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Friday, 6 February 2026

North Yorkshire Council

Selby and Ainsty Area Planning Committee

Minutes of the meeting held on Thursday, 20 November 2025 commencing at 2.00 pm.

Councillor John Cattanach in the Chair plus Councillors Bob Packham, Karl Arthur, Steve Shaw-Wright, Arnold Warneken and Andy Paraskos.

Officers present: Frances Maxwell – Solicitor, Planning and Environment, Emma Howson – Development Management Team Manager, Gareth Stent – Principal Planning Officer, Jenny Crossley – Senior Planning Officer, Victoria Day - Highway Development and Adoption Principal, Julie Turner - Senior Engineer, Transport and Development; and Dawn Drury – Democratic Services Officer.

Apologies: Mark Crane and Cliff Lunn

Copies of all documents considered are in the Minute Book

123 Apologies for Absence

Apologies had been received from Councillor's Cliff Lunn and Mark Crane, Councillor Andy Paraskos acted as substitute for Councillor Lunn.

124 Minutes for the Meeting held on 3 November 2025

The minutes of the meeting held on the 3 November 2025 were confirmed and signed as an accurate record.

125 Declarations of Interests

Councillors Andy Paraskos and Arnold Warneken stated that they had been lobbied on agenda item number 5.

Councillor Karl Arthur stated that he had received a telephone call and lobbying regarding agenda item 4. He confirmed that, while he listened, he did not comment on the application. The Councillor also declared a personal interest in agenda item numbers 5 and 6. He informed the Committee that he was employed by Network Rail who were statutory consultees on both applications, however this did not impact on his employment, and he confirmed that he would speak and vote on the items.

Finally, he informed the Committee that he was a Member of Selby Town Council who were a consultee on agenda item number 6, however he had not expressed a view on the application and would therefore speak and vote on the item.

Councillor Bob Packham declared that he had received correspondence on agenda item numbers 4 and 5.

Councillors John Cattanach and Steve Shaw-Wright declared that they had received correspondence on agenda item numbers 4, 5 and 6.

126 2021/1176/FUL - Land at Junction of A19 and A163, York Road, Barlby, Selby, North Yorkshire

The Assistant Director Planning, Community Development Services sought determination

of a planning application for the erection of a roadside service facility, including a petrol filling station, car wash bays and associated infrastructure at the junction of the A19 and A163, York Road, Barlby, Selby, North Yorkshire.

The application had been brought to Planning Committee at the request of the Head of Development Management as it raised significant planning issues. The Ward Councillor, Councillor Stephanie Duckett had also requested that the application go before the planning committee due to the number of community responses and concerns over highway safety.

The Principal Planning Officer presented the report and advised that an officer update had been published on the Council's website. Members were informed that four additional objections had been received, one of which had raised a new issue regarding the absence of a Health Impact Assessment. The officer confirmed that they did not consider this necessary due to the scale of the development and the fact that Environmental Health Officers had not requested it in their response. Members were also advised that, in November 2025, an objector had commissioned an independent Transport Audit, which in their view identified transport concerns. Finally, Members were advised that a drainage condition, recommended by the Environment Agency, had been omitted from the original report and was therefore included as an additional condition.

Chris Creighton spoke, objecting to the application.

The Division Councillor, Stephanie Duckett spoke, objecting to the application.

The agent, Rachael Bamford, spoke on behalf of the applicant, in support of the application.

During consideration of the above application, the Committee discussed the following

- A query was raised regarding the presence of a slip road to access the site entrance/exit, and whether an emergency access was proposed should the roundabout become gridlocked.
- Guidance was sought on the size of the kiosk and what it would be comparable to. Members expressed their understanding of a typical kiosk and noted that, in this case, the building appeared significantly larger.
- At paragraph 2.8, the implication was that the level of opposition to the application from local residents was a material planning consideration and it was queried if that was the case.
- Members queried whether the roundabout represented the minimum size required for an A-road junction.
- A query was raised as to whether there was any street lighting on York Road and whether the new petrol canopy height of 5.6m was necessary.
 - Whether the proposed screening was adequate for the residential properties adjoining the site.
- Objectors had raised concerns about the impact on wildlife and it was queried if there was a need for a bat survey to be undertaken.
- Had consideration been given to the installation of acoustic fencing along York Road.
- The Chair asked the Highways officer to confirm the current capacity of the A19, how much it had changed in recent years, and how much additional traffic the proposed application would generate.
- Members had noted that Heavy Good's Vehicles (HGV's) would not be permitted to refuel on site; it was queried if access would be restricted to prevent HGVs entering for other purposes, such as purchasing food or drink, and, if so, how this would be communicated to the HGV drivers. They also asked what size of vehicle would be permitted to enter the site.

- How would delivery vehicles access the site.
- What the national speed limit was on the road into the site and on York Road.

Members expressed concerns that, while the application offered certain benefits, the scale was inappropriate in the countryside and the site was considered too constrained. It was felt that the applicant was seeking to maximise the use of the site to the detriment of road safety and the amenity of local residents. Members further considered the site to be inadequately screened, that the nature and scale was not appropriate to the locality, and raised concerns regarding how the facility would prevent HGV's from entering the site. Members also felt that the application was contrary to the following planning policies:

- Policy SP2, as it lay outside the defined development limits.
- Policy SP13C and D, it was of an inappropriate scale in a rural area and harmful to the areas character.
- Policy SP14, due to the impact on retail.
- Policy T9, there was no demonstrable need with other facilities two miles in either direction of the proposed site.
- Policy ENV1, for the impact on the landscape.

The officer recommendation was to approve the application; however, the motion did not receive a proposer and therefore was not carried.

The Chair sought advice from the Principal Planning Officer on whether Members had sufficient grounds for refusal. The officer confirmed that reasons had been identified during the discussions, to include concerns over the layout, overdevelopment of the site, it's cramped nature, inadequate screening which would impact on the landscape and character of the area, the site being outside the defined development limits, the disproportionate size of the kiosk, the adverse impact on residential properties, and highway safety issues relating to roundabout capacity and the impact on York Road.

Councillor Warneken proposed, and Councillor Packham seconded that contrary to the officer recommendation, the application should be minded to refuse, with the detailed reasons for refusal delegated to officers in consultation with the Chair and Vice-Chair.

The decision

That Members were MINDED TO REFUSE planning permission, with the detailed reasons for refusal delegated to officers in consultation with the Chair and Vice-Chair.

Voting record

A vote was taken, and the motion was carried unanimously.

The meeting adjourned at this point for a short break.

127 ZG2023/1293/FULM - Former Kellingley Colliery, Turvers Lane, Kellingley

The Assistant Director Planning – Community Development Services sought determination of a full planning application for the proposed erection of 15no. units for uses within Class E(g)(iii), B2, B8 and F2 with ancillary offices, erection of up to 5no. units within Class E and F1 with ancillary outdoor amenity space, open storage plot, an EV charging station, parking provision, a new access road from Weeland Road, internal access roads, associated infrastructure and landscaping at the former Kellingley Colliery, Turvers Lane, Kellingley.

The application had been brought to Planning Committee at the request of the Corporate Director of Community Development as it raised significant planning issues.

The Senior Planning Officer presented the report highlighting the site location and access; context of the site; proposal; and officer recommendation.

The agent, James Hall, spoke on behalf of the applicant, in support of the application.

During consideration of the above application, the Committee discussed the following

- It was questioned whether the application had been brought before Members prematurely, given that of the 38 consultations issued, only two organisations had submitted objections, eighteen had indicated either no comments or objections, and twelve had yet to respond. Clarity was also requested on the response received from the Environment Agency.
- Clarification was sought regarding the weight to be afforded to the Selby Local Plan in Members' deliberations, and whether the site in question formed part of an allocated area within that Plan.
- In relation to the loss of transport provision, clarification was sought as to whether any preliminary discussions had taken place regarding the establishment of a railway halt at the site for passenger services.
- It was queried if a Section 106 agreement had been secured in relation to highways improvements as officers had highlighted that there would be a significant impact on the highways infrastructure.
- Clarification was sought on whether the mine shafts had been appropriately capped and filled.

Members discussed the potential deferral of the application, noting that a number of outstanding issues required addressing. In view of the applicant's willingness to engage in further negotiations, it was considered appropriate to allow time for the applicant and officers to seek to resolve these matters; however, should this prove unsuccessful, the application would be brought back before Members for determination. Officers advised that the application had been under consideration for a period of two years and therefore recommended that, should Members agree to defer the application, then a definitive time limit be imposed.

Councillor Cattanach proposed that, as per the officer recommendation, the application be refused, however the motion did not receive a seconder, therefore the motion fell.

Councillor Packham proposed, and Councillor Warneken seconded that the application be deferred, with an extension of time attached, to enable further discussions between the applicant and officers regarding the reasons for refusal and any matters that may be resolved.

The decision

That consideration of the planning application be DEFERRED for the following reasons:

- To first secure an appropriate extension of time, as the application was outside the statutory determination period.
- To enable the applicant to provide further information to address the reasons for refusal, as set out within the report, in discussion with officers as required. However, should this information not be forthcoming within the extension period, then the application would be brought back before Members for determination.

Voting record

A vote was taken, and the motion was carried unanimously.

Councillor Warneken left the meeting at this point, and did not return.

128 2018/0934/FULM - Osborne House, Union Lane, Selby

The Assistant Director Planning – Community Development Services sought determination of a full major planning application for the erection of 24 assisted care apartments with associated car parking and landscaping on land to the east of the existing care home known as Osborne House, Union Lane, Selby, YO8 4AU.

The application had been brought to Planning Committee at the request of the Head of Development Management as it raised significant planning issues.

The Principal Planning Officer presented the report and advised Members that an officer update note had been issued. This included the addition of a condition at number 27 relating to electric vehicle (EV) charging, supplementary information on flood risk to ensure compliance with paragraphs 181 and 182 of the National Planning Policy Framework (NPPF), and a further condition at number 28 requiring submission of an Environment Agency 24 Flood Warning System and a Flood Evacuation Plan. In addition, a correction had been made to the wording at paragraph 10.106 of the original report. Full details were available on the North Yorkshire Council website.

The agent, Katherine Pimblott spoke on behalf of the applicant, in support of the application.

During consideration of the above application, the Committee discussed the following

- It was queried whether, had the proposed development comprised standard apartments, any provision for affordable housing would have been required, and the Officer was asked to explain why the current proposal was treated differently
- Clarification was sought as to whether there was any variation in ground levels between the dwellings situated on the northern road and the property itself.
- Whether additional parking facilities would be provided to mitigate the potential for increased on-street parking along Union Lane.

Councillor Shaw-Wright proposed, and Councillor Paraskos seconded that the application be granted.

The decision

That planning permission be GRANTED subject to the conditions listed at section 12 of the Committee report, and the officer update note; with the prior completion of a Section 106 legal agreement.

Voting record

A vote was taken, and the motion was carried unanimously.

129 Any other items

There were no items of urgent business.

130 Date of Next Meeting

Wednesday 10 December 2025 at 2.00 pm.

The meeting concluded at 4.57 pm.

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North Yorkshire Council

Community Development Services

Selby and Ainsty Area Planning Committee

16 February 2026

ZG2025/1021/OUT - OUTLINE APPLICATION FOR CONSTRUCTION OF 7 NO DETACHED DWELLINGS FOLLOWING DEMOLITION OF EXISTING DWELLING (ALL MATTERS RESERVED) AT HIGHFIELD HOUSE, CHURCH FENTON LANE, ULLESKELF, LS24 9DW ON BEHALF OF MR & MRS ENGLEFIELD

Report of the Head of Development Management – Community Development Services

1.0 Purpose of the Report

- 1.1. To determine an application for outline planning permission for construction of 7 no detached dwellings following demolition of existing dwelling (all matters reserved) at Highfield House, Church Fenton Lane, Ulleskelf.
- 1.2. This application is reported to Committee because the Head of Planning considers this application to raise significant planning issues such that it is in the public interest for the application to be considered by Committee.

2.0 EXECUTIVE SUMMARY

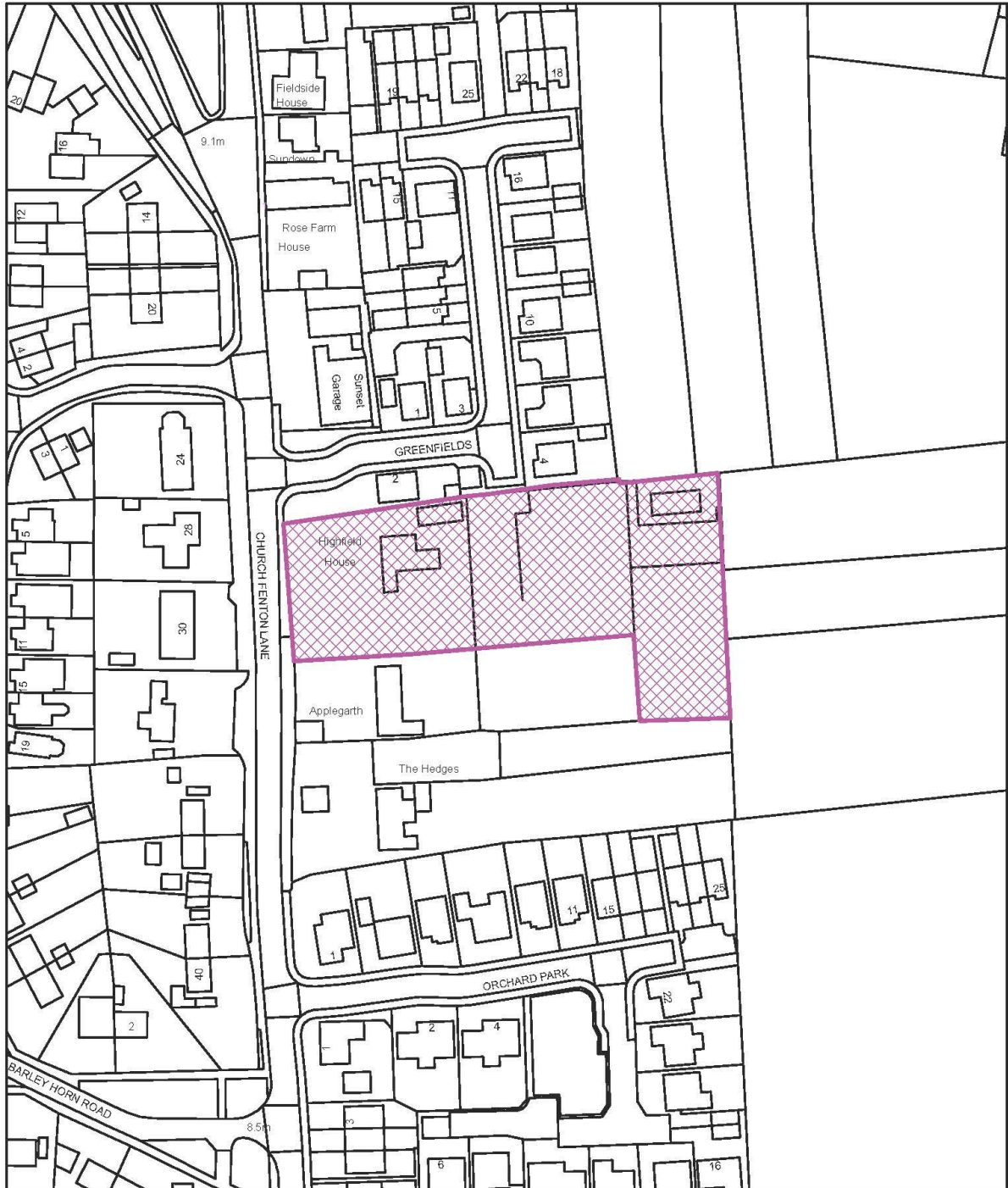
RECOMMENDATION: That planning permission be **GRANTED** subject to conditions listed below and the prior completion of a **S106** agreement with terms as detailed in Paragraph 10.81 of this report.

- 2.1. This application seeks outline planning permission with all matters reserved for the construction of 7 No detached dwellings following demolition of existing dwelling. The site is located partly within and partly outside the defined Development Limits of Ulleskelf. This settlement is identified as a Designated Service Centre in the Selby District Core Strategy, where there is some scope for additional residential development on land lying within Development Limits and where it accords with Policy SP4 in terms of specified types of development. As the larger part of the application site lies outside of the Development Limits within countryside and would not be an appropriate form of development as set out in Policy SP2A(c). This would indicate that the principle of development is not acceptable, and that the application should be refused on policy grounds.
- 2.2. However, the Local Planning Authority cannot demonstrate a five-year supply of housing land as required by the NPPF. Although the principle of locating the majority of development towards towns, local service centres and designated service villages defined within Core Strategy Policy SP2 still carries weight, the absence of a five-year supply means it can no longer be required to locate residential development exclusively within the development limits of such settlements as required by Policy SP4. Policy SP5 is out of date and carries no weight because the housing need figure it contained is not calculated based on the required standard method. In this regard, the proposed development limits adjacent to

sustainable settlements designated in Policy SP2, are a starting point from where applications can be considered on their own merits. This should be done in accordance with paragraph 11d of the NPPF. Permission should be granted unless the proposal fails to satisfy the tests in NPPF paragraph 11d. It requires consideration of whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 2.3. On this basis, whilst the proposal is on the face of it contrary to Policy SP2 because it involves residential development in the countryside, the site is in a sustainable location and the proposal would provide housing that would represent a logical extension to this settlement. The application is in outline, but the description specifies that 7 dwellings are proposed which is considered to achieve appropriate density to ensure that the housing development makes an effective use of land.
- 2.4. It is considered that an acceptable scheme could be achieved on this site at the reserved matters stage in relation to the access, layout, scale, design, appearance and landscaping which would not result in any adverse impacts on nearby residential properties and would be acceptable in relation to the impacts on highway safety subject to conditions. The housing mix would be dealt with at reserved matters stage and could be delivered to comply with the HEDNA.
- 2.5. Further, the proposed development is considered to be acceptable in terms of flood risk and appropriate drainage arrangements can be achieved at the reserved matters stage. The proposal is also acceptable in relation to its impacts on nature conservation and protected species, land contamination and minerals and waste and is acceptable in relation to the mandatory Biodiversity Net Gain.
- 2.6. It is concluded that any harm identified due to the construction of residential development outside settlement boundary would not significantly and demonstrably outweigh the benefit of approving the proposed development in a sustainable location. The proposal benefits from the presumption in favour of sustainable development. Therefore, planning permission should be granted subject to conditions and the prior completion of a S106 agreement.

