

**North Yorkshire Council**

**Community Development Services**

**Selby and Ainsty Area Planning Committee**

**11 September 2024**

**2023/0141/FUL - ERECTION OF NEW BUILDING FOLLOWING DEMOLITION OF THE EXISTING BARN, CONVERSION OF EXISTING BUILDING TO AN OFFICE AND OTHER ASSOCIATED WORKS AT HONEYPOT FARM, COMMON LANE, BURN, SELBY, NORTH YORKSHIRE ON BEHALF OF CENTERPOINT ENTERPRISES LTD**

**Report of the Assistant Director Planning – Community Development Services**

**1.0 Purpose of the Report**

- 1.1 To determine a planning application for a new building following demolition of an existing barn, conversion of an existing building to an office and associated works on land at Honeypot Farm, Common Lane, Burn, Selby.
- 1.2 The application is being referred to Planning Committee by the Head of Development Management as it is considered to raise significant planning issues.

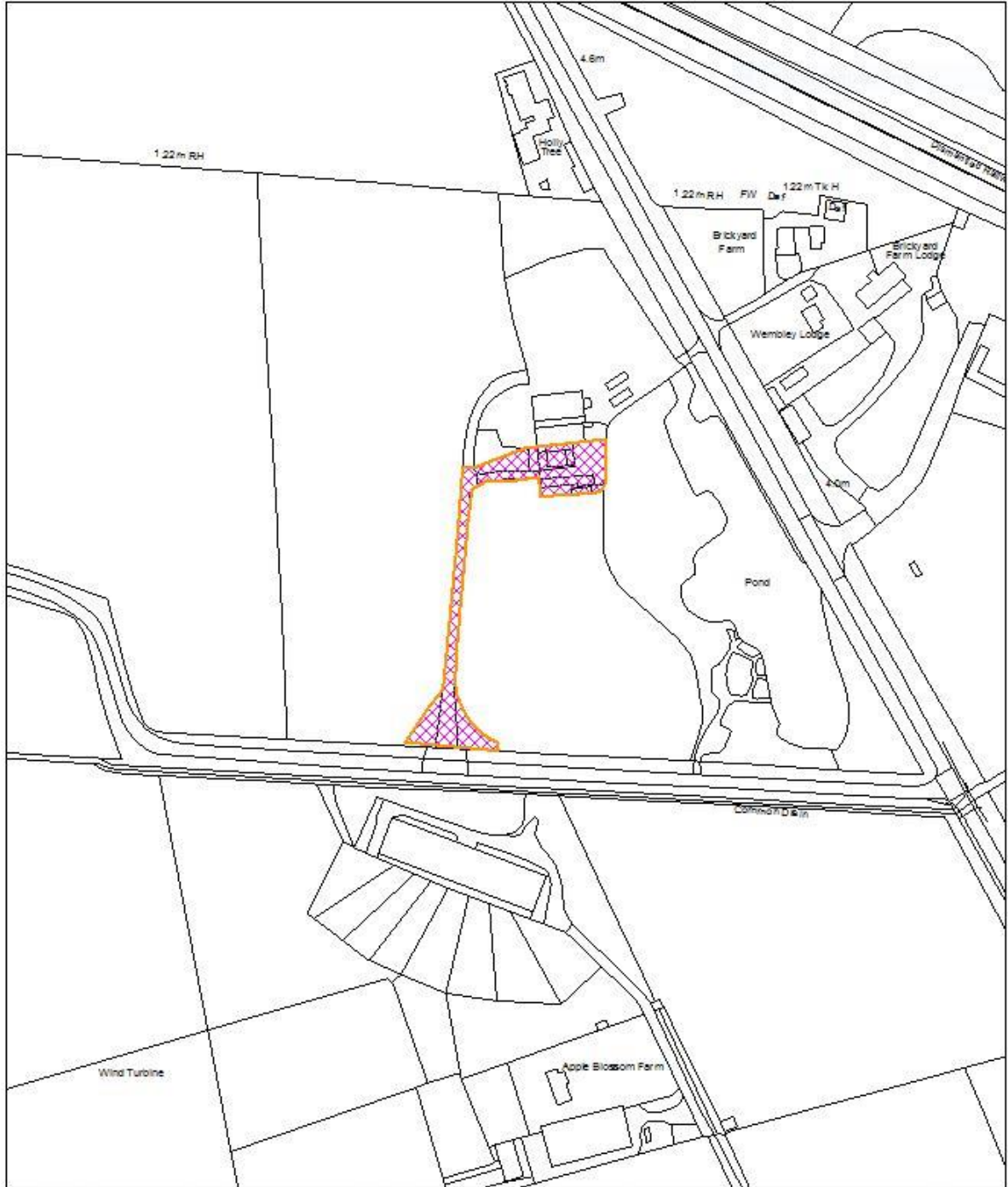
**2.0 SUMMARY**

**RECOMMENDATION: That planning permission be GRANTED subject to the conditions listed below.**

- 2.1 The application has been submitted by Centrepont Enterprises Ltd and relates to Honeypot Farm, a site used by a company called Ecofill Ltd. The company is involved in the construction industry by transforming clays and subsoils found on site to aggregate replacement products. This is carried out by taking machinery to development sites. Machinery is stored, demonstrated and maintained at the site as necessary, but largely kept off-site moving between construction sites for active use. The site is primarily used as a demonstration area, storage area and office for the company.
- 2.2 The site was formerly a farm then changed to an equestrian centre in 2015. In 2021, a change of use was granted to use the site for general industrial (use class B2) and storage and distribution (use class B8), conversion/refurbishment of two buildings, erection of gate and wall and other associated works. The site plan forming part of the 2021 permission shows there were four buildings on the site. Two buildings were to be converted for a workshop and office. Two buildings were retained but with no use specified. This application relates to these two remaining buildings.
- 2.3 Since 2021, planning application 2022/1091/FUL gave consent for temporary containers to be brought onto site for offices. These containers have to be removed from site following the conversion of the two barns to the north of the application site or by 2026, whichever is sooner.

- 2.4 The business has continued to grow and has enquiries from contractors, developers, consulting engineers and highway authorities. As such there is a need for additional space to accommodate an increase in staff as well as to provide meeting / breakout space for enquiries and meetings with potential customers. The proposed application seeks to create the new office space by the erection of a new building following demolition of an existing barn and conversion of an existing building.
