

**COMMITTEE REPORT**

**Date:** 17 March 2016      **Ward:** Rural West York  
**Team:** Major and Commercial Team      **Parish:** Parish Of Rufforth With Knapton

**Reference:** 15/02031/FULM  
**Application at:** Land at Grid Reference 458205 449925 West of Bradley Lane Rufforth York  
**For:** Application for erection of poultry farm comprising 6 no poultry sheds with ancillary buildings, access road and landscaping with amended highway layout, aviation and ammonia pollution reports  
**By:** Mr Edward Barker  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 21 March 2016  
**Recommendation:** Refuse

**1.0 PROPOSAL**

1.1 Land at OS grid reference 458205 449925 comprises a substantial area of presently arable land with woodland to the south west lying within the Green Belt to the south of Rufforth village. Planning permission is sought for the development of a 15,800 sq metre (approx) intensive poultry farm on the site to handle an operational stocking capacity of 288,000 chickens employing 2.5 staff. The proposal falls within Schedule 1 to the 2011 Town and Country Planning (Environmental Impact Assessment) Regulations and as such is accompanied by a formal Environmental Impact Assessment. Rufforth Airfield lies directly to the east of the application site and a candidate SINC (Site of interest for Nature Conservation) lies to the south west. The scheme has been amended in terms of the proposed access layout, landscaping and odour control programme since initial submission.

**2.0 POLICY CONTEXT**

2.1 Draft Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

2.2 Policies:

City of York Draft Local Plan adopted for Development Control Purposes (2005) (CYLP) Most relevant policies:-

CGP15A - Development and Flood Risk

CYGB1 - Development within the Green Belt

CYGP1 - Design

CYGP4A - Sustainability

CYGP9 -- Landscaping

CYNE1 - Trees, woodlands, hedgerows

CYNE5A - Local Nature Conservation Sites

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

### **3.0 CONSULTATIONS**

INTERNAL:-

3.1 Public Protection raise no objection in principle to the proposal subject to any permission being conditioned to require the submission and prior approval of a Construction Environmental Management Plan (CEMP) in respect of the construction phase of the development.

3.2 Highway Network Management initially expressed concern in respect of the proposed access layout and parking arrangements within the site. The proposal has subsequently been amended to deal with the concerns and no objection is now raised.

3.3 Trading Standards (Animal Welfare) raise no objection to the proposal.

3.4 Strategic Flood Risk Management were consulted with regard to the proposal on 29th September 2015. No response has been forthcoming at the time of writing.

3.5 Design, Conservation and Sustainable Development (Archaeology) raise no objection in principle to the proposal subject to an archaeological evaluation of the site being undertaken prior to the commencement of development.

3.6 Planning and Environmental Management (Ecology) raise no objection in principle to the proposal subject to any permission being conditioned to secure appropriate species mitigation.

3.7 Planning and Environmental Management (Landscape) raise no objection in principle to the proposal but express concern in relation to the impact of the proposal upon the open character of the surrounding landscape particularly when combined with the proposed lighting arrangements and during the months of the year when surrounding trees and other vegetation are not in full leaf.

#### EXTERNAL:-

3.8 Rufforth with Knapton Parish - Council object to the proposal on the grounds of impact of heavy traffic on unsuitable rural roads, impact upon the local surface water drainage network and associated flood risk, potential nitrate pollution to surrounding farm land, impact upon the safe and effective operation of the Civil Aviation activity at Rufforth Airfield and impact upon the residential amenity of neighbouring properties by virtue of noise and odour release.

3.9 York Gliding Club - object to the proposal on the grounds of safety impact to aircraft taking off and landing arising from the proximity of the building complex to the airfield runway, impact upon the welfare of the farmed birds arising from aircraft noise and risk of bird strike from pigeons, gulls and other birds feeding from the waste associated with the operation.

3.10 Harrogate Borough Council - raises no objection to the proposal.

3.11 The Environment Agency - raises no objection to the proposal.

3.12 Natural England - raises no objection to the proposal.

3.13 The Yorkshire Wildlife Trust - raises no objection to the proposal on the basis that impact upon the adjacent candidate SINC would be minimal.

3.14 The Ainsty (2008) Internal Drainage Board - object to the proposal on the grounds of impact of the proposed surface water drainage system upon water flows in surrounding water courses running at capacity.

