 The site landform would be retained primarily as existing. There are steep earthworks around the majority of the previously developed area and established woodland to the west, which would provide substantial screening of the site from outside including New Road, the surrounding public rights of way and adjacent properties. The exception to this is at the western entrance, which includes a grassland meadow adjacent to the access road. This area would be retained, though re-modelled to provide compensatory flood storage following the raising of the access road. The existing grassed bank opposite the nearest residential properties at Sheepwalk Farm and the pasture in the north east corner of the site are proposed to be retained, with new native broadleaved woodland planting proposed on the top and inside slopes of the earthworks.

5.29 The distance between caravans on site would be controlled though site licence rather than planning control. It would allow for increased planting within the site to create an attractive environment for future holiday residents. This, together with the retained areas of landscaped open space and landscaping along site boundaries,

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would reduce the visual impact of the proposal on the character and appearance of the surrounding area. A detailed lighting scheme requiring low level lighting would be required to minimise the impact of the holiday village in short and longer distance views at night. As this is an outline application, there are no details of the appearance of the static caravans that would be at the site on a longer term basis, but this could be conditioned to ensure the use of recessive colours – i.e. green or grey.

5.30 On the basis of the above, it is concluded that the impact of the proposals can be appropriately mitigated so as not to be significant and therefore from a landscape and visual perspective, the proposals accord with national and local planning policy.

## BIODIVERSITY

5.31 Chapter 15 of the NPPF 'Conserving and enhancing the natural environment' states that planning decisions should contribute to and enhance the natural and local environment by, inter alia, minimising impacts on and providing net gains for biodiversity. Policies NE1 and NE6 of the DCLP and GI2 and GI4 of the 2018 Publication Draft Local Plan reflect this advice in relation to trees, protected species and habitats.

5.32 The application is supported by ecological assessments as part of the ES. These consider the potential impacts of the proposal on the European Sites within 10km of the site (Lower Derwent Valley SAC/SPA/RAMSAR and Skipwith Common SAC, specifically in relation to recreational impacts, and conclude that any potential adverse effects would be very small and therefore not significant.

5.33 A significant area of the former mine site was designated as a Site of Importance for Nature Conservation (SINC) in 2010 for the mix of habitat and structural mosaics on site including species-rich calcareous and neutral grassland, wetland, scrub and colonising habitats occurring as a result of the previous use. The 'open mosaic habitat on previously developed land' is a habitat of principal importance for the conservation of biodiversity in England, as required under Section 41 of the Natural Environment and Rural Communities Act 2006 and is also incorporated into the 'Urban Habitats' action plan within the City of York Local Biodiversity Action Plan. The SINC supports invertebrates and as such an

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invertebrate survey has been undertaken. It is considered that the features of interest to invertebrates can be protected, maintained and enhanced through SINC management measures. A Recreation Strategy has been submitted to address some of the potential operational impacts of the development on the SINC, i.e. litter, dog fouling and noise/light pollution. A SINC Management Plan has also been prepared.

5.34 There has been evidence previously of barn owl and bats being present at the site within existing building B2. Updated surveys are required at Reserved Matters or prior to demolition of this building, plus a detailed sensitive lighting scheme. Great Crested Newts (GCN) have been recorded within existing pond P3. As GCN are European Protected Species (EPS), the local planning authority must consider the three 'derogation tests' of the Habitats Directive as implemented by the Conservation of Habitats and Species Regulations 2017 (as amended) when deciding whether to grant planning permission for a development which could harm an EPS. The third test for the maintenance of favourable conservation status can be met as the requirement for a European Protected Species Licence will prevent any direct harm and a range of habitats can be maintained through a scheme of mitigation.

5.35 Other protected species have been identified at the site, including birds, grass snake, brown hare, water vole, which may be affected by the proposal, but any harm can be satisfactorily mitigated against. Indeed, the SINC Management Plan includes consideration of Willow Tits, which is a Red-listed Bird of Conservation Concern and a Rare Breeding Birds Panel species, and should benefit in the longer-term.

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

reserved matters stage are confined to the development limits indicated on the Indicative Masterplan. Need conditions to ensure strict compliance with the SINC Management Plan and Recreation Strategy.