- 2.5 The main constraints of the site are that it lies outside development limits and within the open countryside and within flood zone 3.
- 2.6 The proposal provides additional office space for an existing company. The proposal is a small expansion, therefore appropriate in the scale and type for its location. The National Planning Policy Framework and the Development Plan policies are supportive of the growth of business in rural areas. Therefore, the application is acceptable in principle. The concerns raised by interested parties have been taken into account and conditions have been recommended to ensure the impacts of the development are managed.

Land at Honeypot Farm, Common Lane, Burn  
2023/0141/FUL



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### **3.0 Preliminary Matters**

3.1. Access to the case file on Public Access can be found here: [2023/0141/FUL | Erection of new building following demolition of the existing barn, conversion of existing building to an office and other associated works. | Land Used For Storage Honeypot Farm Common Lane Burn Selby North Yorkshire](#)

3.2 The following planning history is relevant:

- 2021/0298/FUL: Change of use of site from equestrian centre (use class F2(c)) to general industrial (use class B2) and storage and distribution (use class B8), conversion/refurbishment of two buildings; erection of gate and wall; and other associated works. Granted 24-Sep-21. This permission was restricted through condition including a hours of use condition and a noise limiting condition.
- 2022/1091/FUL: Installation of three containers to provide site office and ancillary accommodation (retrospective). Granted 11.05.2023 (temporary permission).
- 2022/0888/S73: Section 73 application to vary condition 12 (foul sewage) of approval 2021/0298/FUL Change of use of site from equestrian centre (use class F2(c)) to general industrial (use class B2) and storage and distribution (use class B8), conversion/refurbishment of two buildings; erection of gate and wall; and other associated works granted on 24 September 2021. Granted 11.11.2022

### **4.0 Site and Surroundings**

4.1 The site is occupied by Ecofill Ltd and stands alongside the A1041 Bawtry Road with direct access from Common Lane. The site plan shows the site to have a storage area, trial trench area, a yard with hardstanding and four buildings. The hub of the business is set back from Common Lane and located centrally on the site. The remaining land is grassed over. The site was well screened with established planting on the boundaries but significant clearance works has been undertaken on the adjacent site. This has made the buildings and site more visible from the A1041. The adjacent site to the east, Burn Road Pond, has recently been cleared, however, for the avoidance of doubt this land is not part of the application site. The red line boundary denoting the application site includes the barns subject of the application and the access only.

