

1.5 The buildings proposed on site include a large unit to house the birds and pack and store eggs, two feed bins and a trailer canopy. The submitted plans indicate the maximum height of buildings/structures on site 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. The building is functional in design and would be clad with colour coated sheeting (typically green).

1.6 The buildings would be reached via Broad Highway. Broad Highway is around 530m from the application site. To create a suitable access for vehicles it is proposed to hard surface and widen the existing track that runs alongside the northern edge of Hagg Wood and through the field immediately to the west of Broad Highway. A small cluster of residential properties are located to the south of the access off Broad Highway.

2.0 POLICY CONTEXT

2.1 Draft Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

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

Public Protection

3.2 No objections. The impact of noise, odour, dust, flies and lighting has been considered. The proposals are in accordance with the Defra Code of Good Agricultural Practice for Farmers, Growers and Land Managers: Protecting our water, soil and air', and the Environment Agency document 'Environmental Permitting regulations Intensive Farming: How to comply'.

3.3 Satisfied with separation distances to the nearest residential properties. Should the unit change in system or the existing system fail to be maintained to the extent that there are issues regarding noise, odour, dust, and lighting, there are powers to deal with this as statutory nuisance under the Environmental Protection Act 1990.

Rights of Way Officer

3.4 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. The maintenance of the new surface will be the responsibility of the landowner, not the highway authority. The surface should be maintained to a standard that is suitable for walkers as well as vehicles.

Planning and Environmental Management (Archaeology)

3.5 States this site is located on previously undisturbed land situated within a wider landscape which contains evidence of Prehistoric and Romano-British settlement and activity. It is possible that ground works associated with this proposal may reveal or disturb archaeological features particularly relating to the prehistoric-Romano-British period. It will be necessary to undertake a strip, map and record exercise across the site prior to the start of any construction work.

3.6 A condition should be included requiring an archaeological excavation and subsequent programme of analysis and publication by an approved archaeological unit.

Planning and Environmental Management (Landscape)

3.7 States the development would be set within a broad, working, rural landscape namely consisting of large foreground fields, and a wooded backdrop. In principle the development would be an appropriate use within the greenbelt and the simple agricultural character of the building is fitting to its context, however the scale of the

building - by way of its length, would be at odds with the relatively modest farmsteads and other agricultural buildings in the area. Nonetheless the elements that make up the immediate landscape are of a corresponding large scale. Hagg Wood screens the development from the immediate west and north, and acts as a suitable visual backdrop in views from the south western approach along Wilberforce Way, from where the development is extremely exposed due to a lack of field boundary hedgerows and trees, combined with an almost perpendicular approach to the site from the south west. The scale of the building will add a notable new element to the existing landscape. Whilst this will bring a degree of harm to views along the Public Right of Way, there are potential landscape design measures that could provide substantial mitigation depending on land ownership.

3.8 Should the outline application be approved it is important that the following information be submitted with a reserved matters application by way of condition:

- Lighting
- Utilities
- Landscape scheme
- Signage
- Access road design
- Boundary treatment
- Cladding materials and colour

Planning and Environmental Management (Ecology and Countryside)

3.9 Air pollution from the use will not exceed thresholds considered to cause harm to habitat or species including Hagg Wood.

3.10 Located along Broad Highway is 'Broad Highways Verges' candidate site for Importance for Nature Conservation (cSINC). The candidate site is treated as an existing SINC until they are surveyed against site selection criteria. The proposed vehicle movements from the site are very low and the creation of dedicated passing places would avoid unchecked erosion of the verges.

3.11 Do not consider that wildlife on the site and adjacent drain would be harmed. Lighting would need to be controlled to avoid harm to a number of species such as badgers and bats.