## RESIDENTIAL AMENITY

5.37 Paragraph 127(f) of the NPPF seeks a high standard of amenity for existing and future users. Paragraph 180 of the NPPF requires that new development is appropriate for its location taking into account the likely effects of pollution on health and living condition with suitable mitigation to, *inter alia*, reduce to a minimum adverse impacts and limit light pollution. Draft local planning policies seek to reflect this advice.

5.38 The closest residential properties are Sheepwalk Farm and Cottages, which lie to the north of the site. The existing 3m approximately screen mound is to be retained and enhanced with a 2m high close boarded fence, retention of existing planting and additional native and evergreen shrub planting. The use of the site for the proposed use would likely result in an increase in disturbance to neighbouring residents from associated activity, but the retention and enhancement of site boundaries, control over site lighting along with site management normal for such sites, would help to mitigate harm. Residents of Spring House Farm and Cottage on New Road would experience increased vehicle movements along the access road, Disturbance from increased vehicle movement along New Road compared to current levels of activity. However, these would be on the whole private vehicles rather than heavy vehicles associated with the implemented use of the site and would be likely to be restricted largely to daytime hours. Spring Wood separates these properties from the site.

5.39 There is the potential for noise disturbance and air quality impacts during the construction and operational phases of the holiday village, which could be controlled by condition to mitigate harm.

5.40 It is acknowledged that there would be likely be some disturbance to the occupants of surrounding residential properties from the construction and operation of the development. Mitigation measures are required through condition to reduce any harm.

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## ENVIRONMENTAL MATTERS

5.41 Paragraph 170(e) of the NPPF seeks to prevent new development from contributing to unacceptable levels of pollution or land instability. Paragraph 178 deals specifically with ground conditions and pollution.

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

## ALTERNATIVE USES OF SITE

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

## OTHER CONSIDERATIONS

5.44 The proposal would constitute inappropriate development that would, by definition, be harmful to the Green Belt by reason of inappropriateness. There would

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also be additional harm caused to openness from the siting of the holiday accommodation. No other harm has been identified. Substantial weight is given to the harm to the Green Belt. Paragraphs 143-144 of the NPPF advise that permission should be refused for inappropriate development, unless other considerations exist that amount to 'very special circumstances' and that would be sufficient to clearly outweigh identified harm to the Green Belt by reason of inappropriateness and any other harm.

5.45 The applicant considers that the proposal is appropriate development in the Green Belt that would not cause significant harm to the overall perception of openness of the Green Belt - when compared to the approved implemented scheme of AD facility and glasshouse - and would not be in conflict with the purposes of including land within the Green Belt. However, due to the planning complexities associated with the site and in order to be fully robust, the applicant has put forward the following other considerations as very special circumstances:

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

#### *Economic and Tourism Benefits*

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

5.47 The Council's Economic Growth Team objects to the application on the basis that the site should be considered as a development site of strategic importance due to its size, connection to the power grid and proximity to major road network. The proposal is considered to be a poor use of the site and a more ambitious vision for the site should be adopted that will add greater value to the York economy. Reference is made to redevelopment of the site for workspace linked to the bio-economy sector, which is important to York because of the University of York is ranked 1<sup>st</sup> in the UK for the impact of their biological sciences research and recently launched BioYork initiative and also to Selby who have identified Agri-Tech as a key growth sector. Further, there is a shortage of business accommodation across York.

5.48 However, whilst acknowledging this objection, it is noted that the site has not been allocated in either the 2005 or 2018 draft Local Plans as an employment site because of its remote location and an application submitted in 2000 (ref. 00/00680/FUL) for reuse of the colliery buildings for B1, B2 and B8 purposes was not supported by the authority resulting in its withdrawal undetermined in 2014 following approval of the 2014 AD facility and glasshouse.

5.49 The applicant has responded to the objection from the Economic Growth Team highlighting, firstly, the development opportunities at the site since the mine closed including discussions with the University of York in 2007-2011 about a bio-renewables centre that did not progress due to withdrawal of University of York from the scheme and, secondly, the importance of tourism to the City and significant contribution to the local economy which has been under-estimated. It is also noted that there is an implemented approval for alternative uses as AD facility and glasshouses, which has not progressed following withdrawal of the AD operating partner.