3.15 The Civil Aviation Authority was consulted with regard to the proposal on 29th October 2015. No response has been received at the time of writing.

3.16 The National Planning Case Work Unit were consulted with regard to the proposal on 29th January 2016. No response has been forthcoming at the time of writing.

3.17 Yorkshire Water Services Ltd was consulted with regard to the proposal on 30th September 2015. No response has been forthcoming at the time of writing.

3.18 Julian Sturdy MP - objects to the proposal on the grounds of the impact of heavy traffic from the site upon neighbouring unsuitable rural roads, impact upon the safe operation of Rufforth Airfield, impact of odours from the site upon the residential amenity of neighbouring properties and impact upon the open character and purposes of designation of the York Green Belt.

3.19 Councillor Chris Steward - objects to the proposal on the grounds of impact upon the safe and efficient operation of Rufforth Airfield, impact of traffic from the site upon unsuitable rural roads in the surrounding area, impact of odours and light pollution upon the residential amenity of neighbouring properties and impact upon the open character and purposes of designation of the York Green Belt.

3.20 The Astronomer Royal - objects to the proposal on the grounds of impact upon animal welfare and impact upon the operation of the observatory of the York Astronomical Society.

3.21 The York Astronomical Society - object to the proposal on the grounds that the proposal would give rise to dust and light pollution to the detriment of the operation of their space exploration equipment.

3.22 The Rufforth Playing Fields Association - object to the proposal on the grounds of impact upon the safe operation of Rufforth Airfield, nitrate pollution from the waste produced by the site, impact upon the local surface water drainage network, the introduction of heavy traffic on to sub-standard rural roads, impact of odour and light pollution on the residential amenity of neighbouring properties and impact upon the open character of the Green Belt.

3.23 The NFU - support the proposal.

3.24 The Minster Veterinary Practice - support the proposal.

3.25 Chesterfield Poultry Limited - supports the proposal.

3.26 Animal Aid - object to the proposal on the grounds of impact upon the local surface water drainage system, possible nitrate pollution arising from the waste from the proposed farm, the impact of additional traffic upon unsuitable rural roads, serious concerns in respect of the standards of animal welfare at the proposed farm, concern in respect of standards at the destination processing plant and concern in respect of the impact of the meat from the farm on human health. Further concerns have also been expressed in relation to the robustness of the animal health inspection regime for the farm.

3.27 A 4,121 signature e-petition has been submitted on behalf of PETA (People for the Ethical Treatment of Animals) objecting to the proposal on the grounds of:-

- Impact from pollution on the local environment;
- Impact upon the local surface water drainage system and consequent increase in flood risk;
- Impact upon the residential amenity of neighbouring properties;
- Impact of heavy traffic upon unsuitable rural roads;
- Impact of the proposed intensive husbandry methods upon the health and welfare of the farm animals.

3.28 6,663 objections have been made to the proposal. The following is a summary of their contents:-

- Serious concern in respect of animal welfare practises at the applicant's other farming operations;
- Concern in respect of the impact of pollution from the proposed farm on human health;
- Concern in respect of the impact of the proposal upon the residential amenity of neighbouring properties by virtue of smell, noise and light pollution;
- Concern at the impact of the proposal upon the local surface water drainage network;
- Concern at the impact of additional traffic movements on unsuitable local roads;
- Concern at the lack of positive benefits to the local economy arising from the proposal;
- Concern at the impact of the proposal upon the open character and purposes of designation of the York Green Belt;
- Concern at the impact of the proposal upon the astronomical and space exploration activities of the York Astronomical Society;
- Concern at the impact upon private water supplies in the surrounding area;
- Concern at the lack of adequate consideration of alternative sites;
- Concern at the impact of the proposal upon the safety of aircraft taking off and landing at Rufforth Airfield;
- Concern at the impact upon the habitat and biodiversity provided by the adjacent candidate SINC.

## **4.0 APPRAISAL**

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- Impact upon the openness and character of the York Green Belt
- \*The effect upon visual amenity of the locality;
- Consideration of Alternative Locations;
- Issues of Odour, Noise and Light Pollution;

- Impact upon the Adjacent Candidate SINC;
- Impact upon Local Aviation Activities;
- Impact upon the Operation of the York Observatory;
- Impact of Additional Traffic upon the Local Highway Network;
- Animal Welfare Issues;
- Impact upon the local pattern of surface water drainage;
- Sustainability.