Highway Network Management

3.12 The applicant has provided details on traffic movements generated by this site. Although more frequent than traffic resulting from its existing use, the resultant impact of 2 HGV movements per day (1in/1out) and light traffic associated with 3 staff will have a minimal effect on the local highway network. Broad Highway is however a single track road serving other agricultural outfits/residences. The

applicant has offered to provide 2no. passing places to help negate concerns raised by local road users, which will relieve the potential conflict of vehicles passing each other on this stretch of highway. Concerns have been expressed as to the conflict between pedestrians and vehicles. The low number of traffic movements produced by the development will not depart unduly from traffic experienced already down this lane by pedestrians. We therefore do not wish to seek a footway as part of this scheme.

Flood Risk Management Team

3.13 No objections to the development in principle but if planning permission is to be granted, conditions should be attached in order to protect the local aquatic environment:

EXTERNAL

Residents

3.14 120 letters have been received objecting to the proposal.

3.15 A petition with 1,360 names was also received objecting to the proposal. The issues raised are summarised below:

Highway Issues

3.16 Broad Highway is already in poor condition, it has blind bends, is pot holed, is not gritted, it regularly floods. There are few passing places. It is not suitable for additional HGV's. They will further damage the road. Any crash will block the road. Vehicles can end up in ditches by road. The verges will be damaged. Large forestry vehicles already cause damage and safety concerns.

3.17 It is not clear that there is space to accommodate passing places suitable for large lorries. Concern that they could lead to land collapsing and blocking drainage ditches.

3.18 Broad Highway is used by cyclists, joggers, horse riders, walkers and so forth. There is no footpath. No street lights. The use conflicts with their safety (some one could be killed by a large vehicle even at low speeds) and enjoyment and the general tranquillity of the route. The road has a 60mph speed limit - this should be reduced. It will make the route particularly hazardous for horse riders given horses will be frightened of the large vehicles and have limited space to pass by them.

3.19 Broad Highway could become a cycle link to York, the proposal detracts from this. The approach to the site passes a school, village hall, playing fields and play area. These are very heavily used including by groups particularly vulnerable to road safety issues. The village has a 7.5 tonne weight restriction. The village's

narrow roads are not suitable as an approach to the site and parking near the school restricts the width further.

3.20 Construction vehicles will cause harm to the safety of other road users and damage the road.

3.21 The predicted traffic generation for the facility underestimates usage including the collection of bedding, chemicals and skips as well as staff travel.

3.22 A new route should be created to the site from the Wheldrake to Crockey Hill road in the south west.

Wildlife

3.23 The large vehicles will damage verges that are a site of local importance for nature including Hagg Wood. The area is a haven for wildlife including owls, woodpeckers, bats and deer. Has the impact on newts in the nearby pond been considered? Poison to control vermin at the site could harm wildlife.

Pollution

3.24 Odours cause concern both from the factory and lorries transporting waste. Objectors have experience of similar facilities and consider the smell travels long distances (far enough to be noticeable in the village).

3.25 Concern that the odours and noise will deter visitors from coming to play or stay at Swallow Hall Golf Club.

3.26 Pollution from dust/particles could damage health, including asthma concerns. HGV's transporting waste have sealed cabs because of the concerns.

3.27 Concerns re the impact that chemicals and waste will have on watercourses. What provision is there for the disposal of human waste?

3.28 What enforcement monitoring/action will be taken by the council in regard to pollution?

3.29 The proposal will attract vermin to the area and village.

3.30 The proposal will detract from homes near the approach road.

3.31 What will be done with waste when the ground is frozen and it can't be spread?

Drainage

3.32 Potential damage to drainage channels by the road.

3.33 Need to ensure that the adjacent watercourse is not damaged.

Visual amenity

3.34 The building will detract from views from Wheldrake Wood. The scale is out of character. It is harmful to the Greenbelt.

3.35 The approach road will detract from the area, particular the new road across the former paddock adjacent to Broad Highway.

