

1.5 The buildings and structures approved in April include a large unit to house the birds and pack and store eggs, two feed bins and a trailer canopy. Their maximum height would be 6.8m. The main building (the egg laying unit) is proposed to be 131m long by 23m wide. The longest elevation would run parallel with Hagg Wood. The building would have a ridge height of 6.8m and eaves height of 3.8m.

1.6 The buildings are reached via a track from Broad Highway. Broad Highway is around 530m from the application site.

2.0 POLICY CONTEXT

2.1 Draft Development Plan Allocation:

City Boundary York City Boundary 0001

2.2 Policies:

City of York Draft Local Plan adopted for Development Control purposes (2005) (DCLP). Relevant policies:

CYGP15 - Protection from flooding

CYGB1 - Development within the Green Belt

CYGP1 - Design

CYGP4 - Environmental sustainability

CYGP9 - Landscaping

CYNE1 - Trees, woodlands, hedgerows

CYNE5A - Local Nature Conservation Sites

CYNE6 - Species protected by law

City of York Council Emerging Local Plan Publication Draft (2014)

3.0 CONSULTATIONS

3.1 INTERNAL

Rights of Way Officer

3.2 No objections. The track linking Broad Highway to the proposed facility is part of the Wilberforce Way which is well used. The proposal to surface the track and increase its width to 5m is considered acceptable from a public rights of way perspective.

3.3 The surfacing details are acceptable and the planting does not conflict with the public right of way. It is advised that signage is erected clarifying the use of the route by vehicles and pedestrians.

Planning and Environmental Management - (Landscape)

3.4 No objections to proposed planting scheme subject to slight modifications in species mix and clarification that no requirement to import soil.

Planning and Environmental Management - (Ecology and Countryside)

3.5 No objections. The loss of hedgerow at the entrance to the site is relatively small and compensated for by additional planting elsewhere in the site.

Highway Network Management

3.6 Raises no objections

EXTERNAL

Wheldrake Parish Council

3.7 Object:

- No detail has been provided on the surfacing of the footpath.
- The fencing and landscaping will encroach on the western end of the public footpath.

Residents

3.8 13 letters have been received objecting to the proposal. The issues raised are summarised below:

- Hagg Wood is a commercial timber plantation and will be felled one day. Conifers should be planted on the eastern side of the buildings to screen them.
- Concerned in respect to the impact of the access route on the footpath.
- Concerns in respect to the impact of odours from the facility on the future wellbeing/popularity of Swallow Hall golf club/tourist accommodation and other tourist facilities in the area. Could lead to jobs being lost.
- Concern re the impact of heavy vehicles on the safety of users of Broad Highway and the public right of way leading past the units.
- The proposal is out of scale with the locality.
- The site is closer to residential units than previously stated.
- Concerns over impact on badgers and inadequate consideration given to the animals.
- The ecology report is insufficient.
- As the unit is for the pharmaceutical industry additional security such as high fencing will be needed.
- No information submitted regarding passing places.
- The number of rats and foxes will increase.
- The access route past schools is dangerous.
- The Environmental impact will be significant and has not been properly assessed.
- Lack of detail with application.
- The highway access will harm Broad Highway verges candidate SINC.
- The access will damage drainage channels opposite.
- There should be a full ecology survey of protected species and the impact that the access track has on them.
- There is inadequate screening from Wheldrake and Swallow Hall.

- Have the Council fully investigated the local impact of pharmaceutical based egg businesses.

3.9 Officer comment; Some objections raise issues which were considered by Members when assessing the outline application and which are not relevant to the consideration of the reserved matters application. These issues include the use of Broad Highway by heavy vehicles and the impact of odours from the facility.

4.0 APPRAISAL

MATTERS FOR DETERMINATION

4.1 The principle of the erection of an egg laying unit to house 32,000 birds on this site has previously been assessed and accepted through the outline planning permission granted in April 2016. This permission also approved the scale and footprint of the building and the site layout, including routes and open spaces within the development. Accordingly these matters are not for consideration here. The assessment of this application can only focus on the reserved matters that form the current application, specifically details relating to access, appearance and landscaping,

KEY CONSIDERATIONS

4.2 key considerations relate to the acceptability of the following areas:

- The impact on highway safety.
- The impact on the appearance of the surrounding area including the Greenbelt.
- The impact on wildlife and the environment.
- The impact on public rights of way.

4.3 These issues are considered within the assessment of the 3 separate matters that are the subject of the reserved matters application for determination (access, appearance and landscaping).

PLANNING POLICY

Development Plan

4.4 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York

comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt.

The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

Local Plan

4.5 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

Emerging Local Plan

4.6 An eight week consultation on the Preferred Sites 2016 document and supporting evidence for the emerging City of York Local Plan started on 18 July 2016. The emerging Local Plan policies can only be afforded weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

Wheldrake Village Design Statement

4.7 This document was approved in March 2015 as a draft supplementary planning document to the emerging plan and is a material consideration when assessing planning applications. The future of the countryside around the village is considered in the document. Of relevance to the proposal are the following guidelines and issues:

- The importance of Public rights of way to the quality of life of residents and the desire to see these improved.
- Wildlife and bio-diversity is important.
- Landscape design is important and the planting of native trees should be encouraged.
- Development should not detract from the Greenbelt or setting of the village.