4.2 The wider surroundings are predominantly open countryside. In the near vicinity is a pond to the southeast, a commercial use on the opposite side of Bawtry Road and a farm to the southwest. The nearest residential properties are 120m to the north (Holly Tree) and 90m to the east (Wembley Lodge).

### **5.0 Description of Proposal**

5.1 This application seeks permission for two new office buildings. One building is proposed to be converted and the second is a new build following demolition of an existing barn. The submitted Planning Statement explains at paragraph 1.1 that the buildings are to be used as new offices associated with the wider use of the site by Ecofill Limited and would provide additional space for the existing company. The new office space would replace three

containers with temporary consent and thereby would provide a long-term solution for the Ecofill Limited.

- 5.2 The Planning Statement also confirms that the new building would be the same height as the removed building and that for the original structure of the retained building would be made good with new infill blockwork and insulation added. Both barns would be clad in vertical timber cladding. The statement also confirms that there are no alterations proposed to the existing areas of hardstanding and that access to the site will continue to be from the existing junction on Common Lane.

## **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 (adopted 22nd October 2013)
  - Those policies in the Selby District Local Plan (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 (adopted 16 February 2022)

### Emerging Development Plan – Material Consideration

- 6.3 The Emerging Development Plan for this site is:
- Selby District Council Publication Draft Local Plan (Reg 19)
- 6.4 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. A further round of consultation on a revised Regulation 19 Publication Local Plan was undertaken in March 2024 and the responses are now being considered. Following any necessary minor modifications being made it is intended that the plan will be submitted to the Secretary of State for Examination.
- 6.5 In accordance with paragraph 48 of the NPPF, given the stage of preparation following the consultation process and depending on the extent of unresolved objections to policies and their degree of consistency with the policies in the NPPF, the policies contained within the emerging Local Plan can be given weight as a material consideration in decision making and, if relevant, will be referred to in the body of the report.
- The North Yorkshire Local Plan

- 6.6 No weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

Guidance - Material Considerations

- 6.7 Relevant guidance for this application is:
- National Planning Policy Framework December 2023 (NPPF)
  - National Planning Practice Guidance (PPG)
  - NYCC Interim Parking Standards
  - Noise Policy Statement for England

**7.0 Consultation Responses**

- 7.1 The following consultation responses have been received and have been summarised below.
- 7.2 **Environment Agency** - Following the receipt of a water entry strategy, there are no objections subject to conditions.
- 7.3 **NYC Highways** - No objections.
- 7.4 **NYC Environmental Health** - Given the end use, operational noise on site will not significantly alter, making the likelihood of adverse impact on the closest residential properties to be low. A condition to control construction hours is recommended.
- 7.5 **NYC Ecology Officer** - No objections, subject to conditions.
- 7.6 **Camblesforth Parish Council** - Objects to the application, raising concerns that the applicant seems to be carrying out work at will and is only reverting to planning framework when they are reported. Requests investigation by Enforcement of the residents' concerns.
- 7.7 **Internal Drainage Board** - No objection, providing consent is obtained for any discharge into a watercourse.

Local Representations

- 7.8 The application has been advertised by displaying a site notice adjacent to the site entrance on 16.04.2023. The advertisement of the application is compliant with the publicity requirements for planning applications.
- 7.9 Two local residents have objected to the application on the grounds of traffic, ecology, drainage and the impact on local amenity. The objectors also advise that the existing operations are having a detrimental impact on their living conditions and there are unresolved issues with the previous applications.