3.36 The proposal will create light pollution.

3.37 Wheldrake is an attractive village surrounding by attractive countryside.

Other

- The agricultural diversification does not benefit the village.
- Because the eggs are intended for pharmaceutical use is the proposal still considered agriculture?
- Homes will be de-valued.
- The appeal of the village will be damaged.
- Loss of tranquillity.
- Need to consider the impact on the Iron Age and Romano British field systems in the area.
- If approved they are likely to seek to expand the use in the future.
- The proposal is unacceptable from an animal welfare perspective. It is cruel and archaic. Animals should be treated with respect.
- Intensive farming is bad for the environment and health in general.
- HGV's could lead to the collapse of dykes.
- It should be built close to where the eggs are used.
- It should be made clear that the proposal is on farm land rather than being attached to a working farm/living accommodation.

Wheldrake Parish Council

3.38 It would conflict with the NPPF and Wheldrake Village Design Statement. Object for the following reasons:

- Harm to the openness of the Greenbelt.
- Detract from the enjoyment of nearby public rights of way.

- It would have a negative impact on the use of the approach road which is used widely for leisure purposes. The road has few passing places and its drainage is also a long standing problem.
- Concerns in respect to the impact that large lorries accessing the site would have on congestion and safety including the section of road that runs past the school and village hall.
- Concerns in respect to pollution of watercourses and also the impact of odours on local residents including the impact of transportation of droppings.
- If permission is granted consent may then be sought for further expansion.

Campaign to Protect Rural England (CPRE)

3.39 Object for the following reasons:

- Harm the openness of the Green Belt and detract from the landscape of the area.
- Detract from the enjoyment of nearby public rights of way.
- Adverse impact on Broad Highway which is a single track road serving around 20 homes, a number of farms, the village hall and recreation grounds. It is widely used for leisure purposes.
- Concerns in respect to pollution of watercourses and also the impact of odours on local residents including the impact of transportation of droppings.
- If permission is granted consent may then be sought for further expansion.

Natural England

- The proposal is unlikely to affect any statutorily protected sites or landscapes.
- Natural England's standing advice should be applied to the impact on protected species.
- The proposal has the potential to adversely affect ancient woodland and standing advice on such matters should be applied.
- Opportunities to enhance biodiversity should be considered.

Yorkshire Wildlife Trust

3.40 The Trust would like to maintain a holding objection to the application as the ecology report (December 2015) does not address the issues which the Trust is most concerned about. These are the impact of the development on Hagg Wood which is a small area of Ancient Woodland located next to the development, and the Site of Importance for Nature Conservation (SINC) on the verge of Broad Highway. The Ecology Survey gives no idea of the value of the woodland or SINC and does not suggest what impacts are likely or whether mitigation is possible. Planning permission should therefore not be given until it is clear what the impacts will be and if mitigation is possible.

Forestry Commission

3.41 Refer the Local Planning Authority to Government advice regarding the protection of ancient woodland and veteran trees.

Ouse and Derwent Drainage Board

3.42 The site is in an area where drainage problems exist. The development should be at least 9m from the adjacent watercourse and run off rates are restricted to Greenfield levels. Do not object subject to these elements being controlled by condition.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- Impact upon the openness and character of the York Green Belt
- Also impact on character and appearance of the area?
- Impact of Additional Traffic upon the Local Highway Network;
- Pollution Issues.
- Impact upon wildlife, ecology and the natural environment;
- Impact on Public Rights of Way.
- Animal Welfare Issues;
- Surface water and foul drainage
- Archaeology

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.

Wheldrake Village Design Statement

4.5 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.
- That access through the village by HGV's should be discouraged.
- 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.
- Proposals should not cause pollution or harm amenity

National Planning Policy Framework

4.6 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.

4.7 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.

4.8 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. Substantial weight should be given to any harm to the Green Belt. 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.

4.9 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.

4.10 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.

4.11 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.

4.12 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.

4.13 ENVIRONMENTAL IMPACT ASSESSMENT: - The proposal falls below the size threshold (60,000 hens) at which an environmental impact assessment would be required.