Highfield House, Church Fenton Lane, Ulleskelf
ZG2025/1021/OUT



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3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found here: [Documents for reference ZG2025/1021/OUT: Public Access](#)
- 3.2. No changes have been made to the application during the life of the application but some additional information in relation to Arboricultural impacts has been provided following initial consultation responses.
- 3.3. The following relevant planning history has been identified for the application site:
- CO/1976/27109 (8/64/13/PA) – outline application for residential development – REFUSED 28.04.1976
- CO/1988/1469 (8/64/72/PA) – proposed erection of first floor extension to existing dwelling – GRANTED 28.07.1988
- CO/1990/1243 (8/64/72A/PA) – proposed erection of a stable to the rear – GRANTED 14.11.1990
- 3.4. Planning history for the land to the south of the site:
- 2016/0892/FUL – proposed erection of residential development of 30 units – GRANTED 11.12.2017
- 2017/1339/DOC – discharge of conditions 03 (Materials), 05 (Landscaping Scheme), 06(Groundworks), 07(Carriageway and Footway/Footpath), 08 (Access or Egress), 09 (Travel Plan), 10 (Construction Method Statement), 11 (Noise), 12 (Energy Efficiency), 15 (Piped Discharge of Surface Water), 16 (Management & Maintenance), 17 (Risk Assessment), 18 (Remediation), 19 (Verification Report) and 23 (External Lighting) of approval 2016/0892/FUL Proposed erection of residential development of 30 units – Condition decision letter confirming that the requirements of conditions have been met issued on 20.02.2018
- 3.5. Planning history for the land to the north of the site:
- 2016/0926/FUL – proposed residential development comprising 28 dwellings, areas of amenity space, landscaping and associated infrastructure following demolition of existing nursery building – GRANTED 12.04.2017
- 2017/0474/DOC – discharge of conditions 04 (foul drainage), 08 (external lighting), 11 (Construction Method Statement), 14 (highway drawings), 17 (surface water), 18 (Noise Assessment), 20 (crime prevention), 21 (obscure glazing), 23 (ground floor slab details), 24 (site investigation report), 25 (investigation and risk assessment) and 26 (remediation scheme) of planning permission 2016/0926/FUL for residential development of 28 No dwellings – Condition decision letter confirming that the requirements of conditions have been met issued on 15.11.2017

4.0 Site and Surroundings

- 4.1. The application site is located partly within and partly outside the defined development limits of Ulleskelf, which is a Designated Service Centre as identified in the Selby District Core Strategy. It is located within the eastern part of the village, to the east of Church Fenton Lane and is accessed from it. The site contains a detached two-story dwelling of traditional design which has been extended over the years. This dwelling is set back from a highway sited within a substantial plot with a paddock land beyond the rear garden to the east. The boundaries of the site consist of predominantly mature hedgerow with some timber post and

rail/mesh fencing around the adjacent paddock land. The red line area of the site is just over 0.4 hectares.

- 4.2. The site is located in Flood Zone 1 and lies within the sand gravel safeguarding area. Whilst there are trees within the site, none are protected by TPO nor does it have any statutory designations.
- 4.3. There is a small residential estate to the north of the site which was built following planning approval 2016/0926/FUL, two residential properties facing highway sited within substantial plots to the south and a small residential estate further south of these properties which was built following planning approval 2016/0892/FUL. There are also residential properties to the west of the site across the Church Fenton Lane. To the east of the site is an open undeveloped field stretching up to Bell Lane.

5.0 Description of Proposal

- 5.1. This application seeks outline planning permission with all matters reserved for construction of 7 No detached dwellings following demolition of existing dwelling.
- 5.2. Indicative plans have been submitted with this application which demonstrate how the site could be developed if this outline planning permission is granted. It outlines that 2 dwellings could be fronting Church Fenton Lane and that a new shared access could be created for those dwellings and that the other 5 dwellings could be constructed further into the site and accessed via an extended existing access.
- 5.3. The red line area includes the garden land of the existing property known as Highfield House and paddock land with stables building adjacent to the east of it. The agricultural field to the east of the site and a strip of land connecting this field to Church Fenton Lane (between the properties known as Applegarth and The Hedges) lie within the ownership of the applicant.
- 5.4. It is shown on the indicative layout plan that the strip of land on the eastern edge of this field owned by the Applicant could be used for Biodiversity Net Gain (BNG) but it is not indicated in the submission what the remaining field would be used for. It has been indicated that a financial contribution would be paid towards the provision of off-site Recreational Open Space.

6.0 Planning Policy and Guidance

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:
 - Selby District Core Strategy Local Plan – SDCS (adopted 22nd October 2013)
 - Those policies in the Selby District Local Plan – SDLP (adopted on 8 February 2005) which were saved by the direction of the Secretary of State, and which have not been superseded by the Core Strategy -
 - Minerals and Waste Joint Plan – MWJP (adopted 16 February 2022) –

Emerging Development Plan – Material Consideration

6.3. The Emerging Development Plan for this site is listed below.

- Revised Publication Selby Local Plan 2024 (Reg 19)
- North Yorkshire Local Plan

On 17 September 2019, Selby District Council agreed to prepare a new Local Plan. Consultation on issues and options took place early in 2020 and further consultation took place on preferred options and additional sites in 2021. The Pre-submission Publication Local Plan (under Regulation 19 of the Town and Country Planning (Local Development) (England) Regulations 2012, as amended), including supporting documents, associated evidence base and background papers, was subject to formal consultation that ended on 28th October 2022. The responses have been considered. From 8 March to 19 April 2024 the Council held a six-week consultation on the Pre-Submission Revised Publication Selby Local Plan. The responses have been considered.

On 17th January 2025, a report was taken to the Selby and Ainsty Area Committee and Development Plans Committee recommending that work on the emerging Selby Local Plan is ceased. A report was taken to North Yorkshire Council's Executive on 4 February and then North Yorkshire Council's Full Council on 26 February with the same recommendation which has been agreed.

Having regard to the above, there is no emerging local plan to consider, but some weight may be given to the evidence base.

No weight can be given to the North Yorkshire Local Plan at the current time as it is at an early stage of preparation.

Guidance - Material Considerations

6.4. Relevant guidance for this application is:

- National Planning Policy Framework (December 2024)
- National Planning Practice Guidance
- National Design Guide
- Developer Contributions Supplementary Planning Document (DC SPD) 2007
- Ulleskelf Village Design Statement, February 2012
- Housing and Economic Development Need Assessment (HEDNA), October 2020

The Government began a consultation exercise on a new draft of the NPPF in December 2025, which is currently underway. One of the proposed changes is to introduce a less restrictive approach to the development which is well-related to or is within the existing settlements. Policy S4 of the draft NPPF means that development within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects and policy S5 (j) means that development which would address an evidenced unmet need (including where LPA cannot demonstrate a five-year supply of deliverable housing sites) and where the development proposals would be well-related to an existing settlement and be of scale which can be accommodated taking into account the existing and proposed availability of infrastructure should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects.

Whilst draft proposed changes to national policy can be treated as a material consideration, officers are of the view that given that this is only subject to consultation and represents a shift from current policy, no more than negligible weight should be given to the suggested changes.

7.0 Consultation Responses

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **Parish Council:** note that only three of the proposed seven dwellings fall within the defined development limits of the village, with the remainder located outside those limits. Council considers it important to highlight concern regarding the potential precedent this could set for future, larger-scale applications on adjacent land. Whilst Members recognise that detailed design will be subject to reserved matters, it is observed that the indicative layout suggests dwellings of reasonable size that could provide suitable family homes. The Council is keen that, should the application proceed, the focus remain on delivering housing that supports family occupation and reflects local need. However, given that the proposal extends beyond the established development limits and that the application provides limited detail at this stage to enable a full assessment of its acceptability, the Parish Council wishes to record these observations for consideration by the Local Planning Authority.
- 7.3. **Affordable Housing:** For small sites below the 10 dwellings threshold a commuted sum in lieu of on-site provision of affordable housing will be sought. This is an outline application for seven homes. Consequently, there is a requirement for a commuted sum. The following calculation has been used for schemes of 2-9 dwellings: $(A-B) \times 10\%$ proportion of total dwellings where A is the market value of a dwelling, B is the transfer value of a dwelling to RP. Requested for a Housing Strategy team to be informed of any further amendments to plans.
- 7.4. **Ainsty IDB:** advised that if Yorkshire Water is content with the proposal to dispose of the foul water into the mains foul sewer and is satisfied that the asset has the capacity to accommodate the flow, then the Board would have no objection to this arrangement and raised no objections subject to a condition requiring surface and foul drainage works to be agreed prior to commencement of the development.
- 7.5. **Ecologist:** advised that impacts from development are expected to be minor, primarily relating to loss of medium distinctiveness trees and potential disturbance to roosting bats and nesting birds, which can be mitigated through retention of key trees where possible, timing of vegetation clearance, and provision of biodiversity enhancements such as native planting and bat/bird boxes. Also advised that the likely absence of roosts within the surveyed structures was concluded, and no further bat-specific surveys or mitigation are required. As a precaution, works should cease, and a licensed ecologist consulted if bats are encountered during development. In line with NPPF guidance, the incorporation of bat-friendly features within the new development is recommended to deliver biodiversity enhancement. Therefore, concluded that they are satisfied that avoidance and mitigation measures for habitats and species can be secured through a CEcMP and a sensitive lighting strategy which avoids light spill onto boundary vegetation.

In relation to the BNG advised that they are satisfied that the Statutory Biodiversity Metric has been completed accurately and the baseline habitat plan within the BNG Assessment is consistent with the metric. Noted that post development calculations are based on the Illustrative Site Plan and that at this stage, the development is expected to deliver a 10.07% net gain in area habitats and 12.82% in linear habitats (hedgerows), meeting the statutory requirement. However, also noted that the layout plan shows that an area set aside for BNG is currently outside the red line boundary which means that it either should be included in the metric as an offsite area and secured accordingly through a section 106 agreement and registered on the Natural England Biodiversity Gain Site register or the area should be included within the red line boundary to allow it to be considered onsite. Advised that confirmation is needed prior to determination as to whether the BNG will be included all onsite or offsite secured through the use of a section 106 agreement. Also advised that at the reserved matters stage, the applicant should provide a finalised layout showing retained

and enhanced habitats, detailed planting plans and an updated BNG assessment to demonstrate continued compliance with the objectives of the PEA and BNG assessment.

Therefore, concluded that confirmation of whether BNG is intended to be provided wholly onsite or part onsite/offsite would be required and if provided all onsite, the habitat types and scale of the BNG would be considered significant and as such long-term management is required to be legally secured. The recommended conditions include 1) submission of a Construction Ecological Management Plan (CEcMP), 2) submission of a Species Enhancement Plan, 3) sensitive lighting strategy, 4) submission of a Habitat Monitoring and Management Plan (HMMP) for the BNG onsite delivery and 5) onsite Biodiversity Net Gain implementation and long-term management for 30 years.

Upon receipt of the updated metric noted that the metric confirms that the onsite and offsite works will achieve net gains of 12.4% in area habitat units and 14.96% in hedgerow units and confirmed that this revised metric, and the accompanying report are sufficient to allow the application to be determined, with a s106 being agreed to secure the offsite area of land. Also confirmed that they are satisfied that the habitat creation works proposed for the offsite area are achievable within the 30-year period.

- 7.6. **Environmental Health:** raised no objection in principle to the proposed development. However, to safeguard the amenity of existing residents, recommended conditions in relation to 1) Construction Environmental Management Plan, 2) working hours restriction and 3) piling and ground compaction works.
- 7.7. **Local Highway Authority:** noted that this is an outline application with all matters reserved therefore the LHA accept that all layouts can be altered but have some comments to make. Firstly, the indicative proposal is for 5 (out of 7) dwellings to use the existing access currently in place for Highfield House and that the proposed access would only be permitted due to for 5 dwellings and no additional dwellings should utilise this access. Also, the information in relation to 1) visibility splays, 2) parking, 3) refuse storage/collection and 4) details of access would be required to be provided at the reserved matters stage. Therefore, recommended conditions in relation to 1) visibility splays, 2) pedestrian visibility splays, 3) details of access, 4) new and altered private access requirements, 5) construction phase management plan for small sites.
- 7.8. **NY Scientific Team (contamination):** accepted the conclusions of the phase 1 report that a site investigation, including gas monitoring is to be carried out to quantify the risks on site to future residents and recommended a set of phased conditions in relation to 1) investigation of land contamination, 2) submission of a remediation strategy, 3) verification of remediation works and 4) reporting of unexpected contamination and informative in relation to exportation of topsoil for residential gardens.
- 7.9. **Tree Officer:** advised that the proposed layout has been designed to limit the impacts to trees in the most part and that there are no structures or hard surfacing proposed within the RPA of retained trees which is welcome and the proposed tree loss within the site is considered acceptable due to general size and condition of those proposed for removal, there are no Category B or A trees proposed for removal. However initially recommended that the position of dwelling closest T21 is altered as per their detailed advice and that conditions are included in any approval in relation to 1) submission of tree protection scheme, 2) implementation of the agreed tree protection scheme prior to development and 3) no works to be carried out within the protected areas.
- 7.10. **Yorkshire Water:** initially objected to the disposal of surface water to mains sewer however following clarification received from the Applicant's Agent advised that there are no objections subject to recommended conditions.

Local Representations

7.11. 20 local representations have been received of which 1 in support and 19 in objection. A summary of the comments is provided below, however, please see website for full comments.

7.12. Support:

- no detriment to the surrounding area or highway safety,
- the village requires additional housing,
- well-located development
- likely to contribute to village's growth and to more amenities being added to the village due to it

7.13. Objections:

- outside development limits and would set a precedent
- highway safety and impacts on traffic and condition of the roads
- not affordable
- insufficient facilities, educational provision and infrastructure
- insufficient drainage capacity
- poor public transport links
- overlooking, overbearing and loss of light to neighbouring properties
- impacts of noise and disturbance
- scale of development disproportionate to the size of the plot
- no need for further housing growth
- impacts on flood risk
- impacts on protected species and hedgehog habitat
- impacts of piling on existing homes due to composition of the ground
- trees removed prior to application
- impacts on the character of the area

8.0 Environment Impact Assessment (EIA)

8.1. The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

9.0 Main Issues

9.1. The key considerations in the assessment of this application are:

- Principle of development
- Loss of agricultural land
- Impacts on character and appearance of the area
- Residential amenity
- Highways
- Impact upon nature conservation and protected species
- Biodiversity net gain
- Flood risk, drainage and climate change
- Land contamination
- Minerals
- Affordable housing
- Recreational open space
- S106 legal agreement

10.0 **ASSESSMENT**

Principle of Development

- 10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with the Development Plan so far as material to the application unless material considerations indicate otherwise.
- 10.2. Policy SP1 of the Selby District Core Strategy Local Plan outlines that "when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in the NPPF.
- 10.3. Policy SP2 of the Core Strategy sets out the long-term spatial hierarchy for the distribution of future growth within the district to deliver sustainably located development, focusing development firstly in the Principal Town of Selby, then in the Local Service Centres, followed by Designated Service Villages (DSVs). In DSVs, proposals for development on non-allocated sites must meet the requirements of Policy SP4. Policy SP4(a) states that conversions, replacement dwellings, redevelopment of previously developed land, and appropriate scale development on greenfield land (including garden land) are acceptable types of development in principle.
- 10.4. The Core Strategy designates Ulleskelf as a DSV. Core Strategy with paragraph 4.12 stating that "villages which are considered capable of accommodating additional limited growth have been identified as 'Designated Service Villages'". With regard to DSVs, paragraph 4.27 states:
- "The overriding strategy of concentrating growth in Selby and to a lesser extent in the Local Service Centres means that there is less scope for continued growth in villages on the scale previously experienced. However, there is insufficient capacity to absorb all future growth in the three towns without compromising environmental and sustainability objectives. Limited further growth in those villages which have a good range of local services (as identified above) is considered appropriate".*
- 10.5. Policy SP2A(c) goes on to consider development in open countryside. It says:
"Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances."
- 10.6. The western part of the site lies within the Development Limits of this DSV as identified in the Local Plan 2005, but the majority of the site (eastern part) lies outside. However, as the Development Limits for Ulleskelf run through the application site, it can be considered to be closely related to the settlement.
- 10.7. In accordance with Core Strategy policies SP2A(a) the settlement has some scope to accommodate additional residential growth to support rural sustainability. Further, development of the part of the site that lies within the Development Limits would accord with the types of appropriate development set out in Policy SP4 as it would constitute development on previously developed land and appropriate scale development on greenfield land (including garden land).

- 10.8. However, the majority of the application site is not within the Development Limits of Ulleskelf and as such, Policy SP2A(c) is relevant. This seeks to restrict the types of development that are acceptable in open countryside outside Development Limits. The proposed residential development is not considered to fall within any of the types listed in the policy.
- 10.9. As such, whilst the part of the site which is within the defined Development Limits of Ulleskelf is considered to be in broad accordance with SP2A(a) and SP4, the part of the development which would lie outside of the limits in open countryside and consists of the majority of the application site is considered to be contrary to Policy SP2A(c).
- 10.10. In light of the above policy context, the proposals for residential development are, overall, considered to be contrary to Policy SP2A of the Core Strategy, which is attributed substantial weight indicating that the proposal should be refused unless material considerations indicate otherwise.

Housing supply requirements

- 10.11. The NPPF is a material consideration. In this context, currently there is a lack of a five-year housing land supply in the Selby legacy area, due to the increase in housing requirements arising from the NPPF (December 2024) and as such applications are required to make decisions in accordance with Paragraph 11d of the NPPF (December 2024).
- 10.12. Paragraph 11d states that in terms of decision-making and the presumption in favour of sustainable development:

“d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”

- 10.13. Footnote 7 lists those “assets of particular importance” as: habitats sites (and those sites listed in paragraph 189) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change. These assets do not apply to the application site and, as such, there is no strong reason for refusing the development.
- 10.14. Therefore, it is considered that the scheme accords with the NPPF when taken as a whole as discussed further in this report. The development is in a sustainable location, partly within and partly outside though adjacent to the Designated Service Village, would represent a logical extension to this settlement and would provide housing. The application is in outline, but the description specifies that 7 dwellings are proposed which is considered to achieve appropriate density to ensure that the housing development makes an effective use of the land. In this context, it is considered under Paragraph 11d of the NPPF that the principle of development on the site should be supported subject to satisfying Paragraph 11d ii.