National Planning Policy Framework

4.8 The National Planning Policy Framework (NPPF) was published in March 2012. It sets out government's planning policies and is material to the determination of planning applications.

The NPPF is the most up-to date representation of key relevant policy issues (other than the Saved RSS Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be addressed.

4.9 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development, unless specific policies in the NPPF indicate development should be restricted. This presumption does not apply in Green Belt locations.

4.10 GREEN BELT:- As noted above, saved Policies YH9C and Y1C of the Yorkshire and Humber Side Regional Strategy define the general extent of the York Green Belt and as such Government Planning Policies in respect of the Green Belt apply. Central Government Planning Policy as outlined in paragraphs 79 to 90 of the National Planning Policy Framework identifies Green Belts as being characterised by their openness and permanence. Substantial weight should be given to any harm to the Green Belt.

4.11 AMENITY ISSUES: - Central Government Planning Policy as outlined in paragraph 17 of the National Planning Policy Framework "Core Principles" urges Local Planning Authorities to give significant weight to the need to provide and safeguard a good standard of amenity for all new and existing occupiers of land and buildings.

4.12 RURAL ECONOMY: - Central Government Planning Policy as outlined in paragraph 28 of the National Planning Policy Framework urges Local Planning Authorities to support the development and diversification of agricultural and other land based rural businesses as well as supporting sustainable rural leisure developments which benefit rural communities and respect the character of the countryside.

4.13 HABITAT AND BIODIVERSITY: - Central Government Planning Policy as outlined in paragraph 118 of the National Planning Policy Framework indicates that Local Planning Authorities should seek to conserve and enhance biodiversity by ensuring that planning permission is not granted for development that would result in the loss of biodiversity unless clear public benefits can be demonstrated that outweigh the harm caused by the loss.

4.14 ENVIRONMENTAL IMPACT ASSESSMENT: - The Local Planning Authority has issued a screening opinion on the reserved matters application for likely significant effects on the environment. It is not considered that an Environmental Impact Assessment is required.

MEANS OF ACCESS

4.15 The means of access relates to routes between the egg production buildings and Broad Highway. It is not within the remit of the reserved matters application to re-visit the merits of the wider transport issues relating to the proposal, including the use of Broad Highway by heavy vehicles. Controls relating to the times that large vehicles can access the site and the implementation of passing places on Broad Highway are covered by the outline permission.

4.16 An agricultural track runs between the application site and Hagg Wood. The section of track immediately to the north of Hagg Wood is also a public right of way. This route carries on westwards and is part of the Wilberforce Way. The most easterly section of track that runs across a field within the applicant's ownership close to Broad Highway is not a public right of way. The public right of way connects with Broad Highway to the east by detouring through a 'dog legged' road that runs past a small group of homes to the south (Hagg Wood Walk).

4.17 The reserved matters propose to upgrade and widen the track from around 2m to 5m with two passing points. The proposed construction is a base of hardcore and stone topped with tarmac planings which will be rolled to create a smooth surface. At the access point with Broad Highway the track will be widened to 7.3m and appropriate visibility splays incorporated. A small section of hedgerow (approximately 1.5m either side of the existing gate) will be lost to create the widened access.

4.18 It is not considered that the widened and improved access route will detract from its use as a public right of way. Its width is such that vehicles can pass pedestrians using it. Condition 4 proposes that signage is erected at either end adjacent to the public right of way warning pedestrians and drivers of the shared use by vehicles and pedestrians. The existing unmade route does get very muddy during wet weather and the surfacing will make it easier for people to travel along the route during the winter months.

4.19 It is not considered that the hard surfacing works and slight loss of hedgerow will harm biodiversity when balanced against the gains from the additional landscaping required to soften the impact of the proposed buildings. The actual upgraded access will not detract from wildlife - most concerns regarding the impact of new or upgraded routes relate to conflicts between animals and

vehicles, however, the proposed usage by vehicles at the application site is so low this will be extremely limited.

4.20 The hard surfacing works will formalise an unmade route and have a modest impact on the character of the area. The route will not be lit and the level of usage by vehicles is not such that noise or the appearance of moving vehicles would impact on character. The flat terrain and hedgerow boundary with Broad Highway is such that the actual new road surface will not be clearly visible from the wider surrounding area.

4.21 Issues relating to the impact on the Green Belt, including the impact of the access were considered in full in the outline application. It is not considered that any details submitted with the reserved matters raises issues that conflict with the assessment of the impact.

APPEARANCE

4.22 The overall scale and form of the buildings on site was approved in the outline consent. The reserved matters application only relates to the materials used to construct the buildings and structures.