IMPACT UPON THE OPENNESS AND CHARACTER OF THE YORK GREEN BELT

4.14 The application site lies within the general extent of the York Green Belt and is presently undeveloped comprising part of 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 definition of agriculture for planning purposes is set out in the Town and Country Planning Act 1990 (section 336). Agriculture is defined in s366 as including the breeding and keeping of livestock without reference to the purpose for which they are bred. The keeping of birds for producing eggs falls within the definition of agriculture. The eggs to be produced on the site are intended for use in vaccines. The proposed pharmaceutical use is not considered to remove the proposal from the definition of agriculture.

4.15 Agricultural buildings are not inappropriate development within the Green Belt and therefore the issue of very special circumstances does not arise.

4.16 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.

4.17 The NPPF states that the Green Belt has five purposes. These are:

- To prevent sprawl;
- To prevent towns merging;
- Safeguarding the countryside from encroachment;
- Preserve the setting of historic towns,
- Encourage the recycling of derelict land.

4.18 As stated previously, a building for agriculture is not inappropriate development in the greenbelt. It is the officer opinion, however, that regard should be given to the impact that the building has on openness. Paragraph 79 of the NPPF states that the essential characteristics of Green Belts are their openness and their permanence.

4.19 Because of its large size the proposed building will have some impact on openness. Paragraph 88 states that when considering all applications, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

4.20 The proposal is for an agricultural use and needs to be set away from other land uses. Although its footprint is large, the scale is not unusual in respect to modern intensive farming and the form (including the large feed bins) is such that it will appear as an agricultural building (albeit a large and modern one).

4.21 The City Council's Landscape Architect has undertaken a thorough assessment of the impact that the development would have on the appearance of the countryside. She considers that although the building is a large structure the generally open local character of the landscape and lack of an intimate scale would be such that the building would not be so alien to cause undue harm.

4.22 The width (23m) of the proposed building and height (3.8m to eaves 6.8m to ridge) is not such that it would appear unduly large when viewed from the south or north. The building's most significant elevations will be viewed from the east and west. From the east the building will be largely screened by Hagg Wood. The building is set against Hagg Wood when viewed from the west. The building is not of such a height that it would break the outline of the canopy of the woodland. In addition, additional deciduous planting is proposed on the application site to soften the building's impact.

4.23 It is not considered that the proposed access alterations from Broad Highway and their use by vehicles will significantly impact on character providing the route is not lit. It is noted that the anticipated level of vehicle use of the new/improved access is low.

IMPACT OF TRAFFIC UPON THE LOCAL HIGHWAY NETWORK

4.24 A large number of objections have been received expressing concerns in respect to the impact that additional vehicle movements (particularly heavy lorries) will have on the safety and enjoyment of Broad Highway. The particular highway issues raised by objectors are set out in paragraphs 3.16 to 3.21 above.

4.25 Although the facility is large the level of traffic generated is modest.

4.26 The flock cycle is 52 weeks. Four 16.5m articulated lorries are proposed to bring the birds at the beginning and four lorries remove the birds at the end of the flock.

4.27 Each week the following heavy vehicles are required to service the facility:

- 1 delivery of feed with a 16.5m articulated lorry.
- Manure collection twice a week using a 12 tonne agricultural trailer.
- 2 collections of eggs using a 26 tonne rigid lorry.

4.28 Staffing levels are low with only 3 staff being employed.

4.29 It is not considered that staff travel will be significant in terms of the impact on the highway. Objectors concerns largely relate to the impact of lorries and large vehicles. The applicant's submission indicates that typically 5 heavy vehicles will visit the site each week. This is a slight increase over existing use but still a relatively low level of traffic movement, however, it is noted that the actual vehicles themselves are large.

4.30 Broad Highway is relatively well used as it serves a number of houses as well as farms. Wheldrake Wood is also located off the road to the north and is used widely for recreation purposes. It is understood that the road itself is also used for general recreation including walking, dog walking, jogging, cycling and horse riding. There is no footpath along the single width route.