Sustainability

- 10.15. Paragraph 11 of the NPPF (December 2024), sets out the presumption in favour of sustainable development in determining applications and that Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities as such development that does not accord with an up-to-date plan will not normally constitute sustainable development. However, Paragraph 12 of the NPPF (December 2024), makes clear that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. When a planning application conflicts with an up-to-date plan permission should not normally be granted.
- 10.16. In respect of sustainability, the village contains a public house, a post office, a village hall and children's playground. Also, Ulleskelf benefits from train service to York and Leeds and this line is currently undergoing upgrade as part of TransPennine Route Upgrade project. In addition, there is a school bus service to Kirk Fenton CE School and Tadcaster Grammar School and a limited bus service to Sherburn in Elmet and Wetherby (Service 492) which links Ulleskelf to those settlements through a 2 hourly service Monday to Saturday with a bus stop being very close to the application site. First bus from the village to Sherburn in Elmet leaves at 07:40 and the last bus back from Sherburn in Elmet arrives back at 17:38. Similarly, first bus from the village to Wetherby leaves at 9:03 and the last bus back from it arrives at 16:30. In terms of access to services and facilities and a choice of mode of transport., then the Council considers that the settlement does have some level of services and the site can be considered as being in a fairly sustainable location with some alternatives to car based travel. NPPF paragraph 84 which restricts isolated dwellings does not apply, nor does paragraph 91 which relates to main town centre uses.
- 10.17. Paragraph 8 of NPPF outlines that there are three overarching objectives which are interdependent and need to be considered in assessing whether a scheme is sustainable development, i.e. the economic objective, social objective, and an environmental objective. Paragraph 9 notes that planning policies and decisions should play an active role in guiding development towards sustainable solutions but in doing so should take account of local circumstances to reflect the character needs and opportunities of each area. With Paragraph 10 stating that "sustainable development should be pursued in a positive way and is at the heart of the framework is the presumption in favour of sustainable development", under Paragraph 11.
- 10.18. It is noted that the following benefits would arise from the proposed development as outlined in the Planning Statement submitted with the application:
- Economic*
- 10.19. The proposal would generate short-term employment opportunities in both construction and other sectors linked to the construction market. Whilst not mentioned in the Planning Statement, it is also noted that the proposal will bring additional residents to the area who in turn will contribute to local economy through supporting the existing local facilities.
- Social*
- 10.20. The site will deliver market housing to meet an identified need in the area as set out in the HEDNA. The site is also able to be delivered and contribute to the five-year housing land supply. In addition, a financial contribution would be made towards recreational open space for existing and future residents of the village.

Environmental

- 10.21. The proposal will consider environmental issues such as climate change, ecology and biodiversity. The development would also incorporate renewable and local carbon energy use measures.
- 10.22. Having taken into account all of the above, the site is considered to be in a sustainable location (partly within and partly outside the Designated Service Village) and given that Paragraph 11d is engaged as a result of the housing land supply position, development on the site is considered acceptable subject to other technical matters being appropriately addressed.

Previous levels of growth

- 10.23. Whilst there has been some growth in Ulleskelf, however, in the context of the increased housing land requirements arising from the NPPF then there is a need to release sites for development which are deemed to be in a sustainable location. This is an opportunity that should be supported in the context of Paragraph 11d, notwithstanding levels of growth the settlement has already incurred. The growth of the Designated Service Village is preferable to growth of lower ranking settlements and as such all opportunities should be considered in the context of the guidance in the NPPF.

Conclusion

- 10.24. The proposal would provide 7 dwellings in place of a single residential property and partially on a greenfield site to boost the five-year housing land supply and would provide economic, social and environmental benefits. All the above factors weigh in favour of the development. Whilst there are some negative aspects to the development, given that Paragraph 11d of the NPPF is engaged as a result of the housing land supply position, the adverse impacts of granting the permission would not significantly and demonstrably outweigh the benefits of the scheme, when assessed against the Framework taken as a whole, as set out within the following sections of the report, with the primary importance being sustainable housing provision. It is therefore considered that this site is acceptable for new residential development subject to there being no technical issues that weigh against the scheme.

Section 149 of The Equality Act 2010

- 10.25. Under Section 149 of The Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
- 10.26. The development of the site for residential purposes would not result in a negative effect on any persons or on persons with The Equality Act 2010 protected characteristics and could in the longer term have a positive effect.

Loss of agricultural land

- 10.27. Whilst the western side of the application site contains an existing dwelling and land within its curtilage, the eastern half of the application site as outlined in red on the submitted plans is a paddock land. Policy SP18 seeks that the high quality and local distinctiveness of natural and manmade environments will be sustained by, amongst other things, steering development to areas of least environmental and agricultural quality. The NPPF advises that decisions should contribute to and enhance the natural environment by recognising the

economic and other benefits of the Best and Most Versatile Land (BMVL) (land in Grades 1, 2 and 3a). Natural England must be consulted on development proposals that are both: likely to cause the loss (or likely cumulative loss) of 20ha or more of BMV land not in accordance with an approved development plan. The site is just over 0.4ha in size. As the site is not in accordance with an approved development plan, and the site is less than 20ha in size, there is no requirement to consult Natural England on the proposal.

- 10.28. The proposal would result in the loss of agricultural land. The land within the application site is classified as Grade 2 (Very Good) in accordance with the Natural England Agricultural Land Classification. However, this mapping is intended for strategic and regional purposes only and is stated to be not sufficiently accurate for assessment at the field or site scale. The application has not been supported by an Agricultural Land Assessment, which demonstrates that the land is not Best Most Versatile (BMV) agricultural land, therefore it is assumed that the proposal would result in the loss of BMV agricultural land. The scale of loss of best and most versatile agricultural land would result in minor harm to the agricultural economy in the area as well as food self-sufficiency.
- 10.29. The loss of agricultural land is contrary to Core Strategy Policy SP18 and NPPF paragraph 187 b) and this must be weighed in the planning balance. However, in this case, the scale of loss of agricultural land is limited and is outweighed by the benefits of the provision of housing.

Impacts on the character and appearance of the area

- 10.30. In order to assess 'visual amenity' it is necessary to consider the layout, form, density, design and landscaping as these factors that can impact on the character of the area. These are governed by policy ENV1 of the SDLP and SP19 of the SDCS. Section 12 of the NPPF also puts significant emphasis on good design. Church Fenton also has a village design statement (Church Fenton VDS) which is to be considered.
- 10.31. The plans submitted are for indicative purposes only (with the application being outline with all matters reserved) and the proposal is for the demolition of existing dwelling and construction of 7 dwellings on the land outlined in red. The access, layout, scale, appearance and landscaping of the site is not for determination at this stage and will be considered at the reserved matters stage if the application was to be approved. However, the broad issues are discussed further in this section given the description of the proposal clearly stating that seven dwellings are proposed on this site and taking into account the indicative layout drawing provided.
- 10.32. The site currently contains one dwelling with its substantial garden within the western part and fenced off sections of the field to the east of the dwelling, which appear to be used for growing vegetables and as a paddock land. One of the fenced off areas contains a stables building. To the east of the application site as outlined in red on the plans is an undeveloped agricultural field. There are some trees within the site, predominantly scattered along its boundaries and there is a hedge present along its northern, western and southern boundaries.
- 10.33. To the north of the site are residential properties located on Greenfields, to the south are two residential properties sited within substantial plots and further south beyond them is a small residential estate located on Orchard Park. To the west across the Church Fenton Lane is a residential area and to the east is an undeveloped land extending up to Bell Lane.
- 10.34. The site is located within the southern part of the village and falls within the Character Area 4: Church Fenton Lane in the Ulleskelf VDS. The VDS outlines that this area is characterised by 2 storey 1980s detached houses of individual design concealed by hedges and trees on the east side and by 1980s style bungalows of similar size but built with variety of materials on the west side. It further states that on the west side the simple rectangular footprint with gable roofs give commonality, and that a low stone and brick wall and hedges

mark the front boundaries. It is also noted that since the adoption of this VDS two small residential estates were built east of Church Fenton Lane and this would also need to be taken into account when considering the layout, design and appearance of the scheme at the reserved matters stage.

- 10.35. Having reviewed the indicative layout plan it is noted that it shows that two dwellings would be located at the frontage and accessed via a new access and that the remaining 5 dwellings would be to the east of those frontage dwellings and would be accessed via an existing access which would be extended eastwards. It is therefore considered that an acceptable layout can be achieved at the reserved matters stage which would not be harmful to the character of the surrounding area.
- 10.36. The site is just over 0.4 hectares and as a result of the proposal would have a density of approximately 17.5 dwellings per hectare. The proposal would therefore result in a slightly denser development than that immediately south of the south and west of Church Fenton Lane but would be less dense than that to the north or further south of the site. As such, the density as shown on the indicative plan would not appear uncharacteristic. In addition, as noted from a site visit and Google Maps imagery search, the built form in the form of residential properties, surrounds the site on the north, west and south and the proposed dwellings would not extend further into the fields on the east than those on the Orchard Park to the south separated from the site by two detached properties sited within substantial plots and as such the development would be viewed within this context. Therefore, it is considered that development of seven dwellings on this plot would not appear out of character, especially when considering residential properties within the immediate vicinity subject to appropriate access, layout, scale, appearance and landscaping being achieved at the reserved matters stage.
- 10.37. The indicative layout plan suggests that the existing access on the north would be extended eastwards to serve 5 dwellings and that a new access off Church Fenton Lane would be created to the south of it which would be shared between two properties fronting Church Fenton Lane and shows how all 7 dwellings could be laid out on the site. The approach to utilising the existing access is supported, however, there are some concerns about the creation of the new access which is likely to have some visual impacts due to the need to remove large sections of hedgerow which currently positively contributes to the character of the surrounding area in order to achieve appropriate visibility.
- 10.38. However, it is noted that the indicative layout plan is for illustrative purposes only and full details of the layout, appearance, scale, access and landscaping of the proposed dwellings would need to be submitted at the reserved matters stage for consideration. Should the details not be acceptable at that stage, they would need to be amended, or the reserved matters application refused to ensure no adverse impact on the character and appearance of the area. This may mean the size and scale of the dwellings proposed at the site and the layout would need to be given careful consideration.
- 10.39. In terms of the design of the dwellings and materials used for their construction, then it should be noted that the VDS outlines that in this character area, to the east of Church Fenton Lane, the architectural style is that of 2 storey 1980s dwellings and the materials vary at this location. There are examples of red brick, render and stone within the area with roofs finished with both pantiles and slate. This would need to be taken into account when designing the dwellings.
- 10.40. As such, it is considered that a scheme could be achieved through the reserved matters stage that would be in keeping with the character and appearance of the area so as to be of a similar scale to properties within the vicinity, with appropriate space surrounding the dwellings, and that could respect the existing built form of the area with appropriate landscaping scheme to ensure that the proposed development would not have a significant adverse impact on the character and appearance of the area in accordance with Policy

ENV1 (1) and (4) of the SDLP, Policies SP4 and SP19 of SDCS and the advice contained within the Section 12 of the NPPF.

Residential amenity

- 10.41. Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policies ENV1 (1) and ENV2 of the SDLP. Significant weight should be attached to this policy as it is broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved.
- 10.42. The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the size, scale and massing of the development proposed. Similarly, consideration needs to be given to whether existing surrounding residential development would give rise to the potential for overlooking of the proposed dwellings, overshadowing of the proposed dwellings, and whether oppression would occur from the size, scale and massing of existing neighbouring properties. Furthermore, consideration is given to the provision of an appropriate level of good quality external amenity space for future occupiers and suitable boundary treatments between existing and proposed dwellings.
- 10.43. The comments made in relation to the impacts on the amenities of adjoining occupiers are noted. However, the access, layout, siting, size, scale, design and appearance of the dwellings and landscaping are reserved for subsequent approval at the reserved matters stage. Based on the size and location of the application site and its relationship to neighbouring properties, the application site is considered to be capable to accommodate seven residential properties without resulting in adverse impacts on the residential amenities of neighbouring properties in terms of overlooking, overshadowing and/or overbearing. Also, the site has capacity to provide adequate amenity space to the proposed residential properties.
- 10.44. Upon review of the indicative layout plan, there are concerns about potential impacts of noise and disturbance on the properties to the north of the site's boundary (located on Greenfields) due to the use of access adjacent to their southern boundaries by 5 new properties as proposed. However, it is considered that an appropriate noise mitigation scheme could be negotiated at the reserved matters stage.
- 10.45. In terms of potential impacts of noise generated during construction, the Environmental Health Officer has been consulted and advised that they have no objections in principle. This is subject to conditions requiring submission of a Construction Management Plan and a detailed schedule for the piling and ground compaction works and a condition restricting working hours in order to safeguard the amenities of occupiers of the surrounding dwellings. Upon review, it is considered that given the scale of the development proposed and the relationship of the site with the neighbouring properties, it is considered reasonable and necessary to attach the aforementioned conditions in order to adequately mitigate any such impacts.
- 10.46. It is considered that a scheme which would not contravene Convention rights contained in the Human Rights Act 1998 in terms of the right to private and family life could be achieved at the reserved matters stage.
- 10.47. Having taken into account all of the above, it is considered that an appropriate scheme could be achieved at the reserved matters stage, which would not result in any significant detrimental impacts on the residential amenities of the occupiers of the existing or proposed dwellings in accordance with Policies ENV1(1) and ENV2 of the SDLP, Policy SP4 (c) of the SDCS and the advice contained within the Paragraph 135 (f) NPPF.

Highways

- 10.48. Relevant policies in respect of highway safety include Policies ENV1 (2), T1 and T2 of the SDLP. Significant weight should be attached to those policies as they are broadly consistent with the aims of the NPPF which requires to ensure that safe and suitable access is achieved for all users.
- 10.49. Paragraph 116 of the NPPF states that “*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios*”.
- 10.50. The application seeks outline planning permission for the erection of seven dwellings following the demolition of the existing dwelling with all matters reserved. It is however noted that there is an existing access to the application site on the north which is directly off Church Fenton Lane, and it is shown on the indicative plan that this access would be utilised for the 5 dwellings and that a new access off Church Fenton Lane would be created to the south of the existing access which would be shared by the 2 properties fronting Church Fenton Lane.
- 10.51. Concerns raised by the objectors regarding highway safety and parking are noted and highway safety matters are addressed further in this section of the report. Notwithstanding this, the access, the size of the dwellings and details of layout of the site are reserved matters and as such, the parking arrangements would need to be considered in full at the reserved matters stage if this application is approved.
- 10.52. Local Highway Authority has been consulted on the proposals who reviewed the proposed indicative scheme and advised that whilst it is noted that the details of access are reserved, no more than 5 dwellings would be allowed to be accessed via this existing access. LHA also advised that reserved matters submission would have to include information on the visibility splays for both vehicles and pedestrians, access, parking, refuse storage/collection and recommended conditions in relation to these matters. LHA also recommended a condition requiring a Construction Management Plan to be submitted. Upon review, and having considered the nature of the proposals and the location of the site, it is considered reasonable and necessary to add conditions as recommended.
- 10.53. Therefore, subject to the aforementioned conditions, it is considered that a scheme could be designed with an appropriate access, appearance, layout, scale and landscaping at reserved matters stage to ensure no adverse impact on highway safety is caused in accordance with policies ENV1 (2), T1 and T2 of the SDLP and the advice contained within the NPPF.

Impact upon nature conservation and protected species

- 10.54. Relevant policies in respect of nature conservation and protected species include Policy ENV1 (5) of the SDLP and Policy SP18 “Protecting and Enhancing the Environment” of the SDCS. Significant weight should be attached to SDLP Policy ENV1 as it is broadly consistent with the aims of the NPPF as set out in Section 15.
- 10.55. Protected species include those protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017. The presence of protected species is a material planning consideration.
- 10.56. It is noted that the application site is not a protected site for nature conservation, however the proposals include the demolition of the existing dwelling on the site. Preliminary Ecological Appraisal Report reference ER-8628-01A dated 29 August 2025 and Bat Emergence Survey Report reference ER-8628-03 dated 26 August 2025 was submitted with the application which were reviewed by the Council’s Ecologist.

- 10.57. The Council's Ecologist noted that the Preliminary Ecological Appraisal (PEA) identified no statutory or non-statutory designated sites within or immediately adjacent to the site, and no functional connectivity to nearby protected areas. Habitats on-site are predominantly of low or very low distinctiveness, comprising modified grassland, managed gardens, and bare ground, with scattered trees of medium distinctiveness providing the highest ecological value. No irreplaceable or high distinctiveness habitats were recorded. Therefore, the Council's Ecologist advised that overall, impacts from the development are expected to be minor, primarily relating to loss of medium distinctiveness trees and potential disturbance to roosting bats and nesting birds, which can be mitigated through retention of key trees where possible, timing of vegetation clearance, and provision of biodiversity enhancements such as native planting and bat/bird boxes. It was also noted that the likely absence of roosts within the surveyed structures would mean that no further bat-specific surveys or mitigation are required. Therefore, the Council's Ecologist recommended that, as a precaution, works should cease, and a licensed ecologist consulted if bats are encountered during development and advised that in line with Paragraph 187 of the NPPF guidance, the incorporation of bat-friendly features within the new development is recommended to deliver biodiversity enhancement. In conclusion, the Council's Ecologist is satisfied that avoidance and mitigation measures for habitats and species can be secured through a Construction Ecological Management Plan CEcMP and a sensitive lighting strategy which avoids light spill onto boundary vegetation.
- 10.58. As such, and having taken into account all of the above, it is considered that the proposals are acceptable in relation to their impacts on nature conservation and protected species subject to recommended mitigation measures being adhered to and subject to recommended conditions related to the submission of a CEcMP and lighting strategy.
- 10.59. Therefore, the proposals are considered to be acceptable in relation to their impacts on nature conservation and protected species and accord with Policies ENV1 of the SDLP, Policy SP18 of the SDCS and the NPPF.

Biodiversity Net Gain

- 10.60. Planning Permissions in England are deemed to be granted subject to the general Biodiversity Gain Condition as set out by Schedule 7A, paragraph 13 of the Town and County Planning Act 1990 (TCPA) as amended by Schedule 14, Part 2, paragraphs 13, 14 and 15 of the Environment Act 2021. This is a pre-commencement condition.
- 10.61. This application is supported by a completed BNG metric, Biodiversity Net Gain Assessment report reference ER-8628-06 dated 30th September 2025 and Biodiversity Net Gain Assessment (Baseline) report reference ER-8628-04c dated 30th September 2025.
- 10.62. The Council's Ecologist has advised that they are satisfied that the Statutory Biodiversity Metric has been completed accurately and the baseline habitat plan within the BNG Assessment is consistent with the metric. However, given the area for the BNG provision falls outside the application red line boundary, it was requested that clarification be provided as to whether the BNG will be included onsite or offsite, to be secured through the use of a section 106 agreement. Further, at the reserved matters stage, the applicant should provide a finalised layout showing retained and enhanced habitats, detailed planting plans and an updated BNG assessment to demonstrate continued compliance with the objectives of the PEA and BNG assessment.
- 10.63. The clarification has been sought from the Applicant's Agent who advised that the BNG will be provided offsite on land in the ownership of the Applicant and that the applicant is happy to enter into a S106 agreement to secure this provision.

- 10.64. The Ecologist noted that the area of land outside the redline boundary in the applicant's ownership will be used for BNG and that this area should be reflected in the baseline and post development metric as 'offsite' which will require the metric to be updated which should be completed prior to determination to reflect the onsite and offsite baselines separately. The Ecologist also confirmed that they are satisfied that the applicant intends to secure the offsite BNG area via a s106 agreement with North Yorkshire Council which will facilitate the registration with Natural England.
- 10.65. The updated metric has been provided and has been reviewed by the Council's Ecologist who noted that the metric confirms that the onsite and offsite works will achieve net gains of 12.4% in area habitat units and 14.96% in hedgerow units and confirmed that this revised metric, and the accompanying report are sufficient, with a s106 being agreed to secure the offsite area of land. The Ecologist also confirmed they are satisfied that the habitat creation works proposed for the offsite area are achievable within the 30 year period. As such and subject to appropriate conditions and the legal agreement securing off-site contributions, the BNG matters are considered acceptable.
- 10.66. Having taken into account all of the above, it is considered that the proposals are acceptable in relation to the mandatory BNG subject to appropriate conditions and a legal agreement securing off-site contributions. The proposals are therefore in accordance with the Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) with respect to BNG.