## PLANNING POLICY:-

### Development Plan

4.2 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

4.3 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

4.4 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, has been halted pending further analysis of housing projections. 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.

4.5 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.

4.6 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.

4.7 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. New built development is automatically taken to be inappropriate and therefore harmful to the Green Belt unless it comes within one of a number of excepted categories. Inappropriate development may only be permitted where "very special circumstances" have been demonstrated. Paragraph 88 of the National Planning Policy Framework indicates that "very special circumstances" will only exist where potential harm to the Green Belt and any other harm are clearly outweighed by other considerations. Policy GB1 of the DCLP sets a firm policy presumption against inappropriate development within the Green Belt.

4.8 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.

4.9 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.

4.10 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 irreplaceable unless clear public benefits can be demonstrated that outweigh the harm caused by the loss.

4.11 SURFACE WATER DRAINAGE AND FLOOD RISK:-Central Government Planning Policy as outlined in paragraph 103 of the National Planning Policy Framework indicates that when determining planning applications Local Planning Authorities should ensure that flood risk is not increased elsewhere.

4.12 ENVIRONMENTAL IMPACT ASSESSMENT: - The 2011 Town and Country Planning (Environmental Impact Assessment) Regulations through Schedules 1 and 2 identify clear categories of development including waste management facilities which are likely to have significant non-local environmental effects. Schedule 3 and the accompanying Circular gives clear guidance as to how those effects can be assessed and mitigated against. The current proposal falls within Schedule 1 by virtue of the physical size of the building complex and the number of chickens to be processed when the operation is at full capacity. The appellant has produced an Environmental Statement and it is considered that it meets the requirements of the EIA Regulation.

#### IMPACT UPON THE OPENNESS AND CHARACTER OF THE YORK GREEN BELT:-

4.13 The proposal is for the erection of an intensive poultry farming unit within six sheds covering 15,800 sq metres with ancillary facilities to handle 288,000 chickens when operating at full capacity. The application site lies within the general extent of the York Green Belt and is presently undeveloped comprising an arable field. Paragraph 89 of the National Planning Policy Framework indicates that all new built development within the Green Belt is inappropriate and therefore harmful to its character unless it comes within one of a number of categories specifically identified as being not inappropriate. These include buildings to be constructed for the purposes of agriculture and forestry. The proposal would not therefore constitute inappropriate development within the Green Belt. As such, the issue of very special circumstances does not arise.

4.14 Paragraphs 79 and 80 of the National Planning Policy Framework state that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of the Green Belt are its openness and permanence.

4.15 Notwithstanding that it is acknowledged that the proposed development is classified as being not inappropriate within the Green Belt, it is necessary to consider the issue of harm to openness and character of the Green Belt by virtue of the scale of the proposed development. This is an approach supported in respect of rather smaller agriculturally related development within the Green Belt elsewhere.

4.16 The application site comprises a large field in arable cultivation gently sloping to the west and south west with areas of mature woodland in the middle and long distance beyond. Other than the former runways of Rufforth Airfield to the east there is little significant built development within the vicinity of the site. In addition to the



building complex itself which would be very substantial in size when compared with other farm developments in the locality, the applicant has indicated a wish to construct a regular landscaped bund around the site. The bund would be approximately 2 metres high and the building complex would be approximately 5.5 metres high with the associated feed hoppers some 8 metres high.

4.17 If implemented the character of the site and its visual relationship to the remainder of the Green Belt would be fundamentally altered. The woodland to the west and south west would no longer be visible to the same extent and instead of the current open character to the site and its surroundings a large industrial complex would be created giving rise to substantial harm to the open character of the Green Belt. The regimented heavily engineered character of the proposed bunding would only serve to exacerbate such harm by emphasising its location within an otherwise open agricultural landscape. Notwithstanding that the development is otherwise not inappropriate within the Green Belt it is felt that the proposed size and location of the complex would cause substantial harm to the open character of the Green Belt.