4.31 The Council's Highway Network Management Team are satisfied that, subject to the provision of two new passing places and a suitable access between Broad Highway and the access to the facility, the development will cause no material harm to highway safety. The location of the two new passing places could be secured by condition. There are sections of the road where the existing drainage ditch inhibits the creation of a suitable passing place, however, there is sufficient flexibility in location to create two such facilities to aid passing. The verge along the road is classified as highway land and as such the Council as local highway authority has statutory powers to oversee improvements to it.

4.32 Although objectors' concerns regarding the impact of large lorries are understandable it is not considered that the frequency of such journeys is sufficient to create significant concerns in terms of the impact on the character or safety of the road. It is noted that agricultural vehicles such as tractors already use the route.

4.33 A condition has been suggested restricting the use of the building to occupation by poultry as an egg laying unit. In addition, a condition is suggested requiring that the facility is run in accordance with the details submitted in the design and access statement. This would prevent a material change of use of the scheme without planning consent.

4.34 Vehicles accessing the site will pass through the village and past the school and other community facilities. It is not considered, however, that the level of activity is such to cause material harm. The 7.5 tonne weight restriction would not apply to the proposed chicken unit as the only access to the unit is through the village (i.e. the weight restriction excludes access).

4.35 To conclude, it is not considered that the traffic generated by the development would give rise to such a material increase in traffic movements to the extent that it could justify refusing planning permission.

Construction traffic

4.36 It is considered reasonable to manage the times that construction traffic would access the site so as to avoid potential conflict with people in the village, particularly school children. A condition has been suggested to address this.

POLLUTION ISSUES

4.37 Odour - The design and access statement sets out the methodology for ensuring odour from manure does not cause nuisance. This is based around perching areas being over manure belts which are emptied on a twice weekly basis. It is understood that this creates less odour concerns than if bedding is used. Officers of the Council's public protection team are satisfied that subject to the appropriate management of the facility this is acceptable. A condition has been suggested requiring manure to be removed from the site a minimum of two times per week. In addition a condition is suggested requiring the facility to be run in line with the information in the design and access statement which relates to, for example, vehicle movements and the number of chickens on site. It is not considered, that heavy vehicles carrying manure through the village or other local routes twice a week will cause concerns in respect to health or amenity.

4.38 Light: - The applicant has indicated that no significant lighting is required at the site. A condition has been suggested to ensure that the levels of lighting are appropriate within the countryside setting.

4.39 Noise: - Officers of the Council's public protection team are satisfied that there is sufficient distance between the unit and residential properties (nearest house around 400m away) to avoid harm to residential amenity.

4.40 The level of vehicle movement associated with the use is low and noise associated with it would not be material detrimental.

4.41 When considering the impacts in respect noise, odour, light and dust, should the unit change in system or the existing system fail to be maintained there are powers to deal with this as statutory nuisance under the Environmental Protection Act 1990.

IMPACT ON WILDLIFE, ECOLOGY AND THE NATURAL ENVIRONMENT

4.42 The Council's Countryside Officer has fully considered the impact that the proposal will have on habitats and species.

4.43 Hagg Wood is located to the east of the application site. The wood is private. It is a re-planted ancient woodland with a central area of ancient and semi-natural woodland. Local Planning Authorities should refuse permission for developments that would lead to the deterioration of such habitats unless the benefits of the development outweigh the loss.

4.44 The proposals, including the upgraded access road, will not lead to the loss of trees within Hagg Wood. The Countryside officer is satisfied that the impacts from air and light pollution, hydrology, shading vegetation and any damage to roots will not be such to refuse the application. The impacts in terms of ammonia produced at the site are within acceptable levels. The separation to the woodland coupled with the drainage ditch that runs around it will minimise the impact on tree roots. The applicant has agreed to incorporate some deciduous tree planting and suitable landscaping between the building and the wood and around the other perimeters of the building to create a more suitable buffer to the wood and enhance the sites ecological value.

4.45 There is a candidate site for Nature Conservation status located in the verge on Broad Highway between the application site and Wheldrake village. It is not considered that the modest additional traffic associated with the development creates undue concern in respect to the impact on this. The developer agrees to the creation of two additional passing places on the single track road which may help to reduce the impact of the (low level) of additional heavy traffic.