Flood risk, drainage and climate change

- 10.67. The application site is fully located in Flood Zone 1 which is assessed as having less than 0.1% (1 in 1000) annual probability of flooding. According to Surface Water Map on Government's website, there is a low chance of surface water flooding. As such and given that the site is less than one hectare, no sequential test or Flood Risk Assessments are required.
- 10.68. In terms of surface and foul water drainage, whilst it is indicated in the application form that surface water would be disposed of via sustainable drainage systems, in the email received from the Agent on the 18th November 2025, it is outlined that the evidence as presented in that email, and attached to it, confirms that soakaways are not viable on the application site and, with no watercourses in the immediate area, discharge to the YW sewer with appropriate attenuation is the only viable option. In relation to foul water disposal, no information has been provided.
- 10.69. Yorkshire Water and Ainsty IDB have been consulted. Ainsty IDB advised that they noted that soakaways do not appear to be viable on this occasion and that it is proposed to dispose of surface water via mains sewer and that the nearby mains surface water sewer appears to discharge into the Board maintained watercourse known as Dorts Dyke. Accordingly, the Board advised that approval will be required from the Board for the amount of water to be discharged in addition to any consent required from Yorkshire Water and therefore raised no objections subject to a condition requiring drainage works to be agreed.
- 10.70. In terms of foul water discharge, Yorkshire Water raised objections in their initial response however following clarification received from the Applicant's Agent on the 18th November 2025, advised that the information provided is considered acceptable and confirmed that curtilage surface water may discharge to public surface water sewer at a restricted rate which should not to exceed 3.5 litres per second. Yorkshire Water therefore raised no objections subject to conditions a) requiring the site being developed with separate systems of drainage for foul and surface water on and off site and b) agreeing surface water disposal works prior to piped discharge of surface water from the application site. As such and given

the information relating to drainage provided, the proposal is considered to be appropriate in terms of its impact on drainage. Having taken into account the above, it is therefore considered that an acceptable scheme for the disposal of surface and foul drainage could be achieved by a way of suitable conditions.

- 10.71. In light of the above, the proposed development is considered to be acceptable in terms of flood risk and drainage subject to conditions, taking into account of policy SP15 of the SDCS, national policy contained within the Section 14 of the NPPF and national guidance on flood risk.

Land contamination

- 10.72. The application site is not identified as potentially contaminated land however the proposals are to introduce residential properties which would lead to introduction of receptors sensitive to contamination. Relevant policies in respect of land contamination include Policies ENV1 and ENV2 of the SDLP and Policy SP19 "Design Quality" of the SDCS.
- 10.73. The application is supported by a Preliminary Investigation of Land report reference C31013A prepared by Dunelm Geotechnical and Environmental dated October 2025. The Council's Contaminated Land Consultant reviewed the submission and advised that they accept the conclusions of the phase 1 report that a site investigation, including gas monitoring is to be carried out to quantify the risks on site to future residents and recommended a set of conditions in relation to a) investigation of land contamination, b) submission of a remediation strategy, c) verification of remediation works and d) reporting unexpected contamination and an informative in relation to topsoil importation for domestic gardens.
- 10.74. Having considered the proposals, it is considered that a scheme which would not contravene Convention rights contained in the Human Rights Act 1998 in terms of the right to health could be achieved at the reserved matters stage.
- 10.75. It is considered that the proposal would be acceptable in respect of land contamination subject to aforementioned conditions and is, therefore, in accordance with Policies ENV1 and ENV2 of the SDLP, Policy SP19 of the SDCS and the advice contained within the NPPF at Paragraphs 196 to 201.

Minerals

- 10.76. The application site is located within sand gravel safeguarding area. Relevant policies in relation to the NYCC Minerals and Waste Plan 2022 are S01, and S02, which reflect the national policy in the Chapter 17 of the NPPF and seek to protect future mineral resource extraction by safeguarding land where the resource is found and avoiding such land being sterilised by other development.
- 10.77. The application is for seven dwellings within the enclosed parcel of land associated with the residential property known as Highfield House, as such, in this specific instance it is not considered that minerals assessment is required nor it is considered that the location of the development would be acceptable for any minerals or waste use and would not impact the safeguarding area or allocated sites in proximity to the proposed development. The Minerals & Waste team have also been contacted who confirmed that minerals extraction is not acceptable in this location due to the reasons stated above.
- 10.78. As such, the proposed development is therefore considered acceptable in relation to this matter and no further consideration, or conditions are required.

Affordable housing

- 10.79. SDCS policy SP9 and the accompanying Affordable Housing Supplementary Planning Document (SPD) sets out the affordable housing policy context for the District. Policy SP9 outlines that for schemes of less than 10 units or less than 0.3ha, a fixed sum will be sought to provide affordable housing within the District. However, the NPPF is a material consideration and states at paragraph 65 –

‘Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount’.

- 10.80. Major development is defined in Annex 2: Glossary as “For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more”. The application is for the erection of seven dwellings on a site of less than 0.5ha. In addition, it is considered that 7 dwellings is the maximum that could be provided on this site due to the constraints such as shape of site, trees and density being appropriate to area. As such in the light of the West Berkshire Decision and paragraph 65 of the NPPF, it is not considered that affordable housing contributions as required by Policy SDCS SP9 C can be sought on this application.

Recreational open space

- 10.81. Policy RT2 requires the proposal to provide recreational open space at a rate of 60sqm per dwelling on the following basis “provision within the site will normally be required unless deficiencies elsewhere in the settlement merit a combination of on-site and off-site provision. Depending on the needs of residents and the total amount of space provided, a combination of different types of open space would be appropriate in accordance with NPFA standards.”
- 10.82. The Developer Contributions Supplementary Planning Document 2007 provides further guidance on the provision of open space.
- 10.83. The NPPF at paragraphs 96 and 98 advises that decisions should aim to achieve healthy places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs for example through the provision of safe and accessible green infrastructure and the provision and use of shared spaces such as open spaces. Paragraph 103 reinforces the importance of access to open space, sport and physical activity for health and wellbeing. Policies should be based on robust and up to date assessment of needs and opportunities for new provision. Policy RT2 is considered consistent with the NPPF and is given significant weight.
- 10.84. In this case given the size of the site, a commuted sum is necessary. This can be spent to either upgrade existing public open space or contribute towards providing new public open space. The Parish Council has been contacted in order to get a confirmation as to whether there are any plans for the improvements in their area however they advised that the Parish Council meeting where priorities for the upcoming year would be discussed in on the 12th February and the Members would be updated on the outcome during the meeting.
- 10.85. The Developer Contributions Supplementary Planning Document costs this at £991 per dwelling for upgrading existing public open space or £1095 per dwelling for the provision of new public open space. Whilst to date there is no confirmation from the Parish Council as to what the contributions could be used for, following discussions with the Applicant’s Agent it was agreed that a contribution for the provision of new off-site open space could be made in

the sum of £7665 based on seven dwelling being proposed as per the description of the development. This requirement to contribute towards Open Space will be controlled within the legal agreement. Recreational open space matters are therefore acceptable subject to conditions and a S106 agreement.

S106 Legal Agreement

10.86. The following Heads of Terms have been agreed with the applicant for this application.

- off-site contribution for the Recreational Open Space (£7665 - as per Selby District Developer Contributions SPD)
- provision of on-site and off-site BNG within the land owned by the Applicant, including on- and off-site post-intervention metric, habitat creation and enhancement plan, Habitat Management and Monitoring Plan (HMMP) covering a 30-year management period starting from completion date of the creation/enhancements and a monitoring fee of £2662.

10.87. It is considered that the above S106 Heads of Terms are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and as such complies with the Community Infrastructure Levy (CIL) Regulations 2010.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. The proposal for residential development partly within and partly outside the settlement boundaries and whilst the part of the development which is within the development limits is considered to broadly comply with policies SP2A (a) and SP4 of the SDCS, the part of the proposals which falls outside the settlement boundary does not constitute any of the forms of development set out under SP2A(c). In light of the above policy context, the proposals for residential development are considered, overall, to be contrary to Policy SP2A of the Core Strategy, which is attributed substantial weight indicating that the proposal should be refused unless material considerations indicate otherwise.
- 11.2. Paragraph 11 d) is engaged as a result of the housing land supply position. The site does not have any “assets of particular importance”, and it is considered that the scheme accords with the NPPF when taken as a whole. The development is in a sustainable location partly within and partly outside of a Designated Service Village and would represent a logical extension to this settlement and would provide housing. The application is outline but the description specifies that 7 dwellings are proposed which is considered to achieve appropriate density to ensure that the housing development makes an effective use of land. This is afforded substantial weight.
- 11.3. It is considered that an acceptable scheme could be achieved on this site at the reserved matters stage in relation to the access, layout, scale, design, appearance and landscaping which would not result in any adverse impacts on nearby residential properties and would be acceptable in relation to the impacts on highway safety subject to conditions. This is afforded moderate weight.
- 11.4. The proposed development is considered to be acceptable in terms of flood risk and appropriate drainage arrangements can be achieved at the reserved matters stage. The proposal is also acceptable in relation to its impacts on nature conservation and protected species, land contamination and minerals and waste and is acceptable in relation to the mandatory BNG. This is afforded moderate weight.
- 11.5. As such and having taken into account all of the above, it is not considered that the harm identified due to the construction of residential development partly within and partly outside the settlement boundary would significantly and demonstrably outweigh the benefit of

approving the proposed development in a sustainable location and the application should therefore be approved in accordance with Paragraph 11 of the NPPF.

12.0 RECOMMENDATION

- 12.1. That planning permission be GRANTED subject to conditions listed below and prior completion of a S106 agreement with terms as detailed in Table 1.

Recommended conditions:

1. Applications for the approval of the reserved matters shall be made within a period of three years from the grant of this outline permission and the development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

2. Approval of the details of the (a) access, (b) layout, (c) external appearance of the development, (d) the scale of the development and (e) landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

LDS 2604/01/001 – Location Plan
BA25267AIA – Tree Protection Plan

Reason: For the avoidance of doubt.

4. The existing trees, as indicated on the Drawing No BA25267AIA (Tree Protection Plan), shall be retained.

Reason: To ensure that the trees are retained and in the interests of local amenity in accordance with policy ENV1 of the Selby District Local Plan 2005.

5. Before any materials are brought onto the site or any development is commenced, the developer shall submit an agreed specification for root protection area (RPA) fencing and ground protection measures in line with the requirements of British Standard BS 5837: 2012 Trees in Relation to Construction – Recommendations, or any subsequent amendments to that document, to be installed around the trees or shrubs or planting to be retained, as indicated on an approved plan and for the entire area as specified in accordance with BS 5837:2012. The developer shall maintain such fences and ground protection until all development the subject of this permission is completed.

Reason: To ensure retention of the trees and to secure incorporation of existing trees into the development in accordance with policy ENV1 of the Selby District Local Plan and Policy SP19 of the Selby District Local Plan.

6. No operations shall commence on site in connection with the development hereby approved (including any demolition work, soil moving, temporary access vehicles or construction machinery) until the root protection area (RPA) and ground protection works required by the approved tree protection scheme (above) are in place and subsequently retained during the construction period.

Reason: To ensure retention of the trees and to secure incorporation of existing trees into the development in accordance with policy ENV1 of the Selby District Local Plan and Policy SP19 of the Selby District Local Plan.

7. No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved root protection area scheme. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority.

Reason: To ensure retention of the trees and to secure incorporation of existing trees into the development in accordance with policy ENV1 of the Selby District Local Plan and Policy SP19 of the Selby District Local Plan.

8. The landscaping and layout reserved matters application(s) shall include details of landscaping (both hard and soft landscaping and boundary enclosures), and management and maintenance details, for approval in writing by the Local Planning Authority. The landscaping shall be carried out in accordance with the approved details in full prior to the last occupation of any dwelling hereby permitted and shall thereafter be managed and maintained in accordance with the approved details. Any element of the landscaping buffer that is removed, dies, is seriously damaged or diseased within 10 years of planting shall be replaced with a similar species within the next available planting season.

Reason: In accordance with Policies SP18 and SP19 of the Selby District Core Strategy.

9. No site preparation, demolition, or construction activities shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include specific measures to control and mitigate noise, vibration, lighting, dust, and dirt emissions, with particular regard to protecting the amenity of nearby residential properties. The development shall thereafter be carried out in accordance with the approved CEMP.

Reason: To protect the residential amenity of the locality during construction and to comply with the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE) and North Yorkshire Council's Policy's SP19 and ENV2.

10. No work associated with the approved development, including demolition or preparatory activities, shall be conducted outside the hours of 08:00 to 18:00 from Monday to Friday, and 08:00 to 13:00 on Saturdays. No work shall occur on Sundays, Bank Holidays, or National Holidays. These working hours must be strictly adhered to and incorporated into the Construction Environmental Management Plan (CEMP) to ensure compliance and minimise disruption to the surrounding community. Any variation to these hours shall be agreed in writing with the Local Planning Authority in advance.

Reason: To protect the residential amenity of the locality during construction and to comply with the National Planning Policy Framework (NPPF), the Noise Policy

Statement for England (NPSE) and North Yorkshire Council's Policy's SP19 and ENV2.

11. No piling or ground compaction works shall take place until a detailed schedule of such works has been submitted to and approved in writing by the Local Planning Authority. The schedule shall identify the locations and timing of the works and include mitigation measures to minimise noise, dust, and vibration impacts on nearby residential properties. The approved measures shall be implemented in full and maintained throughout the duration of the piling and compaction works.

Reason: To protect the residential amenity of the locality during construction and to comply with the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE) and North Yorkshire Council's Policy's SP19 and ENV2.

12. There must be no access or egress by any vehicles between the highway and the application site at Highfield House, Church Fenton Lane until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety in accordance with policies ENV1, T1 and T2 of the Selby District Local Plan, policy SP19 of the Selby District Core Strategy and the NPPF.

13. There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) at Highfield House, Church Fenton Lane until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- vehicular, cycle, and pedestrian accesses;
- vehicular and cycle parking;
- vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear; and,
- loading and unloading arrangements.

No part of the development must be brought into use until the vehicle access, parking, manoeuvring and turning areas at Highfield House, Church Fenton Lane have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development in accordance with policies ENV1, T1 and T2 of the Selby District Local Plan, policy SP19 of the Selby District Core Strategy and the NPPF.

14. The development must not be brought into use until the access to the site at Highfield House, Church Fenton Lane has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail number E50 and the following requirements:

- Any gates or barriers must be erected a minimum distance of 6 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed and maintained thereafter to prevent such discharges.
- The final surfacing of any private access within 6 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users in accordance with policies ENV1, T1 and T2 of the Selby District Local Plan, policy SP19 of the Selby District Core Strategy and the NPPF.

15. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following:

- details of any temporary construction access to the site including measures for removal following completion of construction works
- wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- the parking of contractors' site operatives and visitor's vehicles;
- areas for storage of plant and materials used in constructing the development clear of the highway;
- details of site working hours; and
- contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity in accordance with policies ENV1, ENV2, T1 and T2 of the Selby District Local Plan, policy SP19 of the Selby District Core Strategy and the NPPF.

16. The development shall be carried out in accordance with the mitigation measures and recommendations set out in the Preliminary Ecological Appraisal Report reference ER-8628-01A dated 29 August 2025 and Bat Emergence Survey Report reference ER-8628-03 dated 26 August 2025.

Reason: In the interests on nature conservation interest and in order to comply with policy ENV1(5) of the Selby District Local Plan 2005, policy SP18 of the Selby District Core Strategy 2013, The Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010.

17. Prior to commencement of the development hereby approved, a Construction Ecological Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. It shall address habitat and species protection during site clearance and construction in line with the recommendations in the Preliminary Ecological Appraisal (PEA) and measures to eradicate Invasive Non-Native Species (INNS). Once approved, all works shall be carried out in accordance with the submitted details.

Reason: In the interests on nature conservation interest and to ensure works are compliant with protections in place for legally protected species and habitats and species of principal importance in order to comply with policy ENV1(5) of the Selby District Local Plan 2005, policy SP18 of the Selby District Core Strategy 2013, The Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010.

18. Prior to occupation of the development hereby approved, a Species Enhancement Plan detailing the measures for species enhancements set out in the PEA and bat survey including but not limited to bat boxes, bird boxes/bricks and fence gaps for hedgehogs and ongoing maintenance of these features shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To provide compensation and enhancement for legally protected species and species of principal importance in order to comply with policy ENV1(5) of the Selby District Local Plan 2005, policy SP18 of the Selby District Core Strategy 2013 and Paragraph 187 d) of the NPPF.

19. Prior to first occupation of the development hereby approved, a sensitive lighting strategy demonstrating how external lighting will avoid light spill onto boundary habitats, thus minimising impacts on bat foraging and commuting routes, shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the scheme shall be carried out in accordance with any such approved scheme.

Reason: To provide protection for legally protected species and species of principal importance in order to comply with policy ENV1(5) of the Selby District Local Plan 2005, policy SP18 of the Selby District Core Strategy 2013 and Paragraph 187 d) of the NPPF.

20. The habitat creation and enhancement measures approved via the deemed biodiversity gain condition for this planning permission shall be completed within the first planting season following completion of the development. Within 3 months of this occurring, a report evidencing it and providing the exact date the enhancements were completed shall be submitted to the Local Planning Authority for approval in writing.

Reason: To ensure biodiversity gain measures are carried out and to enable the Local Planning Authority to accurately measure the 30 year management and monitoring period required for biodiversity net gain in accordance with the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024.

21. No development hereby approved shall commence until the scheme for the disposal of surface and foul water has been submitted to and approved in writing by Local Planning Authority.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

22. Once approved, the scheme for the disposal of surface and foul water shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

23. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

Reason: In the interest of satisfactory and sustainable drainage.

24. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to the means of discharging to the public sewer network at a rate not to exceed 3.5 litres per second.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal.

25. Prior to development (excluding demolition), a site investigation and risk assessment, including a complete gas risk assessment must be undertaken to assess the nature, scale and extent of any land contamination and the potential risks to human health, groundwater, surface water and other receptors. A written report of the findings must be produced and is subject to approval in writing by the Local Planning Authority. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination in order to comply with policies ENV1 and ENV2 of the Selby District Local Plan 2005.

26. Where remediation works are shown to be necessary, development (excluding demolition) shall not commence until a detailed remediation strategy has been submitted to and approved by the Local Planning Authority. The remediation strategy must demonstrate how the site will be made suitable for its intended use and must include proposals for the verification of the remediation works. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the proposed remediation works are appropriate and will remove unacceptable risks to identified receptors in order to comply with policies ENV1 and ENV2 of the Selby District Local Plan 2005.