4.23 The buildings are intended to be clad in polyester coated profile sheets in Juniper green (dark green) and the feed bins are proposed to be constructed of Juniper coloured plastic. This is considered appropriate for agricultural buildings. The use of a dark green colour rather than grey is appropriate given the buildings' location adjacent to Hagg Wood. The scale of the building is not changed from that approved at outline – the proposed colour of the building is not considered to impact negatively on the Green Belt.

LANDSCAPING

4.24 The reserved matters covers soft landscaping within and around the proposed buildings. A hedgerow is proposed completely around the buildings. Within the hedgerow at intervals of around 10-15m tree planting is included. The trees are intended to be a combination of Scots Pine, Sweet Cherry and English Oak. They will need to be thinned out in future years. Inside the line of the hedgerows a decorative mix of shrub planting is proposed along with grassed areas. Subject to a slight change in planting specification shown on the revised plans the Council's landscape architect is satisfied with the scheme. The Council's nature conservation officer has no objections. It is considered that the planting will help to satisfactorily soften the building's appearance in the landscape, including views from Wheldrake and nearby public right of ways.

4.25 In the report relating to the outline application it was stated that the development would not detract unduly from the visual character of the local area providing suitable landscaping is provided adjacent to the development. The landscaping is vegetation appropriate to context and does not raise new Green Belt issues not examined at outline stage.

4.26 The drawings originally submitted with the reserved matters application indicated that the public right of way would be 'blocked' by the planting scheme. This has now been verified. The planting will not impeded the public right of way. It was the case that the line of the public right of way had not been clearly annotated on the originally submitted site plan.

5.0 CONCLUSION

5.1 The principle of the proposed development has been accepted by the grant of outline consent 15/02439/OUTM and this application seeks approval for the reserved matters solely relating to appearance, landscaping and access.

5.2 It is considered that the proposed details submitted with the application are acceptable in respect to key issues including the impact on public rights of way, highway safety and the character and appearance of the countryside and Green Belt. It is considered that there are not any reasons to withhold the grant of reserved matters approval.

5.3 It is considered that the application, subject to the suggested conditions complies with relevant advice in the National Planning Policy Framework and guidance in the Wheldrake Village Design Statement. In addition, it is considered acceptable in respect to policies of the Local Plan, particularly GP1 (Design), GB1 (Development in the Green Belt) and NE1 (Trees, Woodlands and Hedgerows).

6.0 RECOMMENDATION: Approve

- 1 The development hereby permitted shall be carried out in accordance with the following plans and documents:-
 - Elevation drawing received by the Local Planning Authority on 23 June 2016.
 - Revised access detail plan dated August 2016 received by the Local Planning Authority on 20 August 2016.
 - Revised site Plan received by the Local Planning Authority on 20 August 2016.

- Revised site layout plan dated August 2016 received by the Local Planning Authority on 01 September 2016.
- Landscape proposals plan Revision A received by the Local Planning Authority on 31 August 2016.
- Landscape specification A received by the Local Planning Authority on 30 August 2016.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

- 2 The approved landscaping scheme shall be implemented within 8 months of occupation. If any tree or section of hedge planted dies or is lost through any cause within the lifetime of the development it shall be replaced in the next planting season with others of similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: To help integrate the building with its surroundings.

- 3 The building shall not be occupied until the highway and public right of way works shown on the approved plans have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be maintained and retained as approved.

Reason: In the interests of highway safety and to ensure that the public right of way is retained.

- 4 Prior to the commencement of development, a management and signage plan relating to the design of the access route linking Broad Highway with the egg production unit buildings shall be submitted to and agreed in writing by the Local Planning Authority. It shall thereafter be implemented and managed as agreed.

The Management plan shall relate to the following areas:

- Voluntary speed limits.
- The provision of signage for pedestrians and vehicle users.
- The design of passing places.
- The need for fencing and gates.

Reason: In the interests of the safety of all users of the route.

- 5 The landscaping scheme shall not involve any material raising of ground levels on the site.

Reason: For the avoidance of doubt.

- 6 The fence erected as part of the approved hedge works shall not exceed 1m in height.

Reason: To protect the openness of the Green Belt

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) (England) 2015 (or any order revoking, re-enacting or modifying that Order) including class A of Part 2 no fences or other means of enclosure shall be erected at the site other than those expressly authorised by this permission.

Reason: To protect the appearance of the countryside.

8. The proposed access road linking Broad Highway with the egg production unit buildings shall be constructed of a 200mm base course of hardcore, topped with 60mm of graded stone. The wearing course for the road surface shall be 40mm of tarmac planings rolled and compacted to create a smooth surface.

Reason: For the avoidance of doubt and to ensure that it is fit for purpose.

7.0 INFORMATIVES:

Notes to Applicant

1. For Information - Public right of way.

The landowners/applicant should be aware that they are dedicating the extra width of the access road as public footpath. If there are any queries regarding this matter please contact the Council's Definitive Map Officer. It should be noted that the maintenance of the new surface will be the responsibility of the landowner, not the highway authority and the surface should be maintained to a standard that is suitable for walkers as well as vehicles.

2. 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 (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve an acceptable outcome:

Additional details sought in respect to landscaping.

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