4.46 The Countryside officer is satisfied that the development of the arable land and new building/structure and operations will not harm protected and notable species in accordance with local and national planning policies.

IMPACT ON PUBLIC RIGHTS OF WAY

4.47 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. The introduction of a hard surfaced road and the egg laying unit will clearly change the character of the immediate area, however, such uses are considered appropriate in the countryside and as set out in the assessment of its visual impact it is not considered that the proposal would appear so alien in the context to justify refusal of the application.

ANIMAL WELFARE ISSUES

4.48 A number of people have raised objections based on the proposed intensive farming methods. The ethical or moral issues relating to the egg laying operation are not material to the determination of this planning application. The operation of the unit is regulated by a separate system of control administered by DEFRA and associated agencies.

SURFACE WATER AND FOUL DRAINAGE

4.49 The applicant proposes an attenuation pond with a restricted discharge rate to the adjacent water course to discharge surface water. Subject to the details of the design being controlled by condition this is considered acceptable to the drainage board and the council's Flood Risk Manager. Foul water produced by the development would be minimal and its disposal could be addressed via the suggested drainage condition.

ARCHAEOLOGY

4.50 This site is located on previously undisturbed land situated within a wider landscape which contains evidence of Prehistoric and Romano-British settlement and activity. A condition has been suggested requiring an archaeological excavation and subsequent programme of analysis and publication by an approved archaeological unit.

COMMITTEE TO VISIT

5.0 CONCLUSION

5.1 The proposed building has a relatively large footprint, however, it is not excessive in scale in respect to intensive farming methods. Agriculture is not inappropriate development in the Green Belt.

5.2 The scale of the development is such that officers consider that it will detract from the openness of the Green Belt. It is considered however, that this negative impact should be balanced against the economic benefits from the proposed farm diversification. In respect to economic issues, paragraph 28 (first bullet point) of the NPPF states that planning policies should support economic growth in rural areas to create jobs and prosperity. It is considered that this outweighs the impact on openness. In addition, although the scale of the building is such that it will impact on openness, it is not considered that its proposed location and design is such that it will detract unduly from the visual character of the local area providing suitable landscaping is provided adjacent to the development. In addition, it is not considered that the proposal conflicts with four of the five purposes that the Green Belt serves (paragraph 4.17 above) and that the purposes of safeguarding the countryside from

encroachment should be balanced against the benefits from the intensification and diversification of its agricultural use.

5.3 The approach to the site is along Broad Highway a single track route. It is considered subject to the provision of two passing places the proposal will not create additional concerns in respect to the safety of the popular route, or the general condition of verges. The level of traffic movement associated with the proposed development is low.

5.4 Officers are satisfied that any pollution coming from the site will be within acceptable levels and not harm residential amenity. In addition, it is not considered that the proposal will damage important habitats for wildlife. Should problems arise in the future in respect to pollution there are powers to deal with this as statutory nuisance under the Environmental Protection Act 1990.

5.5 Because of the constrained nature of Broad Highway and its use for leisure purposes, conditions are suggested to ensure that the scheme can not be significantly altered without planning permission being required.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 Application for approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development hereby permitted shall be begun before:

the expiration of two years for the date of approval of the last of the reserved matters to be approved.

Reason: To ensure compliance with Section 92 and 93 of the Town and Country Planning Act 1990 as amended.

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 works, and the development shall be carried out in accordance with such details:

Details to be submitted: access, appearance and landscaping.

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 development hereby permitted shall be carried out only in accordance
Application Reference Number: 15/02439/OUTM Item No: 4a

with the following plans:-

Site layout plan dated Nov 15 received by the Local Planning Authority on 30 November 2015.

Location plan dated Nov 15 received by the Local Planning Authority on 30 November 2015.

Elevation drawings dated Feb 16 received by the Local Planning Authority on 29 January 2016.

Plan showing area available for landscaping dated Feb 16 received by the Local Planning Authority on 1 February 2016.