27. Prior to first occupation or use, remediation works should be carried out in accordance with the approved remediation strategy. On completion of those works, a verification report (which demonstrates the effectiveness of the remediation carried out) must be submitted to and approved by the Local Planning Authority. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the agreed remediation works are fully implemented and to demonstrate that the site is suitable for its proposed use with respect to land contamination. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990.

28. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, if remediation is necessary, a remediation strategy must be prepared, which is subject to approval in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation strategy, a verification report must be submitted to and

approved by the Local Planning Authority. It is strongly recommended that all reports are prepared by a suitably qualified and competent person.

Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination in order to comply with policies ENV1 and ENV2 of the Selby District Local Plan 2005.

Target Determination Date: 24.02.2026

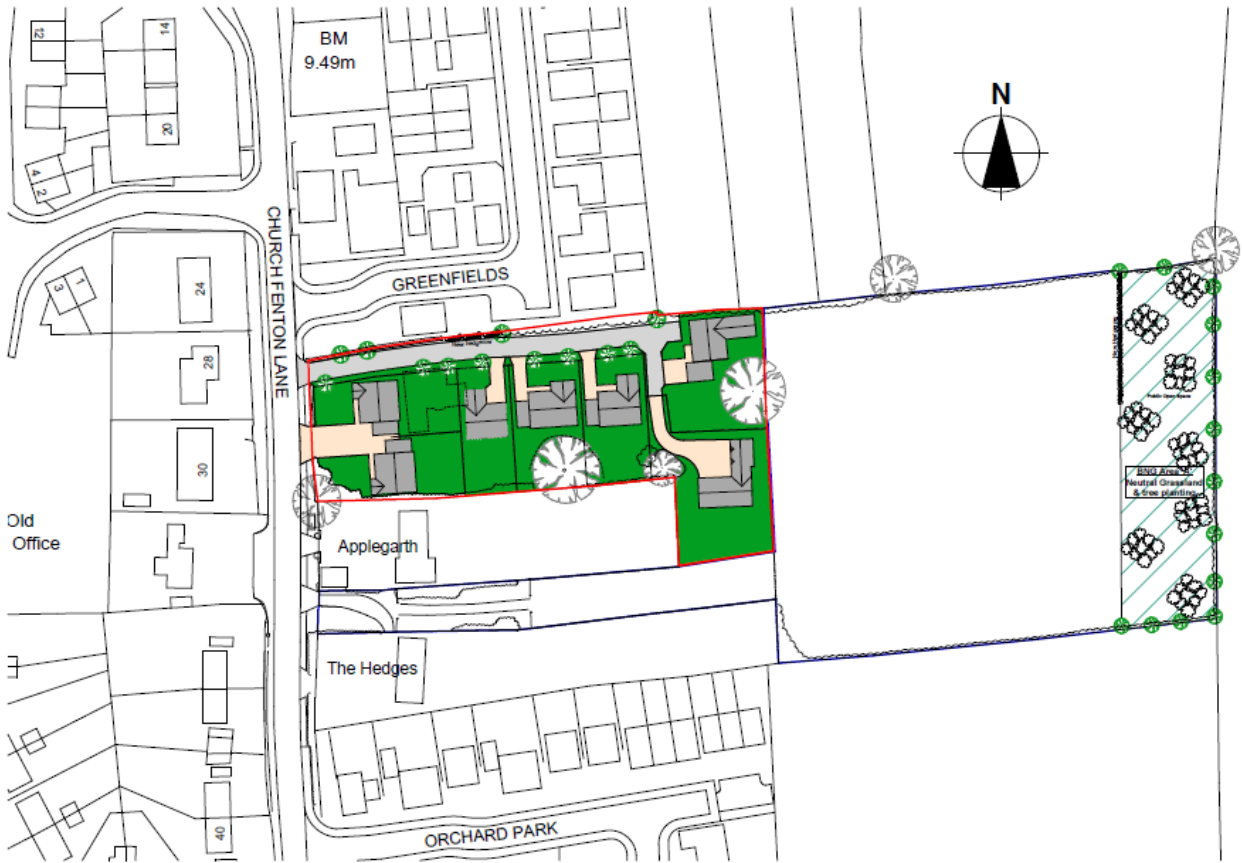
Case Officer: Irma Sinkeviciene

APPENDICES:

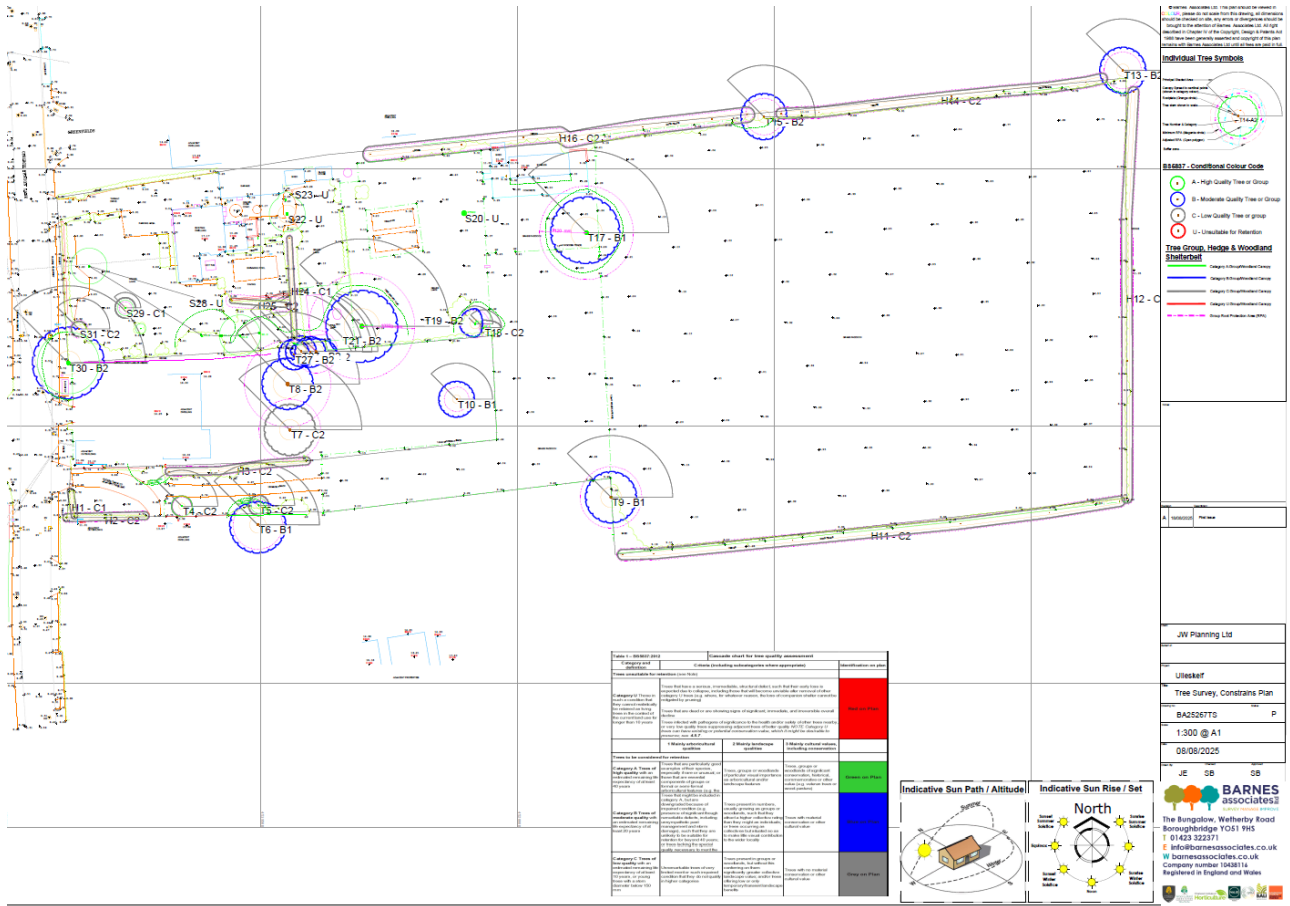
Appendix 1: Indicative Site Plan

Appendix 2: Tree Constraint Plan

Appendix 1: Indicative Site Plan



Appendix 2: Tree Constraints Plan



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North Yorkshire Council

Community Development Services

Selby and Ainsty Area Planning Committee

16th February 2026

HGTZC24/03441/EIAMAJ - Demolition of existing poultry farm followed by the erection of a replacement poultry farm including six poultry houses with solar panels on their roofs, feed bins, heat exchangers, concrete apron, dirty water tanks, gas tanks, hardstanding, gate house and drainage attenuation pond.

At Ouseburn Farm, Carr Field, Lane Upper, Dunsforth, York, North Yorkshire, YO26 9SD

**on behalf of Amber Real Estate Investments
(Agriculture) Ltd**

Report of the Head of Development Management – Community Development Services

1.0 Purpose of the Report

- 1.1. To determine a planning application for demolition of an existing poultry farm followed by the erection of a replacement poultry farm including six poultry houses with solar panels on their roofs, feed bins, heat exchangers, concrete apron, dirty water tanks, gas tanks, hardstanding, gate house and drainage attenuation pond on land at Ouseburn Farm, Carr Field Lane, Upper Dunsforth.
- 1.2. The application is brought to the Selby and Ainsty planning committee as it is an application accompanied by an Environmental Impact Assessment that is considered to be of a significant scale and recommended for approval.

2.0 EXECUTIVE SUMMARY

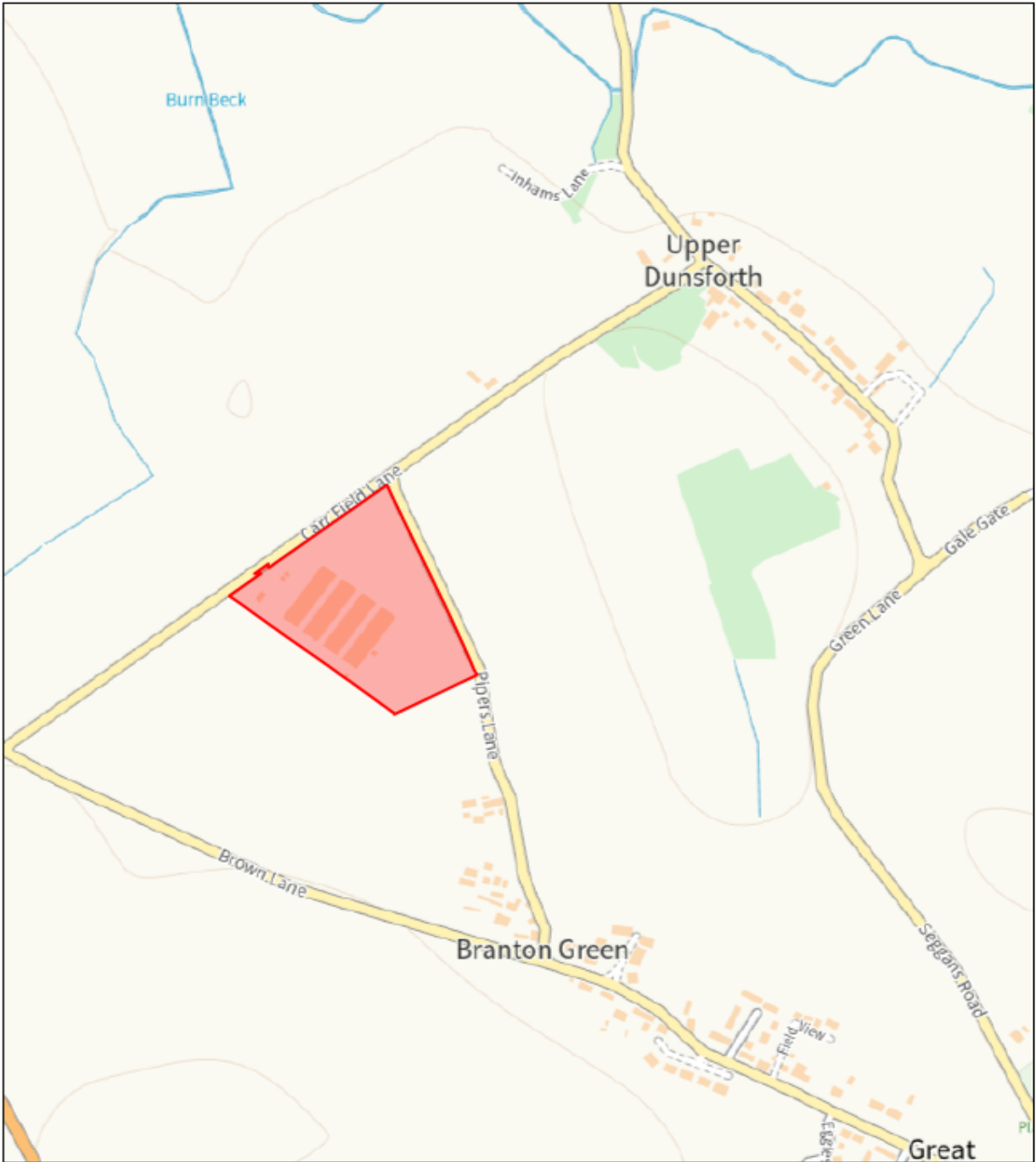
RECOMMENDATION: That planning permission be GRANTED subject to the completion of a S106 Agreement and conditions listed below.

- 2.1 The application seeks full planning permission for six poultry houses with solar panels on their roofs, feed bins, heat exchangers, concrete apron, dirty water tanks, gas tanks, hardstanding, gate house and drainage attenuation pond on land at Ouseburn Farm, Carr Field Lane, Upper Dunsforth. The application site is off Carr Lane, that links to

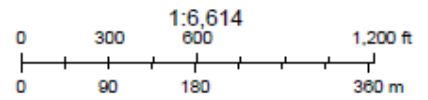
Broad Gate and then onto the B6265. The villages of Upper Dunsforth, Great Ouseburn and Marton Cum Grafton are located east, south east and west of the application site.

- 2.2 The site operates as an existing poultry farm therefore the principle of its redevelopment is considered to be acceptable. Key issues for consideration relate to use of agricultural land, landscape impact, flooding, highways, sustainability, amenity and ecology.
- 2.3 Overall, for the reasons set out in this report, it is considered that the proposal is compliant with the overarching policies of the development plan and national planning policy requirements and therefore represents sustainable development.
- 2.4 The application has been submitted with an Environmental Statement, which has been provided in accordance with relevant legislation and which has not identified any significant environmental effects resulting from the development that would justify refusal. Where the Environmental Statement has identified adverse impacts, they have been minimised through a combination of appropriate mitigation and compensation measures.

Map



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3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found [here](#): -
- 3.2. The site has a long history as a poultry farm. The following is a summary of the relevant planning applications:

HGT94/01542/FUL - OUSEBURN FARM, CARRSFIELD LANE, UPPER DUNSFORTH
Demolition of existing poultry houses and replace with new on existing bases. -
Permitted - 18.08.1994

4.0 Site and Surroundings

- 4.1 This application relates to a 4.4 hectare site called Ouseburn Farm, a poultry farm located roughly 0.25km from the eastern edge of the village of Great Ouseburn.
- 4.2 The site currently comprises of four poultry sheds, which are used for broiler chicken production with a total capacity of 135,000 birds. The buildings are set in the ground with mature planting to the north-east and south-west. Ancillary buildings associated with the farm are located to the north and east of the poultry sheds. Arable farmland surrounds the sheds to the east and south, bounded by low mature hedgerow to the east flanking Pipers Lane and higher mature hedgerow to the north.
- 4.3 The site's topography is relatively flat where the poultry buildings are located, but fields towards Pipers Lane are elevated above the main built-up area of the site.
- 4.4 The site is accessed off Carr Field Lane with the access shared by an agricultural bungalow. This bungalow is within the application site area and adjacent to the existing buildings but does not form part of the redevelopment of the site. It is understood the manager of this poultry farm lives at this bungalow.
- 4.5 There are open arable fields that back onto the site. The application site is above an aquifer - zones 1 and 2. There is a Site of Special Scientific Interest (SSSI) approximately 300m to the east of this application site known as Upper Dunsforth Carrs SSSI. The site is identified as falling within Landscape Character Area *91: Marton Rolling Arable Farmland* within the Harrogate Landscape Character Assessment.

5.0 Description of Development

- 5.1 The application proposes the demolition of the existing poultry farm buildings followed by the erection of a replacement poultry farm including six poultry houses with solar panels on their roofs, feed bins, heat exchangers, concrete apron, dirty water tanks, gas tanks, hardstanding, gate house and drainage attenuation pond.

6.0 Planning Policy and Guidance

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2 The adopted development plan (ADP) for this application site is:

- Harrogate District Local Plan 2014 - 2035 adopted 2020
- Minerals and Waste joint Plan adopted 2022.

Emerging Development Plan - Material Consideration

- 6.3 The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

NPPF Consultation

- 6.4 The Government has commenced a consultation exercise on a new draft of the NPPF. The consultation exercise is currently underway. One of the proposed changes is to the rural business development guidance in paragraph 88 of the current NPPF. The draft NPPF looks to redraft paragraph 88 with some changes to align with the wider policies for inside and outside settlements and strengthen support for various types of agricultural development and diversification. Whilst draft proposed changes to national policy can be treated as a material consideration, officers are of the view that given that this is only subject to consultation and represents no change from current policy, no more than negligible weight should be given to the suggested change in the NPPF currently out for consultation.

Guidance - Material Considerations

6.5 Relevant Guidance for this application is:

- National Planning Policy Framework
- National Planning Practice Guidance
- Providing Net Gain for Biodiversity SPD 2021
- Harrogate Landscape Character Assessment 2004

7.0 Consultation Responses

7.1 The following consultation responses have been received and have been summarised below:

7.2 **Environment Agency** - Raised no objection to the application, but advised that the applicant would need to apply to vary their permit with the EA.

7.3 **Ecologist** - No objection subject to conditions to secure the Biodiversity Net Gain Plan, Habitat Management and Monitoring Plan, a Construction Ecological Management Plan, provision of bat roosting boxes and hedgehog next boxes. .

7.4 **Landscape Officer** –No objection subject to conditions requiring a detailed landscaping scheme and planting to be undertaken in the first available planting season.

7.5 **Environmental Health Officer** - No objection.

7.6 **Arboricultural Officer** - No objection but noted landscape scheme and BNG requirement may change trees to be planted. These comments were addressed later in the application process through changes to the landscape plan and BNG agreed plan. It is recommended in line with the Landscape Officer comments that a landscaping scheme condition be added to the decision notice.

7.7 **Highways Officer** - No objection subject to conditions requiring the access to be constructed in accordance with standard details, visibility splays to be provided, delivery of off-site highway works to the junction of Broad Gate and the B6265, the provision of access, parking and turning areas and a Construction Management Plan.

7.8 **North Yorkshire Police** - No objection to the application.

7.9 **Natural England** - Raised no objection to the application.