#### CONSIDERATION OF VISUAL IMPACT ON LOCALITY:-

4.18 The application site lies in open countryside to the south of Rufforth village in an area of gently rolling landscape with clear and well defined long distance views to the south and south west in the direction of Long Marston and Askham Richard villages. Whilst not part of a designated landscape the views of areas of traditional native wood land add significantly to the wider character and visual amenity of the area. The proposal involving the erection of a substantial building complex with associated heavily engineered landscaping would fundamentally erode the character and visual amenity of the area to the extent that it would lose its natural, timeless, rural ambience and take on an alien, urbanised and industrial character.

#### CONSIDERATION OF ALTERNATIVE LOCATIONS:-

4.19 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 require that where alternative approaches to development have been considered, the Environmental Statement should include an outline of the main alternatives studied and the main reasons for the choice made, taking into account the environmental effects. The applicant's "do nothing" option looks at the need to restructure the poultry sector to maximise job growth and efficiency to meet customer demand without the need for extensive foreign imports.

4.20 The proposed development would service a re-developed poultry processing plant at Thorne near Doncaster and lead to modest job growth at that location. In terms of job growth at the application site the application details are clear that only a modest 2.5 full time equivalent posts would be created. A series of alternative sites both inside and outside of the Green Belt are also considered and discounted in the ES. A site is considered at Gateforth near Selby but discounted on the grounds of

being within 800 metres of an area of ancient woodland which would be vulnerable to ammonia pollution from the site and within 100 metres of an open air recreational use, Selby Golf Club. However, in examining the impact of the current proposal upon the adjacent candidate SINC, the submitted application details indicate that the risk of harm to the habitat through ammonia pollution is negligible and at the same time the current proposal is also in close proximity to a predominantly open air recreation use, York Gliding Club.

4.21 The possibility of expansion of the applicant's existing poultry operations at Riccall and Melbourne outside of the Green Belt and at Bilbrough is also considered but specifically discounted on the grounds of proximity to residential property. The applicant has however elsewhere highlighted the lack of noise and odour pollution complaints arising from the Bilbrough and Melbourne sites within the submitted application details.

#### POLLUTION ISSUES:-

4.22 ODOUR: - Intensive poultry units carry a risk of pollution from ammonia which is present within the associated manure and which research from continental Europe has indicated can be harmful to a range of habitats if uncontrolled. The application site lies within 60 metres of a candidate SINC notified as of significance as a grassland habitat and approximately 500 metres from an area of priority woodland identified by Natural England. The application has been accompanied by an ammonia modelling report which has at the same time been the subject of a successful application to the Environment Agency for an Environmental Permit for the proposed operation. The EA has examined potential impacts upon the Askham Bog SSSI to the south east and also Grange Wood an area of registered Ancient Woodland in the immediate vicinity and found the risk of harmful impact to be minimal.

4.23 LIGHT: - The application details as initially submitted indicated the usage of wall mounted sodium lights with a relatively high level output at the site. Subsequently and in the light of concerns expressed by neighbouring residential properties and by the York Astronomical Society the applicant has agreed to the usage of lower intensity LED lights and to have controls placed upon times of operation by condition to any planning permission. However, because of the scale of the development and its relatively remote location it can be argued that any significant usage of night time outdoor lighting could be harmful to the amenity and rural ambience of the area.

4.24 NOISE: - The mode of operation of the proposal ensures that the poultry would be confined within the building and any noise arising directly from the farm operation would be the subject to the operation of the Environmental Permit from the Environment Agency. Noise may also occur through traffic exiting and leaving the site when new chickens are brought to be fattened and when taken away for

processing. However in view of the frequency of such occurrences and their duration it is felt that any material harm would be modest.

#### IMPACT UPON THE ADJACENT CANDIDATE SINC:-

4.25 Paragraph 118 of the National Planning Policy Framework indicates that in determining planning applications Local Planning Authorities should aim to conserve and enhance biodiversity by ensuring that if significant harm arising from a development can not be avoided or at least mitigated against then planning permission should be refused. The current application site is 1.2 kilometres from an area of ancient woodland at Grange Wood to the east of Rufforth Airfield and 2.9 kilometres from Askham Bog a SSSI to the south east. A candidate SINC notified on the basis of being a rare grassland habitat lies directly to the south west. Detailed ammonia modelling of the proposal when fully operational has been undertaken in order to fulfil the relevant requirements of the Environmental Permit required for the development by the EIA. This clearly demonstrates that the development can be undertaken without material harm to the ecological and biodiversity value of the neighbouring habitat.