### *Biodiversity benefits*

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

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adequate controls in place through site management, the biodiversity of the wider site would be maintained and enhanced.

### *Landscape character protection and improvements*

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

### *'Do nothing' considerations*

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

### *Assessment of Very Special Circumstances Case*

5.53 The northern part of the site lies within the general extent of the York Green Belt. The southern part falls within the administrative boundary of Selby District Council. The proposal relates to the operational area of the former mine, which is considered to be previously developed land. It would result in the re-use of the site for a holiday village, which would have a moderate degree of harm over and above the current baseline being the existing development on site. It is noted that the impact on openness of the Green Belt and visual amenity would be less than the approved development for an AD facility and horticultural glasshouse, which has

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

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

## **6.0 CONCLUSION**

6.1 The application seeks outline approval for the creation of a holiday village complex on the former operational area of North Selby Mine. However, the site lies within the general extent of York's Green Belt. Part of the site lies within Flood Zone 3. In accordance with paragraph 11 of the NPPF, the more restrictive Green Belt and flood risk policies in the NPPF apply. The proposal would result in harm to the Green Belt by reason of inappropriateness as well as additional harm to the openness of the Green Belt and substantial weight is attached to this harm. Other identified potential harms to flood risk, highway safety, biodiversity, visual and residential amenity and other environmental matters could be adequately mitigated by conditions.

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

**RECOMMENDATION:** Approve

1 OUT1 Approval of Reserved Matters

2 Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building/engineering works, and the development shall be carried out in accordance with such details:

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

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.

3 The number of static caravan pitches on site shall be restricted to no more than 231, to be sited in the area totalling 6.24ha that is marked as the Bowl and shown coloured lilac on the submitted Parameters Plan no.2356.02 Rev.03, unless otherwise agreed in writing by the Local Planning Authority.

The number of touring caravans and tent pitches shall be restricted to 92, to be sited in the area totalling 1.49ha that is marked as the Woodland and shown coloured rose pink on the submitted Parameters Plan no.2356.02 Rev.03, unless otherwise agreed in writing by the Local Planning Authority.

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

4 The static and mobile caravans and tents shall be occupied for holiday purposes only and not as a person's sole or main place of residence.

The site owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

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Reason: This condition is imposed to ensure that approved holiday accommodation is not used for unauthorised permanent residential occupation.

5 Before the stationing of any static caravans hereby approved, details of the external materials and muted colours of the static caravans shall be submitted to and approved by the Local Planning Authority in writing. Only caravans constructed/sited in accordance with the approved details shall be stationed on site.

NOTE: The colour finish to the static caravans shall be a recessive colour(s).

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

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

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

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

Reason: To secure practical measures to avoid or reduce impacts to biodiversity features and the Site of Importance to Nature Conservation (SINC) during construction, as appropriate to the scale of development. The details are required

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prior to commencement in order to ensure that they are in force at an appropriate point in the development procedure and during the whole of the construction phase of the development.

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

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

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

a) a European Protected Species Licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead, along with appropriate mitigation for Great Crested Newts.

b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

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

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

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

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amenity of the area and/or development.

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

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

11 Prior to or concurrently with the first Reserved Matters application, a detailed Site Wide Recreation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be in line with the already submitted Harworth Estates Investments Ltd, North Selby Leisure Proposal, Recreation Strategy, 5th August 2019 and drawing 2356.08 Recreation Strategy Plan. The scheme shall be implemented in accordance with the approved details.

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

12 Any reserved matters application shall include a detailed landscape scheme. This shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants; and seed mixes, sowing rates and mowing regimes where applicable. It will also include details of ground preparation; tree planting details; paving and other hard landscape details, and street furniture, and any phasing of implementation. This scheme shall be implemented within a period of six months of the practical completion of the development or any phase thereof. Any trees or plants which within a period of five years from the substantial completion of the planting and development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

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

13 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

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Reason: In the interest of satisfactory and sustainable drainage.

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

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

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

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

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

City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

As SuDS have been proven to be unsuitable then In accordance with City of York Councils City of York Councils Sustainable Drainage Systems Guidance for Developers (August 2018) and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface

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run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

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

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

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

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

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

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

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

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main that is located within the site boundary i.e. protected strip widths of 10 metres per water main.