- 7.10 **Minerals and Waste Planning Team** - No comment raised to this application.
- 7.11 **Yorkshire Water** - Raised no comment to this application.
- 7.12 **LLFA** – No objection to the application subject to conditions to secure detailed drainage design and management of surface water for the scheme.
- 7.13 **MOD Safeguarding** – No objection.
- 7.14 **Parish Council** - The neighbouring Parish Council for Marton-Cum-Grafton was consulted on this application but no comment has been received.
- 7.15 **Parish Council** - The Parish Council for Great Ouseburn was also consulted and raised an objection to this application on the grounds of visual impact, traffic disruption and potential odour issue.
- 7.16 **Yorkshire Wildlife Trust** - Raised concerns with the application. They noted that the poultry farm was existing but concerned about its proximity to a SSSI. Concerned about the ammonia impact from the site on the sensitive local wildlife. The biodiversity protections and improvements should be conditioned. The scheme does not currently comply with BNG.

Local Representations

- 7.17 At the time of writing this report no public consultation comments have been received.

8.0 Environmental Impact Assessment

- 8.1 The proposed development falls within the definition of Section 17 of Schedule 1 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 (the “EIA Regulations”), 'Installations for the intensive rearing of poultry or pigs' as it exceeds the threshold of 85,000 broilers as defined in Section 17 part (a). The current number of birds is 135,000 and the application proposes increasing to 270,000 birds. The EIA regulations require that any development which is listed in Schedule 1 be subject to EIA. The application is accompanied by an Environmental Statement covering the following topic areas:

- Noise Impact Assessment
- Odour Management Plan
- Preliminary Ecological Appraisal
- Ammonia Impact Assessment

- Flood Risk and Drainage Assessment
- Insect Management Plan
- Landscape and Visual Appraisal
- Phase 1 Land Contamination Assessment
- Sustainability Statement
- The Statutory Biodiversity Metric
- Transport Statement
- Arboricultural Survey
- Arboricultural Method Statement
- Arboricultural Impact Assessment
- Waste Management Strategy

8.2 The applicant has submitted an Indirect Environmental Impact Statement, which considers the indirect environmental impacts that are not a direct result of the primary poultry activities on site; but occur through their supply chain (upstream) or the end-of-life of their products (downstream). The areas covered in the applicant's Indirect Environmental Impact Statement include, transport, waste management, energy use, drainage and water management and broader environmental and community impacts.

8.3 Appropriate consultation has been undertaken and likely significant effects and mitigation or monitoring considered. The Council considers that the ES information presented is up to date and reasoned conclusions reached on the basis of the information submitted.

9.0 Main Issues

9.1 The main issues are:

- Principle of development
- Use of Agricultural Land
- Design, Landscape and Visual Impact
- Highways Impact
- Amenity
- Flood Risk and Drainage
- Biodiversity and Ecology
- Air Pollution including - Odour and Dust
- Arboriculture
- Cumulative Effects, Indirect Impact Assessment and Waste Management
- Land Contamination
- Other Matters

10.0 ASSESSMENT

Principle of Development

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The Harrogate District Local Plan 2014-2035 was adopted by Harrogate Borough Council on 4 March 2020. Following adoption, a legal challenge was raised against the new settlement policies. In line with the court order received, the whole of the plan was remitted to the Council and formally adopted, with the new settlement policies, on 9 December 2020. Policies relevant to this proposal can therefore be given full weight.
- 10.2 The Local Plan sets out a growth strategy with the focus for development being those settlements listed in Policy GS2. The application site is located outside the development limits of any settlement and is therefore within the open countryside. Policy GS3 advises that outside development limits proposals for new development will only be supported where expressly permitted by other policies of this plan, a neighbourhood plan or national planning policy.
- 10.3 Paragraph 88(a) of the National Planning Policy Framework (NPPF) supports the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings.
- 10.4 Policy EC2 of the Harrogate Local Plan supports the expansion of existing existing businesses in the open countryside and businesses that are not in established employment areas. There are 6 criteria set out in the policy to consider all of which must be met: A. there is a proven need for such development in terms of business opportunity or operational requirements; B. the proposed development cannot physically and reasonably be accommodated within the curtilage of the existing site; C the scale of development is appropriate in the proposed location; D. there is no unacceptable impact on the character of the countryside, the surrounding landscape the form and character of the settlement or biodiversity; E. there is no unacceptable impacts upon the operation of the highway network F. there are no significant adverse impacts on residential amenity. Compliance with this policy is considered throughout this report in the sections below.
- 10.5 The proposal is for the rebuilding and expansion of an existing poultry farm, so the site is fit to meet the growing demands for chicken production and meet modern welfare standards. The expansion cannot be accommodated within the existing built form of the site and requires to be extended into the adjacent field within the ownership of the applicant.
- 10.6 The principle of a poultry farm on this site is established through the current use and the applicant has not considered any alternative sites for this reason. As the business is

established for over 20 years at the site; it is considered reasonable that no alternative sites are considered, as the business is already established on the site. The proposed poultry unit will produce standard birds, based on a 38-day growing cycle, with 10 days at the end of each cycle for cleanout and preparation of the buildings for the incoming flock. This is an expansion of an existing business and it is considered criteria A and B of policy EC2 of the Harrogate Local Plan are met. The remaining criteria of Policy EC2 of the Local Plan are considered in greater detail below. To reiterate, it is considered that the proposed replacement poultry farm and proposed associated paraphernalia is acceptable in principle and is already established on this site.

Use of Agricultural Land

- 10.7 The current and proposed uses of the site remain agricultural. However, as the scheme proposes the extension of built form into adjacent agricultural land it is necessary to consider the potential impact of this. Local Plan Policy NE8 advises that the best and most versatile land (BMV) will be protected from development not associated with agriculture or forestry except where it can be demonstrated to be necessary. Planning permission for development affecting such land will only be granted exceptionally if there is an overriding need for the development and either:
- A. Sufficient land of a lower grade (grades 3b, 4 and 5) is unavailable or available lower grade land has an environmental value recognised by a statutory wildlife, historic, landscape or archaeological designation and outweighs the agricultural considerations; or
 - B. The benefits of the development justify the loss of high quality agricultural land.
- 10.8 Paragraph 187(b) of the NPPF advises that planning policies and decisions should recognise the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land and of trees and woodland. Footnote 65 advises that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The availability of agricultural land use for food production should be considered, alongside the other policies in the Framework, when deciding which sites are most appropriate for development.
- 10.9 The Agricultural Land Classification Yorkshire and The Humber advises that the application site falls within an area classed as grade 2. The site is currently in agricultural use as a poultry farm. Whilst the proposal will require expansion into the adjacent field for the new buildings, the use remains agricultural and therefore satisfies Policy NE8 and the NPPF. The redevelopment of the site will enable the existing poultry business to invest and improve operations and be built to modern day standards. The use remains an agricultural activity, albeit a different agricultural use of the land.

- 10.10 Officers have given careful consideration to the weight that should be given to the use of agricultural land and appreciating the policy context. Whilst it is acknowledged that the proposal would change the use of this agricultural land from the growth of crops for animal feed this is balanced against the weight that should be afforded to the benefits of provision of expansion of an existing poultry business and the ecological enhancements proposed. It is therefore considered that the applicant has followed a reasonable approach to site selection and the proposal accords with the provisions of paragraph 187(b) of the NPPF and Policy EC2 (criteria A and B) and NE8 of the Local Plan.

Design, Landscape and Visual Impact

- 10.11 Local Plan Policy HP3 "Local Distinctiveness" requires development to incorporate high quality building, urban and landscape design that protects, enhances or reinforces those characteristics, qualities and features that contribute to the local distinctiveness of the district's rural and urban environments.
- 10.12 Local Plan Policy NE4 requires proposals to protect, enhance or restore the landscape character of the district. Development should maintain the aesthetic and biodiversity qualities of the natural and man-made heritage within the landscape, be informed by and sympathetic to the distinctive landscape character areas in the Harrogate District Landscape Character Assessment, protect and/or enhance the character, appearance and local distinctiveness of the landscape and protect visually sensitive areas. Development which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement will be resisted.
- 10.13 The Harrogate Landscape Character Assessment (2004) is Supplementary Planning Guidance which identifies the character of individual landscape character areas and offers guidelines for development to ensure such character is maintained. This site lies on the edge of character area 91 'Marton Rolling Arable Farmland' where the landscape is noted as being intensively managed for cereal and root crops with the majority of hedgerows having been lost, leaving fields open. There are few individual trees and tree cover is sparse although isolated small woodland blocks can disperse views. Consequently, the Landscape Character Assessment seeks to discourage large scale development sensitive to the openness of the area, and development in prominent locations.
- 10.14 As part of the ES the applicant has provided details of design and landscape and visual assessment of their proposal on its surroundings. The reports set out how this application seeks the demolition of an existing poultry farm followed by the erection of a replacement poultry farm including six poultry houses with solar panels on their roofs, 10 feed bins, sited adjacent to the buildings, six heat exchangers, also adjacent to the buildings, two dirty water tanks, 10 gas tanks, hardstanding around the buildings, gate house and drainage attenuation pond. The buildings are larger in dimensions (approximately width 2.5m x length 9.8m x height to ridge 6.4m) and the number of poultry sheds (total of 6 sheds instead of currently 4) will be greater on site than the existing. The scale of the

development will provide 15,845 sq m of new buildings, plus the additional infrastructure required to facilitate the proposed use.

- 10.15 The applicant has submitted a Landscape and Visual Assessment and a Landscape Plan. During the course of the application process the applicant has amended their landscape plans and revised the layout to show more trees on the site to meet BNG requirements and to soften the presence of the buildings on the landscape as mitigation.
- 10.16 Concerns were initially raised by the Landscape Officer due to a lack of mitigation, inadequate Landscape and Visual Assessment and lack of a Glint and Glare Assessment. Revised information was provided in the spring of 2025, which added an amended soft landscape proposal plan and put forward the applicant's view that a Glint and Glare Assessment was not required in this instance as the solar panels would fall under permitted development regulations. The Council's view was taken that a Glint and Glare report would be required and the report was submitted in December 2025 for the Council's consideration. The Glint and Glare Report concluded there is no glint and glare impact predicted for the majority of residential and route receptors. Broad Gate Eastbound and Carr Field Lane Eastbound are assessed as Low significance. The mitigation measures recommended in the Glint and Glare Report to reduce the yellow glare impact to an acceptable level from the solar panels facing Pipers Lane Northbound would include changes to the tilt of the affected panels or the removal of panels on the eastern side of the development facing Pipers Lane, in order to reduce the visibility of reflections during the late afternoon and early evening period. Alternatively, removing the solar panels that would cause the yellow glare impact on Pipers Lane.
- 10.17 The Council's Landscape Officer responded by email (dated received 22/12/2026) confirming acceptance of the recommendations in the Glint and Glare Report. The Case Officer contacted the agent to understand which of the mitigation options set out in the Glint and Glare Report to reduce yellow glare on Pipers Lane they wished to progress. The applicant decided to remove the solar panels closest to Pipers Lane and amended plans have been submitted and referenced in condition 2. To ensure no further solar panels can be introduced that may cause a glint and glare impact; it is recommended that this permitted development right be removed by planning condition.
- 10.18 Wider visual effects are generally localised and limited due in most part to dense intervening mature vegetation between the viewer and site, the topography in the area and the similar setting of the proposed scheme formed by the existing poultry sheds and associated elements. As part of the ES landscape planting mitigation is proposed including:
- Management and retention of the native tree and hedgerow planting that sits around
 - the site boundary;
 - Additional planting along the sites existing boundary hedgerows to include native species trees;
 - The heights of built form to reflecting that of the existing poultry sheds;

- The use of materials for the external envelope of the buildings which minimise potential visual intrusion and follow the local vernacular to aid visual blending.
- 10.19 The ES concludes that with suitable mitigation measures, the development will have a minor visual impact and a negligible character impact on the landscape. The Council's Landscape Officer agreed with the findings in the ES and recommended amendments to the proposed plant species to include a variation in the proposed tree sizes to create a varied canopy. Oak, Scots Pine and Alder would be better as Standards size (250-300mm ht). It is considered this will have the added benefit of providing better screening following construction. This will be secured by condition.
- 10.20 With the addition of this condition the Landscape Officer was satisfied that the scheme is sufficient to screen the site subject to being able to secure a detailed landscaping scheme. In addition, planting should be undertaken in the first available planting season, the existing trees should be accurately shown on a plan and the layout adjusted to allow tree protection and additional screen planting. The existing trees should be located showing root protection areas and tree protection measures to BS5837.
- 10.21 A condition is proposed requesting an updated landscape plan to be submitted providing the amendments sought by the Landscape Officer and to require planting during the first planting season and requiring the planting to be replaced within 5 years if the planting fails. It is also recommended that an artificial lighting condition be included to require details of any external lighting to be submitted for approval prior to its installation. This is due to the site's location in a rural location and there being limited light pollution in the area that detracts from the rural character of the area at nighttime. This is in line with paragraph 198 of the NPPF. This condition was agreed with the Landscape Officer as overcoming their concerns and would present sufficient landscaping mitigation measures.
- 10.22 It is recommended that permitted development rights be removed from this site, which will include no renewable energy plant, solar panels, fixed plant or machinery, buildings, structures and erections or private ways shall be erected, extended, installed, rearranged, replaced, repaired or altered at the site. This is due to the expanse of the business close to Carr Lane and Pipers Lane. The landscape screening will help to screen the development as it is proposed, but if further expansion is allowed under permitted development rights without the assessment of the Council it is considered there may be a landscape concern.
- 10.23 All the buildings proposed will be single storey and the retention of the existing boundary treatment and the proposed additional planting will help to soften their presence on the landscape. The appearance of the proposed buildings is to be purpose-built poultry units, constructed from an internal steel frame with the external cladding being polyester coated profile sheeting in olive green. The ventilation chimneys will be in black plastic, and the feed bins in olive green plastic. The hard standing areas will be formed of concrete for the apron adjacent to the poultry houses, and from compacted stone for the

yard area. The scale, form and design of the proposed buildings will fit the existing agricultural character of the site and its predominant rural surroundings. The proposed materials to be used in the construction of the buildings are considered of a neutral palette to help blend the scheme into the surrounding landscape. A condition requiring the approval of the materials to be used in the construction of the buildings is recommended.

- 10.24 Alongside the new poultry buildings will be a number of ancillary buildings and features including an amenity building for staff, staff and visitor parking and an attenuation pond, The design and siting of these are considered to be acceptable and from longer landscape views will all be read as part of the chicken farm development, which will be softened by the retained and proposed planting in the landscape scheme.
- 10.25 The scheme includes 2m high palisade fencing, which is not of a character found in a rural setting generally. The applicant has advised that the fencing is necessary to meet modern biohazard standards, particularly in light of avian influenza (AI) outbreaks, a robust perimeter fence is essential. The fencing in parts will sit within the site behind the hedgerow which screens it better within the landscape. To ensure the fencing blends into the landscape, it is recommended a condition is added to require the colour of the fencing to be agreed.
- 10.26 Harrogate Local Plan Policies CC3 and CC4 set out the Council's policy for renewable and low carbon energy. A Sustainability Statement has been submitted that advises that the buildings are to be purposely designed to manage heat and energy needs. This is done through the construction materials and insulation for the buildings. Also the buildings will be fitted with fan assisted ventilation and biomass heating, with a computer control system which maintains the temperature curve within the buildings to create the optimum environment for the poultry. The heat supply into the buildings is via an LPG gas heating system, together with the use of heat exchangers which reduce the gas usage within the buildings by up to 50%. The estimated annual electricity usage of the development is 336,000 kwh per annum. To in part meet the energy demands of the site, it is proposed to install solar panels on parts the southeast facing roofs of the buildings. They will not project significantly from the roof slopes. There are existing solar panels on the poultry buildings on site. It is considered the proposed solar panels will not have an adverse impact upon the landscape as they are mounted on the roofs of the buildings. The additional planting proposed around the boundaries of the site will help to screen, mitigate and soften the location of the buildings on the surrounding rural landscape and the solar panels will be viewed in this context. Inclusion of the solar panels will help reduce the carbon footprint of the proposed development and it is therefore considered the solar panels comply with Policy CC3 of the Harrogate Local Plan.
- 10.27 Policy CC4 E requires all new non-domestic developments to achieve BREEAM (Building Research Establishment Environmental Assessment Method) Excellent. This development is for an agricultural use. BREEAM is designed specifically for buildings and assets that are, in whole or in part, intended for human occupation. This focus drives the core philosophy of the standard, which aims to improve the health, comfort, and well-being of occupants while reducing environmental impact. Buildings that are unoccupied

or not designed for regular human use (such as agricultural storage or livestock housing) cannot typically undergo a standard BREEAM assessment. The scheme proposes an approximate floor area of 15,845 sq m of new buildings and if the bulk of the floor space was not for livestock housing BREEAM may be relevant. In this case the only proposed building to have long term human occupation is the 'amenity building, which has a floor area of approximately 72.5msq, which is below the 1000 sq m or above of gross floorspace requirement to trigger BREEAM under criterion E of Policy CC4 of the Harrogate Local Plan. From the ES – Sustainability Statement it is clear the applicant has incorporated sustainable measures into the new design for the site (e.g. solar panels and the buildings built to modern day standards). As part of the scheme EV charging points in the car park are proposed and it is recommended a condition be added requiring the details of the EV chargers be submitted prior to occupation of the site. Based on the submitted information and the recommended condition the proposal will accord with Policy CC4 of the Harrogate Local Plan.

- 10.28 To conclude the proposed landscape mitigation is acceptable and accords with Harrogate Local Plan Policy NE4, paragraph 187 within the NPPF and guidance contained within the Local Landscape Character Assessment subject to conditions.
- 10.29 The design of the proposed buildings is considered acceptable and accords with Policies EC2 (criteria C and D) and HP3 of the Harrogate Local Plan and paragraph 131 of the NPPF. It is therefore concluded that the proposed mitigation is acceptable to mitigate effects upon landscape character and visual impact.

Highways Impact

- 10.30 The NPPF at paragraph 115 requires development proposals to ensure safe and suitable access to the site can be achieved for all users. Paragraph 116 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact upon highway safety or the residual cumulative impacts on the road network would be severe.
- 10.31 Harrogate Local Plan Policy TI3 sets out that suitable parking provision should be provided within a development site. Harrogate Local Plan Policy TI1 looks for sustainable transport measures to be employed. Access to the site is proposed from Carr Lane via an existing access to the site.
- 10.32 Highways have reviewed the information submitted as part of the ES. The Transport Statement advises that at its peak during the cycle of poultry rearing (i.e. taking to and removing poultry from the site), the development proposals would generate 28 two-way movements (14 in, 14 out). This is an increase of only 14 movements (7 in and 7 out) from the existing operation. For the majority of the cycle the development will generate minimal levels of traffic of between zero and 2 two-way movements. The ES Transport Statement has demonstrated that the development is fully in accordance with the NPPF and in particular confirms that the impact of the development is not severe. The

applicant's highways statement and supporting highway plans have been considered by the Council's Highways Officer. A number of conditions are proposed relating to the construction of the access, visibility splays, off-site highways worksparking and turning areas and a construction management plan. These conditions are considered to be reasonable and necessary for the proposed development.