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

4 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used for the buildings, structures and road shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the road or buildings or structures. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

5 The building hereby permitted shall only be used in accordance with the operational information contained within the Design and Access Statement (including references to amount, use and access in pages 4 to 8) received by the Local Planning Authority on 30 November 2015. Any variations to the above mentioned operational information shall not be implemented without the prior written approval of the Local Planning Authority.

Reason: This condition is imposed in the interests of residential amenity to prevent odour and other nuisances from being caused to the occupiers of residential properties in the area, and for protecting nature conservation interests.

6 The building hereby approved shall be used only for the keeping of chickens for egg laying and for no other use.

Reason: To ensure that it is compatible with the associated road infra-structure.

7 The building shall not be occupied until a detailed landscape and planting scheme for the area shown on drawing IP dated Feb 16 titled 'Area Available for Landscaping', has been submitted to and approved by the Local Planning Authority. The approved landscape and planting scheme shall thereafter be implemented within 8 months of occupation. If any tree, hedge or shrub planted or retained as part of the approved landscaping scheme (or replacement tree/hedge) on the site dies or is lost through any cause during a period of 5 years from the date of first planting, it shall be replaced in the next planting season with others of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To help integrate the building with its surroundings.

8 Before the development hereby approved is occupied, details of all external means of illumination, including the design and levels of illumination thereto, shall be submitted to and approved in writing by the Local Planning Authority. The approved means of illumination shall thereafter be implemented in accordance with the approved details.

Reason: To avoid light pollution and harm to wildlife.

9 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the building is occupied and shall be provided in accordance with the approved details before the development is occupied.

Reason: In the interests of the visual amenities of the area and the amenities of neighbouring properties.

10 HWAY18 Cycle parking details to be agreed

11 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the LPA. Such a statement shall include at least the following information;

- measures to avoid heavy vehicles travelling through Wheldrake at peak network hours and school pickup/drop off times.
- where contractors will park

- where materials will be stored within the site
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.
- measures to avoid unacceptable conflict with nearby public right of ways

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

12 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been completed in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

Provision at no cost to this Council of 2 Number (approximately 12m x 3m) passing places (full carriageway construction) to Broad Highway, position and exact width to be agreed in writing by the Local Planning Authority.

Reason: In the interests of the safe and free passage of highway users.

13 HWAY35 Servicing within the site

14 HWAY14 Access to be approved, details reqd

15 HWAY11 Initial 10m of access surfaced

16 On two occasions each week all manure shall be removed from the site, in accordance with information contained in the design and access statement.

Reason: To ensure that the site is managed appropriately in respect to odours.

17 No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:

a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and

b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason: To ensure that badgers are not trapped and harmed on site.

18 ARCH1 Archaeological programme required

19 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 (SuD's). 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 SuD's.

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.

If SuDs methods can be proven to be unsuitable then in accordance with City of York Council's Strategic Flood Risk Assessment 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 run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% 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 a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

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

surface water sewer is available.

The applicant should provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site.

7.0 INFORMATIVES:

Notes to Applicant

1. Informative note: Drainage

The applicant should be advised that the Internal Drainage Board's prior consent is required for any development including fences or planting within 9.00m of the bank top of any watercourse within or forming the boundary of the site. Any proposals to culvert, bridge, fill in or make a discharge to the watercourse will also require the Board's prior consent.

2. It is recommended that the developer contact Joanne Coote (Definitive Map Officer, rightsofway@york.gov.uk) to discuss the need to submit a declaration under s31(6) of the Highways Act 1981 regarding public rights of way over the additional width of the access route. Please note that the maintenance of the new surface will be the responsibility of the landowner, The surface should be maintained to a standard that is suitable for walkers as well as vehicles.

3. INFORMATIVE:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Works in the highway - Stuart Partington (01904) 551361

4. 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:

Passing places sought in highway and area for new landscaping identified.

Contact details:

Author: Neil Massey Development Management Officer (Mon/Tue/Fri)

Tel No: 01904 551352