#### IMPACT UPON LOCAL AVIATION ACTIVITIES:-

4.26 Concern has been expressed in terms of the impact of the proposal upon the safe operation of Rufforth Airfield in respect of the activities of York Gliding Club. The proposed development would be aligned on a secondary runway aligned north east south west used by the Club for take off manoeuvres involving a towing aircraft. If a towing or other aircraft were to develop a mechanical problem whilst taking off it requires a clear area in order to perform an emergency landing a short distance away.

4.27 The relevant CAA technical guidance indicates that such an area should ideally be in a direct alignment with the take off run way which in the current case would be within the footprint of the proposed complex of buildings. The applicant's own aviation report acknowledges this and recommends that the airfield operator alter their operational practice including warning potential users and discourage the use of certain types of aircraft. A further issue relates to the proposed landscaping to the site and conditions it may create suitable for nesting birds with the possibility of bird strike affecting aircraft taking off and landing at the airfield. In order to address the potential for bird strike the applicant suggests that the level of the landscaping proposed for the site be purposefully lowered and that only low growing species be selected to be planted. However, by producing a lower more engineered topographic form to the proposed landscaping the overall visual impact of the scheme would be increased but without demonstrably lessening the risk of bird strike affecting the operation of the adjacent air field. It is not considered reasonable to expect the operator of the airfield to mitigate the impact of the proposal upon the safe operation of take off and landing procedures at the airfield.

4.28 Concern has also been expressed in terms of the height of the proposed buildings notably the proposed feed silos relative to the airfield safeguarding area for Rufforth Airfield and the general operational utility of activities there. It is however felt that the height of the feed silos and other buildings would not of themselves be harmful to the operation of the adjacent airfield. At the same time concern has been expressed on animal welfare grounds in respect of the impact of noise of aircraft taking off and landing at the adjacent airfield. However in view of the fact that the chickens would be kept in sealed sheds and the speed and frequency of flights would be relatively low this is not felt to be significant.

#### IMPACT UPON THE OPERATIONS OF THE YORK OBSERVATORY:-

4.29 Concern has been expressed in relation to the impact of the proposal upon the operation of the observatory of the York Astronomical Society some 400 metres to the north east of the application site. The concern focuses on two aspects of the proposal, the usage of LED floodlights at the application site which by virtue of the scale of the proposed development would impinge upon clear views of the night sky, and the production of dust and ammonia fumes from the fans attached to the shed roofs which would ham the specialist apparatus belonging to the observatory. Since the proposal was first submitted, the lighting specification has been amended from sodium to LED lights and the applicant has indicated that the complex would only be lit intermittently at night when the chickens are being transferred for processing. In view of the likely intermittent pattern of usage it is felt that any harm generated by the lighting to the observatory could effectively be mitigated by condition attached to any permission. In terms of the issue of dust and ammonia fumes their occurrence is dependent upon atmospheric conditions and the nature and efficiency of the ventilation apparatus for the sheds. Any harm could therefore be effectively mitigated by condition attached to any planning permission.

#### IMPACT OF ADDITIONAL TRAFFIC UPON THE LOCAL HIGHWAY NETWORK:-

4.30 Concern has been expressed in relation to the impact of additional traffic movements involving large lorries accessing Bradley Lane Rufforth from the B1224 within Rufforth village and travelling through Askham Richard village heading between the site and the A64 to the south west. Access to the site via Rufforth village would give rise to conditions prejudicial to highway safety by virtue of the size of vehicle and the configuration of the junction between Bradley Lane and the B1224 Wetherby Road. Vehicle movements to the site would however be modest involving five vehicles at a time and dependent upon the chicken growth cycles. Access to the A64 to the south via Askham Richard would not give rise to the same difficulties in terms of impact upon the safe and free flow of traffic. However in view of the timing of the cycles night time lorry movements would give rise to significant harm to the residential amenity of properties within Askham Richard village.

## ANIMAL WELFARE ISSUES:-

4.31 Significant concern has been raised in respect of the conditions under which the intensively farmed chickens would be kept and the associated animal health inspection regime. Particular concern has been raised in respect of the spread of avian disease, the sheer numbers being held in a confined space without access to fresh air and daylight the use of antibiotics and the potential for creation of a source of human food poisoning. Whilst these are clearly important matters the farm operation is regulated by a separate and distinct system of control administered by DEFRA and associated agencies. These matters are not therefore in themselves material to the determination of this planning application. The ethical or moral values of the type of intensive farming proposed are not material to the determination of this planning application.