- 10.33 Highways had recommended that the off-site highways work to the junction at Broad Gate and B6265 be conditioned. It is Officer recommendation that as these off-site highway works are not within the application site area, they should be secured by a S106 agreement. The applicant has prepared a Heads of Terms document specifying the applicant will undertake the junction works at Broad Gate and B6265 before the first poultry being brought on site to occupy the poultry buildings and that the applicant is happy to agree to a S106 agreement to cover these off-site works.
- 10.34 To conclude, the proposal is considered to be acceptable and accords with the requirements of Policies EC2 (criteria E), T11 and T13 of the Harrogate Local Plan and guidance within the NPPF.

Amenity

- 10.35 Policy HP4 advises that proposals should not result in significant adverse impacts upon the amenity of occupiers and neighbours. This is in line with paragraph 135 of the NPPF that requires development to have high standards of amenity for existing and future users.
- 10.36 A part of the applicant's ES statement (Chapter 7 of their report and associated appendices on noise, dust and ammonia impact) the applicant has provided an assessment of the scheme on the surrounding residential population. The closest dwellings are those to the west of the application site access: a dwelling called 'the bungalow' (it is understood the occupant of this dwelling is the manager of the chicken farm); the north of the site Hundayfield Cottage (approximately 859m to the to the edge of the application site), Mount Pleasant Farm (approximately 1.1km to the to the edge of the application site), east of the application site off Carr Field Lane Lindley House (approximately 183m to the east of the site), properties in Upper Dunsforth (approximately 477m to the east), Holly Tree Farm (approximately 148m to the south of the site) and the nearest houses in Brayton Green to the south of the application site are approximately 222m.
- 10.37 A review of the planning history of the site has been completed and the only record found was for the redevelopment of the poultry farm back in the 1990s (application reference: HGT94/01542/FUL. The 1994 planning permission does not tie 'the bungalow' to the poultry farm. Given the proximity of this property to the farm there could be residential amenity concerns if the two are not linked. Also, the bungalow and the poultry farm share the same access point. The agent has confirmed by email (dated received 15/08.2025) that 'the bungalow' is occupied by the farm manager and the applicant is happy for a

condition to be added ensuring that occupation of the bungalow is by someone working at the farm enterprise. An occupancy condition is therefore proposed tying the bungalow and poultry farm together.

- 10.38 It is acknowledged that the proposed poultry farm will introduce a change to the outlook of properties in the vicinity of the site. It is worth noting this is a redevelopment of an existing poultry farm to ensure it complies with modern day livestock standards. The buildings are larger in dimensions (approximately width 2.5m x length 9.8m x height to ridge 6.4m) and the number of poultry sheds (total of 6 sheds instead of currently 4) shall be greater on site than the existing. The scheme includes a new staff hut, which is larger to accommodate greater staff break out space. However, the matter to consider is whether the change in outlook would be at a level where it would appear overbearing and have a detrimental impact on the occupant's enjoyment of their dwelling and overall living conditions. An individual's right to a view is not a material planning consideration however it is acknowledged that a sudden and considerable change in outlook can have a detrimental impact on amenity in this respect.
- 10.39 Whilst the expanse of the poultry buildings into the field would be visible and change the outlook from agricultural field, existing hedge and tree planting will provide screening in the short term. Additional hedgerow and trees along the boundaries of the site (particularly the north and northeast boundaries) will lessen this impact in the medium to long term as the proposed landscaping matures. The poultry farm is also set in from the boundaries of the site. The separation distances, plus the existing and proposed planting, are considered to adequately mitigate the visual impact of the development and ensure no harm will arise to the amenity of nearby dwellings in terms of an overbearing impact of the development.
- 10.40 An Odour Management Plan, Ammonia Impact Assessment and Noise Assessment were submitted as part of this planning application. The Odour Management Plan and Ammonia Impact Assessments are both considered in greater detail under the heading – 'Air Pollution including - Odour and Dust' below.
- 10.41 A Noise Impact Statement of the development has been submitted, which includes a noise survey and calculations of the noise emissions. The statement recommends mitigation measures for the fans to be fitted to the poultry buildings. These mitigation measures include specifying the location of the fans in the roof and fitting external 90° metal cowls to the fans in the side elevations of the poultry buildings.
- 10.42 The Council's Environmental Health Officer has reviewed these and raised no objection to this proposal or recommended any conditions. No conditions around the impacts of construction of the proposed (i.e. restriction on hours of working) have been recommended by the Environmental Health Officer. From a planning perspective it is considered the soil stripping of the field and the construction stage of the sheds would not be excessively long to detrimentally impact local residential amenity to warrant construction control conditions. It is recommended that the Odour Management Plan, Ammonia Impact Assessment and Noise Assessment all be referenced in condition 2 of

the decision notice, should permission be forthcoming, to ensure compliance with the recommendations of these documents.

- 10.43 As part of the proposal there will be solar panels on the poultry buildings. A Glint and Glare Survey has been completed and reviewed in the above section. The applicant has removed the solar panels that will cause yellow glare on Pipers Lane. It is considered given the significant distance to the nearest dwelling Brayton Green or 'the bungalow' (occupied by the manager of the proposal) that the location of the remaining solar panels on the roofs of the poultry sheds will not have a detrimental impact on the neighbouring properties residential amenities and complies with Policy CC3 of the Harrogate Local Plan. It is recommended that permitted development rights relating to the addition of solar panels be removed by planning condition.
- 10.44 With regards to the use of external artificial light, a condition is included requiring a lighting scheme to be submitted for approval should any lighting be proposed.
- 10.45 It is recommended that a condition be added removing permitted development rights to prevent future installation of renewable energy plant, solar panels, fixed plant or machinery, buildings, structures and erections or private ways without LPA approval to protect amenity.
- 10.46 To conclude, no objection on amenity grounds is raised and the proposal is in accordance with Policies HP4 and EC2 (criteria F) of the Harrogate Local Plan and with guidance within paragraph 135 of the NPPF.

Air Pollution including - Odour and Dust

- 10.47 Policy NE1 of the Harrogate Local Plan requires proposals to protect against and mitigate for any potential air pollution and dust. Paragraph 187(e) of the NPPF advises that development should ensure there is no unacceptable levels of soil, air, water or noise pollution.
- 10.48 As part of this application and part of the ES an Odour Management Plan and Ammonia Emissions: Impact Assessments (Isopleth, October 2024) have been submitted. These Emissions statements were reviewed by the Council's Ecology, Planning and Environmental Health Officers. These statements set out the potential odour and dust impacts on nearby residents and detail how these will be managed, controlled, and mitigated to acceptable levels. They detail the site-specific measures and technical controls the farm will implement, such as ventilation, litter management, feed storage, and waste handling, to minimize odour and dust emissions and ensure compliance with regulatory requirements.
- 10.49 The Odour Management Plan ('OMP') sets out tables highlighting the likely sources of odour arising from poultry production at the site. The OMP lists actions and measures

that will prevent where possible or minimise odour emissions from the farm. The accompanying OMP site plan shows all material storage areas and potential odour emission sources. It is outlined in the statement the OMP is to be reviewed every year from the Environment Agency's (EA) Environmental Permitting Regulations (EPR) permit issue date, prior to any major changes to operations (to ensure effectiveness) or following any complaint, any changes to OMP or other management plans to be documented dated and signed and Area Officer notified. Furthermore, the actions and preventative measures in the OMP referenced from Odour Assessment Document and Fugitive Emissions Assessment are in line with the EPR requirements.

- 10.50 The Ammonia Impact Assessment advises that the existing site capacity is 135,000 broilers in 4 houses at a stocking density of 38kg birds/m² with low speed side extraction and roof inlets. The proposed site capacity would be 270,000 broilers in 6 houses at a stocking density of 30kg birds/m² with high speed roof fans at 11m/s and heat exchangers. The batch cycle length would be unchanged from the existing cycle, at 38 days plus 10 turnaround (i.e. destocking, cleaning and empty period). Detailed dispersion modelling has been undertaken in line with relevant guidance from the Environment Agency. Predicted ground level concentrations of ammonia and nutrient nitrogen deposition have been compared with relevant air quality standards and guidelines for the protection of sensitive habitats. The applicant's assessment shows that there is no material difference between the ammonia and nutrient nitrogen impacts from the existing site and the proposed scheme. The difference in impacts is below 1% of the relevant N critical level and 1% of the relevant N critical load at all modelled receptors.
- 10.51 The Council's Ecologist reviewed the Ammonia Emissions statement against the data on Air Pollution Information System (APIS). The Council's Ecologist was satisfied the proposed development does not exceed ammonia critical levels and nitrogen deposition critical loads. However, although the risk to pollution does not exceed levels, the close proximity of the Upper Dunsforth Carrs SSSI needs to be considered. The Upper Dunsforth Carrs SSSI, specifically the NVC M22 fen meadow habitat, is sensitive to nitrogen emissions and contains rare and specialised species. It is listed as a Section 41 Habitat of Principal Importance and is an irreplaceable habitat at the National level. During the course of the application, further discussion was undertaken with Natural England regarding this proposal. Natural England and the Council's Ecologist agreed that the ammonia emissions to Upper Dunsforth Carrs SSSI resulting from the proposed development were not detrimental. They both raise no objection.
- 10.52 The Council's Environmental Health Officer raised no objection to the submitted Ammonia Emissions Statement and Odour Management Plan; nor recommended any condition(s) be added to the decision notice.
- 10.53 It is recommended that the ES with all appendices be noted within the list of approved documents. This is to ensure the measures presented as part of the ammonia and dust control measures are noted by the developer for the lifetime of this development.

- 10.54 To conclude no objection is raised on air pollution grounds to this proposal and the application accords with Local Plan Policy NE1 and paragraph 187(e) of the NPPF.

Flood Risk and Drainage

- 10.55 Harrogate Local Plan Policy CC1 requires proposals to demonstrate that the development will be safe with respect to flood risk, without increasing flood risk elsewhere and to ensure there is no increase in surface water flow rate run off, giving priority to sustainable drainage systems where possible. Development will only be permitted where it has an acceptably low risk of being affected by flooding when assessed through sequential testing. Development layout within the site should be subject to the sequential approach, with the highest vulnerability development located in areas at lowest flood risk within the site.
- 10.56 Paragraph 175 of the NPPF advises that the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except where a site specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, would be located on an area that would be at risk of flooding. The site is subject to areas of surface water flooding where the development is proposed, No sequential test has been provided however recent appeal decisions have concluded that the lack of, of failure to pass a sequential test, are not determinative in assessing an application. This should be weighed in the planning balance.
- 10.57 As part of the application, a Flood Risk & Drainage Assessment, A Dunn/Alan Wood & Partners, Reference JAG/AD-F-RS, dated October 2025 was submitted. An attenuation pond is proposed on the site to accommodate the storage of surface water from this site. The updated Flood Risk & Drainage Assessment October 2025 report has taken into consideration updated EA maps on fluvial and surface water flooding. The report has considered potential sources of flooding to the site, including fluvial, surface water, open drainage ditches, groundwater, existing sewers, water mains and other artificial sources. The main potential source of flooding which has been identified is from overland surface water flooding which will be addressed by the design of the external levels over the area of the site. No other potential sources of flooding have been identified.
- 10.58 In line with the Environment Agency mapping data; the application site is within Flood Zone 1 and is above aquifer zones 1 and 2. The submission demonstrates that the flood risk to the site is reasonable and acceptable, that the buildings will be safe for their design lifetime and that the development will not increase the risk of flooding elsewhere to other parties. Mitigation for surface water run-off from the development to the new attenuation pond to be constructed on site that will then discharge to the adjacent drainage ditch at a restricted rate of discharge, with the required volume of storage provided within an attenuation lagoon located to the west of the new buildings. Foul wastewater from the development will be discharged to the drainage ditch via an appropriate domestic wastewater treatment plant and the surface water drainage network. All the drainage works will be carried out in line with building regulations.

- 10.59 The EA was consulted on this application and raised no objection to the development. The EA did raise however that the applicant would need to apply to vary their permit with the EA, which is separate from this planning application.
- 10.60 To conclude, the LLFA advised that the submitted documents demonstrate a reasonable approach to the management of surface water on the site. The LLFA recommends two conditions relating to water flow rates and requiring a plan to be submitted showing how surface water shall be managed through the construction phase. Subject to conditions the scheme complies with Policy CC1 of the Harrogate Local Plan and guidance within chapter 14 of the NPPF.

Biodiversity and Ecology

- 10.61 Planning permissions in England are deemed to be granted subject to the general Biodiversity Gain Condition as set out by Schedule 7A, paragraph 13 of the Town and Country Planning Act 1990 (TCPA) as amended by Schedule 14, Part 2, paragraphs 13, 14 and 15 of the Environment Act 2021. This is a pre-commencement condition.
- 10.62 The Council has a duty to consider the conservation of biodiversity when determining planning applications. This includes the safeguarding of designated sites, priority habitats and species protected under the relevant Acts, the NPPF and the Council's Harrogate Local Plan.
- 10.63 Policy NE3 of the Harrogate Local Plan requires proposals to protect and enhance features of ecological and geological interest. Major developments should avoid any net loss of biodiversity. Provisions relating to mandatory Biodiversity Net Gain (BNG) have been commenced for planning permissions granted in respect to applications made on or after 12 February 2024.
- 10.64 Under the Environment Act 2021, planning permissions granted in England, with a few exemptions, will have to deliver at least 10% biodiversity net gain, using the biodiversity metric to demonstrate this.
- 10.65 As part of the application the applicant has submitted amended Ecological Statements, BNG data and an updated landscape scheme. This includes mitigation for native vegetation to be planted as part of the development, which complies with BNG and shows the biodiversity uplift within the site's red line boundary. The ecology scheme also includes mitigation measures to decrease the potential impact to reptiles through the construction stage. Also, the addition of hedgehog and bat boxes as part of the scheme.
- 10.66 An updated metric shows that the development will result in the loss or reduction of: Other broad leaved woodland, tall forbs, modified grassland, bramble scrub, cereal crops and arable field margins cultivated annually. This will be offset using other neutral

grassland, other mixed woodland and sustainable drainage system, which achieves an onsite gain of 32.66% for area habitat.

- 10.67 In relation to hedgerow units, the development will result in the loss of non-native and ornamental hedgerow and will be offset using native hedgerow, generating a gain of 32.17%.
- 10.68 The application now achieves the mandatory uplift on site.
- 10.69 The Council's Ecologist has reviewed the application and as the on-site BNG is deemed as significant in accordance with DEFRA guidance for Habitats of 'medium distinctiveness' is satisfied with the proposals. The Ecologist recommended that BNG can be secured via condition and not by a legal agreement in this instance.
- 10.70 In addition, in order to secure the relevant construction related protection and/or mitigation measures set out in the species reports, conditions are recommended requiring a Construction Ecological Management Plan (CEcMP) to be submitted for the written approval of the Local Planning Authority prior to the commencement of works, development of the site in accordance with the submitted Preliminary Ecological Appraisal (Craig Emms and Linda Barnett, September 2024) and species enhancements for bats and hedgehogs.
- 10.71 To conclude no ecological objection is raised and the application accords with Harrogate Local Plan Policies NE3 and EC2 and guidance within the NPPF.

Arboriculture

- 10.72 Harrogate Local Plan Policy NE7 advises that development should protect and enhance existing trees that have wildlife, landscape, historic, amenity, productive or cultural value or contribute to the character and/or setting of the settlement. New development should be designed to ensure a satisfactory relationship between buildings and new and existing trees.
- 10.73 As part of the application Arboricultural reports and supporting plans have been submitted as part of the ES. The application site consists of poultry sheds, other broad leaved woodland, tall forbs, modified grassland, bramble scrub, cereal crops and arable field margins cultivated annually. An area of trees to the north of the existing poultry farm are proposed to be removed. These are a mixture of Category C and B trees with varying value to the site. The arboricultural reports also set out pruning to trees and hedging through the construction stage and tree protection fencing to be utilised through the construction stage.

- 10.74 The existing hedgerow around the site boundary will be retained. There will be trees planted to replace the trees lost to accommodate the larger poultry sheds and comply with BNG requirements, which is a clear benefit of the scheme.
- 10.75 The Council's Arboricultural Officer has no objections and recommends a condition to ensure replanting should any plants fail. The Arboricultural Officer also agreed with the Landscape Officer that the proposed tree species required amendment; this can be secured by condition.
- 10.76 To conclude, no arboricultural objection is raised subject to conditions requiring submission of a landscape plan and BNG enhancement planting. The application therefore accords with Local Plan Policy NE7 and guidance within the NPPF.

Cumulative Effects, Indirect Impact Assessment and Waste Management

- 10.77 As part of the ES an Indirect Impact Assessment has been completed. The submitted Indirect Impact Assessment demonstrates that all potential indirect impacts of the proposed poultry farm development have been identified and will be actively managed through a comprehensive set of mitigation measures through the lifetime of the development and be in line with all relevant environmental standards and regulations.
- 10.78 The applicant has suggested measures including sustainable manure management, efficient wastewater treatment, energy use reduction, and careful traffic and community management in order to minimise adverse impacts upon the environment and surrounding communities. These measures are controlled by planning conditions proposed or via legislation outside of planning control, such as the Environment Agency's Environmental Permitting Regulations.
- 10.79 The applicant has submitted a Waste Management Strategy in October 2025. This statement outlines the proposed approach to managing waste streams generated by the operation of the poultry unit at Ouseburn Poultry Farm. The primary focus is the management of poultry manure and dirty water, the principal operational wastes associated with intensive broiler production. The strategy ensures full compliance with relevant environmental regulations, case law, and best practice guidance.
- 10.80 To reiterate; this proposed development consists of six poultry houses with a combined capacity of 270,000 broiler chickens. Each flock cycle lasts approximately 48 (38 days growing and 10 day turnaround), resulting in 7.6 flock cycles per annum. The agent has outlined that based on standard industry figures (1.45 kg manure per bird per cycle); each cycle will produce approximately 391.5 tonnes of poultry litter. Therefore, it is estimated that this site's total annual manure production would be approximately 2,936 tonnes. This is an application to redevelop and intensify an existing chicken farm site.