**8.0 Environment Impact Assessment (EIA)**

- 8.1. Planning application 2021/0298/FUL is the consent for the general industrial (use class B2) and storage and distribution (use class B8), conversion/refurbishment of two buildings;

erection of gate and wall; and other associated works for the wider site. This application was screened against the EIA Rand does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended).

- 8.2. This current proposal for office accommodation when considered individually or as part of the wider development site 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
- Effect upon residential amenity
- Character and appearance
- Flood risk
- Foul and surface water drainage
- Highway safety
- Protected species, biodiversity and habitats
- Minerals and safeguarding

## **10.0 ASSESSMENT**

### Principle of Development

- 10.1 Policy SP1 of the Selby District Core Strategy Local Plan (SDCSLP 'The Core Strategy') seeks a positive approach to the consideration of development proposals that reflects the presumption in favour of sustainable development established in Paragraph 11 of the NPPF and secures development that improves the economic, social and environmental conditions in the area.
- 10.2 Policy SP2 of the Core Strategy seeks to guide development in this regard by adopting a hierarchical spatial development strategy, which directs most development to towns and more sustainable villages. Part A(c) of Policy SP2 states that "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".
- 10.3 Policy SP13 C goes onto state that in rural areas, sustainable development (on both Greenfield and Previously Developed Sites) which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported. Part D of SP13 states in all cases, development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity.

- 10.4 Saved Policies EMP8 and EMP9 of the Selby Local Plan are relevant. Policy EMP8 permits the conversion of rural buildings for commercial and industrial purposes provided they are sound and capable of re-use and would have a significant effect on character and appearance, highway safety or local amenity. Policy EMP9 permits the expansion and redevelopment of existing industrial and business uses outside development limits and established employment areas provided there is no harm to highway safety, local amenity, character and appearance, the natural environment, and that there is a high standard of design, adequate landscaping and no loss of best and most versatile agricultural land.
- 10.5 Paragraph 85 of the NPPF states planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 10.6 Paragraph 88 of the NPPF is relevant to the rural economy. It requires planning policies and decisions to enable, amongst other things, a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings.
- 10.7 This application is submitted to create new office rooms for staff, meetings, and customers for an existing business. This would be carried out by adapting one building and replacing another. The company expects the development to improve the existing workspace and allow for a small growth in staff numbers. The proposal would improve the areas available for staff and visitors and allows for a small increase in jobs. A condition is suggested to link the offices to the existing business as proposed.
- 10.8 Both local and national policies are supportive in principle for the sustainable growth and expansion of business in rural areas, which can be from either conversion of existing buildings or new buildings subject to design and scale. Therefore, the proposed development within this open countryside location and rural area is acceptable in principle and it would accord with those policies set out above, subject to all material planning considerations being satisfied.

*Section 149 of The Equality Act 2010*

- 10.9 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.
- 10.10 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.

Effect Upon Residential Amenity



- 10.11 Policy ENV1(1) requires that proposals should take account of the effect upon the amenity of adjoining occupiers. Core Strategy Policy SP19 requires new development to not contribute to or be put at unacceptable risk from, inter alia, light or noise pollution. Paragraph 180 and 191 of the NPPF states that new development should be appropriate for its location taking into account the likely effects. Decisions should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 10.12 The Noise Policy Statement for England published by Defra in 2010 sets out key policy aims on noise and applies to all forms of noise with the exception of noise in the workplace (occupational noise). The aims of the Noise Policy Statement for England are to firstly to avoid significant adverse impacts on health and quality of life from noise and secondly to mitigate and minimise adverse impacts of noise on health and quality of life, within the context of the Government Policy on sustainable development.
- 10.13 Two local residents have raised concerns in respect of the application on residential amenity grounds, specifically regarding the industrial operations taking place on site which cause noise and vibration. The objectors have also asked for clarification for the use of the units.
- 10.14 The proposed buildings are for offices to be used by the existing company. A condition is recommended to ensure the buildings will be used for this purpose.
- 10.15 A Transport Statement has been submitted with the application, which states that the trip generation will remain the same as the previous application for the change of use under application 2021/0298/FUL. Whilst there may be a small growth in staff numbers and the offices may generate more visitors, the anticipated increase in comings and goings would be low and not considered to create significant impacts on residential amenity. Furthermore, the use as office space is not anticipated to result in significant noise impacts. The Council's Environmental Health team have been consulted and raise no objections subject to conditions controlling construction hours.
- 10.16 The previous approval for B2 (General Industry) and B8 (Storage and Distribution) uses restricted working hours to 8am to 6pm and limits noise generated by the use. This was due to the industrial operations that would take place on site. Condition 09 sets out the hours of operation for the offices in the event of a grant of planning permission, which aligns with the hours imposed on the previous approval.
- 10.17 It has been brought to the Council's attention that there are noise issues relating to the existing operations. This is beyond the scope of this application and would need to be looked into separately in terms of the previously imposed conditions.
- 10.18 For the reasons above, the proposed office buildings are unlikely to have an adverse impact on residential amenity and as such the proposal is considered to comply with local policies ENV1 and SP19 and the NPPF. To ensure that significant impacts are avoided, conditions have been recommended should Members resolve to grant planning permission. These conditions will ensure the use is restricted to offices and the site is closed to visitors outside the hours of 08:00 and 18:00.