## IMPACT UPON THE LOCAL PATTERN OF SURFACE WATER DRAINAGE:-

4.32 Concern has been expressed in relation to the impact of the additional hard surfacing upon the levels and rate of run off of surface water into local water courses which are running at capacity together with the possible leaching of pollutants from farm into neighbouring water courses to the detriment of animal and human health. The applicant has indicated that the contaminated surface water from the site would be collected and used as a source of fertiliser in the nearby area with uncontaminated water being collected and used for cleaning and irrigation purposes within the holding. However detail of how both contaminated and uncontaminated flows would be dealt with and how storm flows would be attenuated have not been forthcoming. The area to the south and east of Rufforth has historically been subject to a high water table and has experienced surface water drainage difficulties.

4.33 On the basis of the information provided the applicant has failed to demonstrate that the additional flows created by the additional hard surfaced area created can be effectively dealt with without increasing flood risk elsewhere within the catchment as required by paragraph 103 of the National Planning Policy Framework.

4.34 At the same time chicken manure has a high ammonia content which leaves a distinctive pungent odour which can cause significant harm to residential amenity if uncontrolled. The applicant has not given clear information as to the usage of the contaminated surface water from the site as a fertiliser to be spread on neighbouring land and the circumstances in which it would take place. Without such detailed information a reasoned assessment of any impact upon amenity and the appropriate means of mitigation can not take place.

## SUSTAINABILITY:-

4.35 The National Planning Policy Framework in paragraph 14 sets out a firm policy presumption in favour of sustainable development which runs as a “golden thread” through the wider Framework as a whole. The applicant contends that as the proposed development is not inappropriate within the Green Belt context as defined in paragraphs 89 and 90 of the Framework that the presumption applies in the current context. However, the definition of sustainable development is further clarified by paragraph 7 of the Framework which seeks a role for the planning system in preserving and enhancing the natural environment as an integral element of being sustainable development. It is felt that the degree of harm to the character and visual amenity of the surrounding area is such that the proposal would not amount to sustainable development within the terms of the Framework when this is read as a whole and should therefore be rejected on that basis.

## 5.0 CONCLUSION

5.1 The application site is presently undeveloped and the proposal would result in the construction of a substantial built complex in close proximity to the Askham Richard Rufforth road and the boundary of Rufforth Airfield. Following the development proposed, the physical and visual relationship of the site to its surroundings and notably the mature woodland to the west and south west would be fundamentally altered to the detriment of the open character of the Green Belt.

5.2 The potential safety risks arising from the proximity of an operational runway at Rufforth Airfield have not been adequately mitigated against and insufficient information has been forthcoming to demonstrate that both contaminated and uncontaminated surface water can adequately be disposed of. The proposal is therefore felt to be unacceptable in planning terms and refusal is recommended.

## 6.0 RECOMMENDATION: Refuse

1 Policies YH9 and Y1 of the Yorkshire and Humber Plan Regional Spatial Strategy to 2026 defines the general extent of the Green Belt around York with an outer boundary about 6 miles from the city centre. The site is located in Green Belt as identified in the City of York Development Control Draft Local Plan (April 2005). The development by virtue of its scale, location and visual relationship to the local topography would give rise to serious detrimental harm to the open character of the Green Belt contrary to paragraph 79 of the National Planning Policy Framework.

2 The development by virtue of its close physical relationship to a principal runway of Rufforth Airfield without adequate mitigation measures incorporated in to the development would unacceptably compromise the safe and efficient operation of the aviation activities at the adjacent site.

3 Insufficient information has been forthcoming to establish whether or not the site may be safely drained without unacceptable increase in flood risk or pollution to adjacent properties contrary to paragraph 103 of the National Planning Policy Framework.

4. The development by virtue of its scale, location and relationship to the surrounding topography would cause unacceptable harm to the character, visual amenity and ambience of the surrounding landscape and would not constitute sustainable development as set out in the National Planning Policy Framework.

## **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 (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 an attempt to achieve a positive outcome:

Notwithstanding the harms identified:-

Sought submission of a detailed surface/contaminated water mitigation scheme.

Sought meeting/ discussion with applicant / agent about the application details.

### **Contact details:**

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