- 10.81 The Waste Management Strategy advises that all manure will be removed from the poultry sheds immediately following depopulation of the chickens and the sheds cleaned. The manure is transported off site in sheeted trailers to a permitted energy recovery facility - Thetford Power Station. Thetford Power Station is a 35.8 MW biomass energy facility and is licensed by the Environment Agency. It is understood that the power station can process up to 550,000 tonnes of poultry litter and other organic materials annually. The applicant has outlined in their Waste Management Strategy that no manure will be stored or spread on site. This disposal method of the manure prevents any nutrient pollution, ammonia emissions, or nitrate leaching associated with land spreading. Consequently, there is no pollution pathway to Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Ramsar sites, or SSSIs.
- 10.82 The washing out process of the poultry sheds at each flock cycle is expected to generate approximately 5,000 litres of dirty water per shed, equating to a total of 30,000 litres per cycle across all six sheds. The applicant outlines in their Waste Management Strategy that all buildings will feature floated concrete floors and sealed wall/floor junctions. All Wastewater is captured in sealed containment tanks, as required by the site's Environmental Permit and regulated by the Environment Agency's permitting regime. All dirty water is removed by vacuum tanker under a Tankered Liquid Waste contract with Yorkshire Water. The dirty water is then transported to Knostrop Wastewater Treatment Works in Leeds, which is a licensed facility for the treatment of effluents. Only surface water will be directed to the attenuation pond.
- 10.83 The applicant's Waste Management Strategy shows the applicant is aware of the need to legally comply with waste management practices. It is recommended that the applicant's submitted Waste Management Strategy be noted in condition 2 to ensure effective removal of dirty water and manure from the area to reduce risk to the environment or communities in the locality of the site and the wider district.
- 10.84 To conclude, it is considered through the presented ES mitigation measures and the conditions presented below, the continued poultry development, whilst larger than the existing enterprise will not have a cumulative detrimental impact on the surrounding infrastructure (e.g. road network, drainage, odour or air quality) or the community as assessed in this report. The scheme proposes redevelopment of an existing business to meet modern day standards and regulations, whilst mitigating and managing the direct and indirect impact of this development. Based on the evidence presented no objection on the grounds of indirect or cumulative impact from this development are raised.

Land Contamination

- 10.85 A Phase 1 Land Contamination Report has been submitted as part of this application. This statement concluded the risk from ground contamination and gas was very low to negligible. The Phase 1 Land Contamination Report recommended that a Phase II ground investigation be completed to determine more accurately the effects following this desk top assessment. A Phase II ground investigation report can be conditioned. Subject to the adding of this condition the scheme will comply with Policy NE9 of the Harrogate

Local Plan. No contamination concerns are raised by the Environmental Health Officer. As the recommendation of the Phase 1 Land Contamination Report is that a Phase II ground investigation report is completed; it is recommended that the phase II report be conditioned and required to be submitted for written approval of the Council.

Other Matters

Mineral and Waste:

10.86 The Minerals and Waste Planning team raised no comments in this particular instance as the proposed development is within a Minerals Safeguarding Area and falls under the following exemption criteria stated in paragraph 8.55 of the MWJP (2022):

- Agricultural buildings adjacent to existing farmsteads.

The Equality Act 2010

10.87 Under Section 149 of The Equality Act 2010, Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. In this case, given the nature of the development as a chicken production facility, it is considered that the above legislation is not prejudiced by this proposal.

Environmental Permit

10.88 The Environment Agency (EA) commented on this application and raised no objection to the development. The EA did however outline in their response that the applicant would be required to obtain a variation permission from the EA to their existing environmental permit for Ouseburn Farm (reference: EPR/VP3333UZ) before implementing the planning approval. The variation of the environmental permit would encompass the proposed poultry sheds and associated yard areas and would place controls including:

- Management - including general management, accident management, energy efficiency, efficient use of raw materials and waste recovery.
- Operations - including permitted activities and operating techniques (including the use of poultry feed, housing design and management, and manure management planning).
- Emissions - to water, air and land including to groundwater and diffuse

- emissions, transfers off site, odour, noise and vibration, monitoring.
- Information - records, reporting and notifications.

It is recommended that an informative be added to the decision notice drawing to the applicant's attention the need to vary the environmental permit for the site.

10.89 The EA comments also explain that the environmental permit does not cover 'emissions to land, air or water, including odour and noise that are generated outside of the installation boundary', which will apply to the following activities:

- emissions from landspreading of slurry or manure (the permit would set controls for landspreading of slurry and manure but it will not assess the impact of emissions from landspreading);
- the transport of manure from the installation to fields using a tractor and trailer;
- the transport from the installation through permanent or temporary pipework of slurry.

Within the applicant's submission they have outlined how waste (slurry or manure) generated from the chickens on site will not be spread on land, but will be safely transported to EA approved waste processing plants.

S106 Agreement

10.90 A S106 agreement is required to secure the applicant completing the off-site highways works to the junction at Broad Gate and B6265 before the first poultry being brought on site to occupy the poultry buildings.

11.0 PLANNING BALANCE AND CONCLUSION

11.1 The proposed poultry farm is considered to be acceptable in principle and meets the requirements of local and national planning policies. The provision of continued food production attracts substantial weight in favour of the development and biodiversity enhancements attract moderate weight in favour. As set out above, the proposal is acceptable in terms of landscape impact, biodiversity and the natural environment, highways and amenity.

11.2 The scheme will result in the loss of agricultural crop land. The proposal is for agricultural food production of a different type and the loss of the arable land is therefore considered to carry limited weight in the planning balance.

11.3 The lack of a sequential test relating to flooding is considered to attract minor weight against the proposal. This is due to the fact that the existing operations are based at this

site and the proposal is for an expansion of these and that acceptable mitigation measures are proposed to deal with the surface water flooding.

- 11.4 All other matters are acceptable or can be made acceptable with mitigation as set out in this report. It is therefore considered that the development would not result in significant harm that would outweigh the substantial benefits of this proposal. The proposal complies with Policies EC2, CC1, CC4, NE2, NE1, NE2, NE3, NE4, NE8, NE9, HP3 and HP4 and guidance within the NPPF.

12.0 RECOMMENDATION

- 12.1 That the planning permission be granted subject to the prior completion of a S106 agreement and the conditions listed below:

- 1 The development hereby permitted shall be begun on or before three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in strict accordance with the following information:

BNG Metric Assessment (April 2025)
BNG Plan 1
BNG Plan 2
Soft Landscaping Proposal – reference: IPA1518-11
Sections Location Plan – reference: IP/AMB/10
Section Through Boundary Fencing – reference: IP/AMB/11
Proposed Site Plan – reference: IP/AMB/03C
Existing Site Level Plan – reference: IP/AMB/08
Site Sections Plan – reference: IP/AMB/09
Arboricultural Impact Assessment (December 2024)
Indirect Impact Assessment
Poultry House Elevations: reference: IP/AMB/04C
Proposed Plan View - Reference: IP/AMB/05A
Location Plan – reference: IP/AMB/02
Attenuation Pond Sections Plan – Reference: IP/AMB/07
Dirty Water Tank Specification
Solar Panel Specification
Tree Constraints Plan– reference: 1992 rev1
Tree Protection Plan reference: 1992 rev1
Arboricultural Method Statement (August 2024)
Design and Access Statement
Environmental Statement - including all appendices
Landscape and Visual Appraisal (September 2024)
Phase 1 Land Contamination Assessment (August 2024)
Sustainability Statement

Transport Statement (September 2024)
Insect Management Plan
Elevations Ancillary Buildings – reference: IP/AMB/06
Waste Management Strategy Statement (October 2025)
Flood Risk and Drainage Assessment – reference: JAG/AD/JF/53117- RP001-REV A
(October 2025)
Glint and Glare Assessment (December 2025)

- 3 No phase of the development hereby approved shall take place until detailed drawings have been submitted to, and approved in writing by the Local Planning Authority showing how surface water shall be managed during the construction phase of the development. Once approved in writing the surface water management plan shall be complied with throughout the construction phase.
- 4 A water storage scheme shall be submitted to the Local Planning Authority for written approval. The water storage scheme shall include a detailed maintenance and management regime for the water storage facility on site. The water storage scheme shall be written in accordance with the principles of sustainable urban drainage. The development hereby approved shall be constructed in accordance with the Flood Risk and Drainage Assessment – reference: JAG/AD/JF/53117- RP001-REV A (October 2025). The surface water flowrate from the site shall be restricted to a maximum flowrate of 8.3 litres per second. A 45% allowance shall be included for climate change for the lifetime of the development. Water storage shall be provided on site to accommodate the minimum 1 in 100 year plus climate change critical storm event. Once approved in writing the water storage scheme shall be adhered to for the lifetime of the development and made available on site for inspection of the Local Planning Authority at all times.
- 5 No external lighting shall be installed on site until the details of the lighting, columns, including their number, type and locations, the intensity of illumination, predicted lighting contours, measures for the control of any glare or stray light and the details of when the lighting would be operational have been first submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure the lighting remains off at all times unless necessary for access, service and maintenance. Any external lighting that is installed shall accord with the details so approved.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, replacing or reenacting that Order) and those approved as part of this development no renewable energy plant, fixed plant or machinery, solar panels, buildings, structures and erections or private ways shall be erected, extended, installed, rearranged, replaced, repaired or altered at the site without prior planning permission from the Local Planning Authority except for those works permitted by this permission.
- 7 The development hereby approved shall not be brought into use until the access to the site at Carr Field Lane has been set out and constructed in accordance with the

'Specification for Housing and Industrial Estate Roads and Private Street Works" published by the Local Highway Authority and the following requirements:

- The access must be formed with 12 metres radius kerbs, to give a minimum carriageway width of 7.3 metres, and that part of the access road extending 19 metres into the site must be constructed in accordance with Standard Detail number E40 and the following requirements.
 - Any gates or barriers must be erected a minimum distance of 19 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
 - That part of the access extending 19 metres into the site from the carriageway of the existing highway must be at a gradient not exceeding one in thirty.
 - Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details and maintained thereafter to prevent such discharges.
 - The final surfacing of any private access within 19 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
 - Measures to enable vehicles to enter and leave the site in a forward gear.
- All works must accord with the approved details for the lifetime of this development.

- 8 There shall be no access or egress by any vehicles between the highway and the application site connected to this development hereby approved at Carr Field Lane until splays are provided giving clear visibility of 160 metres measured along both channel lines of the major road from a point measured 4.5 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- 9 The following scheme of off-site highway mitigation measures must be completed prior to the occupation of approved poultry buildings:

Junction improvements at Broad Gate and B6265 prior to the new poultry houses and associated works coming into use.

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme shall take place, until full detailed engineering drawings of all aspects of the scheme hereby approved including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations shall be included in the submission and the

design proposals shall be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works approved as part of this application on site.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

Each item of the off-site highway works shall be completed and maintained in accordance with the approved engineering details and programme for the lifetime of this development.

- 10 No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at Ouseburn Farm have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
- 11 No development hereby approved shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:
 1. Details of any temporary construction access to the site including measures for removal following completion of construction works
 2. Restriction on the hours of use of Carr Field Lane access for construction purposes
 3. Wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway
 4. The parking of contractors' site operatives and visitor's vehicles
 5. Areas for storage of plant and materials used in constructing the development clear of the highway
 6. Details of site working hours
 7. Details of the measures to be taken for the protection of trees; and
 8. Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
- 12 Notwithstanding the landscaping information submitted, an updated detailed scheme for landscaping, including the planting of trees and or shrubs and the use of surface materials shall be submitted to the Local Planning Authority (LPA) and such a scheme shall specify materials, species, tree and plant sizes, number and planting densities and the timing of the implementation of the scheme, including any earthworks required. The updated landscape scheme shall include Oak, Scots Pine and Alder trees (250-300mm ht). The amended landscape plan shall include the siting of the existing trees shown accurately on the landscape plan and the layout of the landscape scheme adjusted to allow tree protection and additional screen planting. The landscape scheme is to be implemented during the first planting season (October to March) after completion of the

development hereby permitted.

- 13 In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to survive for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced by the developer with such live specimens of such species in such number as may be approved by the Local Planning Authority.
- 14 Before the first use of any materials in the external construction of the roof and walls of the development hereby approved, samples of those materials shall have been made available for inspection by, and the written approval of, the Local Planning Authority and the development shall be carried out in strict accordance with the approved details.
- 15 The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the Biodiversity Gain Plan has been submitted to, and approved in writing by, the local planning authority. The HMMP shall include:
 - (a) A non-technical summary;
 - (b) The roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - (c) The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the Biodiversity Gain Plan;
 - (d) The management measures to maintain habitat in accordance with the Biodiversity Gain Plan for a period of 30 years from the completion of development, including the management of invasive species and
 - (e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority,The development shall be carried out in strict accordance with the approved HMMP.
- 16 In the first planting season, following the commencement of the development:
 - (a) The habitat creation and enhancement works set out in the approved HMMP shall have been completed; and
 - (b) A completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.
- 17 The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.
- 18 Monitoring reports shall be submitted to Local Planning Authority in writing in accordance with the methodology and frequency specified in the approved HMMP.
- 19 Prior to any poultry being brought on to site to be accommodated within the poultry sheds approved as part of this development four bat roosting boxes shall be secured to tree(s) within the curtilage of the development, and shall be provided at height (>4m) and away from sources of artificial light. Photographic evidence, detailed specifications of the bat

- boxes installed and a site plan showing the location of the bat boxes of the implementation of this ecological enhancement shall be submitted for the written approval of the Local Planning Authority and once approved maintained for the lifetime of the development.
- 20 Prior to any poultry being brought on to site to be accommodated within the poultry sheds approved as part of this development two hedgehog nest boxes shall be placed on the application site, at the base of hedgerows adjacent to the boundaries of the poultry unit. Photographic evidence, detailed specifications of the hedgehog boxes installed and a site plan showing the location of the hedgehog nest of the implementation of this ecological enhancement shall be submitted for the written approval of the Local Planning Authority and once approved maintained for the lifetime of the development.
- 21 Before any materials are brought onto the site or any development is commenced (including any demolition work, soil moving, or widening or any operations involving the use of motorised vehicles or construction machinery), the developer shall implement the agreed specification for the root protection area (RPA) fencing in line with the requirements of British Standard BS 5837:2012 Trees in Relation to Construction - Recommendations, or any subsequent amendments to that document, around the trees or shrubs or planting to be retained, as indicated on the approved plan and for the entire area as specified in accordance with BS 5837:2012. The developer shall maintain such fences until all development the subject of this permission is completed.
- 22 No operations shall commence on site in connection with the development hereby approved (including any demolition work, soil moving, or widening or any operations involving the use of motorised vehicles or construction machinery) until the root protection area (RPA) works required by the approved tree protection scheme are in place.
- 23 The occupation of the dwelling known as the 'Bungalow' off the access track serving the poultry farm as shown on drawing reference IP/AMB/03B hereby approved shall be limited to a person solely or mainly employed or last employed in the locality in agriculture, as defined in Section 336 of the Town and Country Planning Act 1990, or in forestry, (including any dependants of such a person residing with him) or a widow or widower of such a person.
- 24 An electric vehicle infrastructure strategy and implementation plan shall be submitted to and approved in writing by the Local Planning Authority (LPA) prior to the first use of the poultry sheds hereby approved. The plan shall contain details of the number (minimum of no.2 EV charging points) and location of all electric vehicle charging points which shall be of Mode 3 type (specific socket on a dedicated circuit with a minimum current rating of 16 Amp). Buildings and parking spaces that are to be provided with charging points shall not be brought into use until associated charging points are installed in strict accordance with approved details and are operational. The charging point once approved in writing by the LPA shall be installed prior to first use of the premises as a dwelling and shall be retained and maintained to the standards of that day thereafter.

- 25 Groundworks shall not commence until a land contamination Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the local planning authority.
- 26 Where site remediation is recommended in the Local Authority approved Phase II Intrusive Site Investigation Report groundworks shall not commence until a land contamination remediation strategy has been submitted to and approved in writing by the local planning authority. The remediation strategy shall include a timetable for the implementation and completion of the approved remediation measures.
- 27 Land contamination remediation of the site shall be carried out and completed in accordance with the Local Planning Authority approved Remediation Strategy. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
- 28 Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a land contamination Verification Report shall be submitted to the local planning authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for that part of the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the local planning authority. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and approved in writing by the Local Planning Authority.
- 29 No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at Ouseburn Farm have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reasons for Conditions:-

- 1 To ensure compliance with Sections 91-94 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall not be carried out otherwise than in strict

accordance with the submitted details.

- 3 To ensure surface water is properly managed through the construction phases of the development in line with CC1 of the Harrogate Local Plan and guidance within the NPPF.
- 4 To ensure that the development is built to the submitted drainage design; to prevent the increased risk of flooding; to ensure the provision of adequate and sustainable means of drainage in the interests of amenity, in line with policy CC1 and guidance within the NPPF.
- 5 In the interests of general and residential amenity in accordance with Harrogate Local Plan Policy HP4.
- 6 In the interests of visual, landscape and residential amenity in accordance with Harrogate Local Plan Policies NE4, HP3 and HP4.
- 7 To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.
- 8 In the interests of highway safety.
- 9 To ensure that the design is appropriate in the interests of the safety and convenience of highway users.
- 10 To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
- 11 In the interest of public safety and amenity.
- 12 In the interests of visual amenity, mixture of native trees to enhance biodiversity and protection of the rural character of the area in line with guidance within the NPPF.
- 13 To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.
- 14 In order to ensure that the materials used conform to the amenity requirements of the locality.
- 15 In the interests of preserving and enhancing biodiversity in relation to mandatory BNG

- and Harrogate Local Plan Policy NE3.
- 16 In the interests of preserving and enhancing biodiversity in relation to mandatory BNG and Harrogate Local Plan Policy NE3.
 - 17 In the interests of preserving and enhancing biodiversity in relation to mandatory BNG and Harrogate Local Plan Policy NE3.
 - 18 In the interests of preserving and enhancing biodiversity in relation to mandatory BNG and Harrogate Local Plan Policy NE3.
 - 19 In the interests of preserving and enhancing biodiversity in relation to Harrogate Local Plan Policy NE3 and guidance within the NPPF.
 - 20 In the interests of preserving and enhancing biodiversity in relation to Harrogate Local Plan Policy NE3 and guidance within the NPPF.
 - 21 In the interests of protecting the amenity value of the protected trees and their biodiversity value and to accord with Harrogate Local Plan Policies NE4 and NE7.
 - 22 In the interests of protecting the amenity value of the protected trees and their biodiversity value and to accord with Local Plan Policies NE4 and NE7.
 - 23 The development hereby approved would be unacceptable unless justified by the local needs of agriculture or forestry.
 - 24 In the interests of providing sustainable transport and improving air quality across the area in accordance with policy CC4 of the Local Plan and the NPPF.
 - 25 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
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- 29 To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

INFORMATIVES

- 1 Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and North Yorkshire County Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.
- 2 Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:<https://www.northyorks.gov.uk/sites/default/files/202307/Specification%20for%20housing%20and%20industrial%20estate%20roads%20and%20private%20street%20works%20-%20accessible.pdf>

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

- 3 Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire County Council as Local Highway Authority. These additional permissions can include but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations, and directions).

Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.

- 4 An explanation of the terms used in the highways conditions are available from the Local Highway Authority.
- 5 Please note prior to implementing this planning permission you are informed you will need to obtain a variation permission from the Environment Agency to Site's existing environmental permit for Ouseburn Farm (reference: EPR/VP3333UZ).

Target Determination Date: 16 February 2026

Case Officer: Aimée McKenzie, dmst.har@northyorks.gov.uk

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