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

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

- calculations and section drawings that show that the compensatory storage volume is hydraulically and hydrologically connected to the floodplain such that it provides level for level compensation allowing floodwaters to rise and fall as existing.

- a Flood Warning and Evacuation Plan for future users of the site. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing and phasing arrangements, or within any other period as may subsequently be agreed in writing by the local planning authority.

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

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

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

NOTE: Please ensure that access arrangements are agreed with the Internal Drainage Board.

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

19 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development

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shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must include a site specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and include a package of mitigation measures commensurate with the risk identified in the assessment. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

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

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

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

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

20 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's

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'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. It is necessary to require this information prior to commencement of any ground works on site as such works may result in irreversible harm.

21 Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Any remediation that is required to the area of Site of Importance to Nature Conservation to allow people access, should ensure that nature conservation interests take priority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. It is necessary to require this information prior to commencement of any ground works on site as such works may result in irreversible harm.

22 Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

23 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which

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is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

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

NOTE: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

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

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

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

Reason: To protect the amenity of local residents

26 Details of any acoustic noise barrier to protect the amenity of residential  
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dwellings to the north eastern part of the site, where gardens back onto the A19, shall be submitted to and approved in writing by the local planning authority. These details shall include the construction method, height, thickness, acoustic properties and the exact position of the barrier. The barrier shall be erected in accordance with the approval before the use hereby permitted first comes into use and maintained thereafter.

Reason: To protect the amenity of local residents.

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

- Improvements to the footpath on the A19 from the access point to New Road to the petrol station/shop to be widened to enable bicycles to use it to connect to National Cycle Route 65 (approx. 200m in length).
- Informal crossing point to be provided before the petrol station (making use of the central reservation for a two stage crossing) to enable users to cross the A19 and join the path on the western side of the A19 and safely access National Cycle Route 65.
- Signage to mark the link to the Sustrans route.
- Traffic calming measures near the site access road will be provided in the form of electronic flashing warning signs (or similar).

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

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

Reason: In the interest of road safety.

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

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

Reason: In the interest of road safety.

**NOTE:**

The site layout needs to ensure that queues can be accommodated without impeding access by local residents or emergency services and consider the needs of horse riders.

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

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

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

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

32 Before the occupation of the development, 2% of parking spaces on the site should include facilities for charging electric vehicles. The exact number, position and specification of points should be agreed in writing by the Council. Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Within 3 months of the first occupation of the development, the owner will submit to the Council for approval in writing (such approval not be unreasonably withheld or delayed) an Electric Vehicle Recharging Point Maintenance Plan that will detail the maintenance, servicing and networking arrangements for each Electric Vehicle Recharging Point for a period of 10 years.

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Reason: To promote and facilitate the uptake of electric vehicles on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF).

**NOTES:**

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

**7.0 INFORMATIVES:**

**Notes to Applicant**

**1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH**

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Pre-application advice provided;
- Revisions made to the scheme to address LPA opinion and consultee responses;
- Imposition of conditions.

**2. INFORMATIVE NOTE - DRAINAGE**

i) The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal.

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ii) As per the above design considerations the modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required and not just the 6 hour duration.

iii) The applicant should be advised that the Ouse & Derwent Internal Drainage Board's prior consent is required (outside the planning process) 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. Any proposals to culvert, bridge, fill in or make a discharge to the watercourse will also require the Board's prior consent.

iv) The disposal of treated sewage effluent is not the intended function of the land drainage network and accordingly the Ouse & Derwent Internal Drainage Board will only be prepared to accept the treated foul flow if the combined rate of discharge for surface water and treated effluent does not exceed the discharge rate agreed/approved above.

### 3. MAINTENANCE RESPONSIBILITY - GENERAL

The proposed development is within the Internal Drainage Board's area and is adjacent to the Half Penny Dyke and Bridge Dyke, which at these locations, are maintained by the Board under permissive powers within the Land Drainage Act. 1991. However, the responsibility for maintenance of the watercourse and its banks rests ultimately with the riparian owner.

### 4. CONSENT - DISCHARGE

Under the Internal Drainage Board's Byelaws the written consent of the Board is required prior to any discharge into any watercourse within the Board's District.

#### **Contact details:**

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