- 10.19 In light of the above, the proposal would not contravene Convention rights contained in the Human Rights Act 1998 in terms of the right to private and family life and adheres to the principles set out in the Noise Policy Statement in the context of sustainable development.

#### Character and appearance

- 10.20 Paragraph 135 of the NPPF sets out how planning applications should be considered in relation to their impact on the local environment. This includes ensuring developments add to the overall quality of an area and are visually attractive with appropriate landscaping. Policies ENV1 (parts 1 and 4) and EMP9 of the Selby District Local Plan, alongside SP13D and SP19 of the Core Strategy also recognise the importance of good design including having regard to the character of an area and the landscape.
- 10.21 The proposal is for single storey buildings with a simple form and scale. One is a new build and one is the conversion and adaptation of an existing building. External materials are proposed to be metal roofing and timber cladding. The buildings would be located close to other buildings on the site.
- 10.22 The proposed buildings are considered to be well designed and of a scale that is appropriate for the proposed use and the locality. They would be read as part of the group of existing buildings and would have no adverse impact on this rural landscape. There is no landscaping proposed and this would not be necessary for the granting of consent given the scale, design and siting of the buildings.
- 10.23 There are limited details on the site plan regarding parking provision and five additional spaces would be required. The agent has advised the existing hardstanding can be used for parking and spaces could be created immediately adjacent to the west side of the buildings. A condition is recommended to be imposed for details of parking arrangements to be submitted to and approved in writing prior to the first use of the buildings.
- 10.24 When taking into consideration these factors, the proposed buildings are complementary to the rural area and in compliance with the design policies as set out above. Therefore, they are considered to be acceptable in planning policy terms.

#### Flood Risk

- 10.25 The site lies within Flood Zone 3 as defined by the Environment Agency Flood Maps for Planning. The proposal is for offices which are considered to be a 'less vulnerable' land use in Annex 3: Flood Risk Vulnerability Classification of the National Planning Policy Framework.
- 10.26 The aim of national flooding policy is to avoid inappropriate development in areas at high risk of flooding by directing it away from such areas (whether existing or future). Paragraph 165 of the NPPF states 'The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding'. Paragraph 169 requires application of

the exception test where, following the sequential test, it is not possible for development to be located in areas with a lower risk. The NPPF confirms at paragraph 173 that applications should, where appropriate, be supported by a site-specific flood-risk assessment that aims for development to be made safe for its lifetime without increasing flood risk elsewhere.

- 10.27 Planning Practice Guidance (PPG) sets out that LPAs should take a pragmatic approach to the sequential test where the proposal involves a small-scale extension or where it would be impractical to deliver the proposal at an alternative location.
- 10.28 The proposal is to provide office accommodation for an existing business and involves reuse of an existing building and replacement of a second. The office space will provide accommodation for existing staff and visitors. Therefore, it would be impractical for the building's to be relocated off site. The site is also within an area which is covered extensively by the Flood Zone 3 designation so there would not be any sites in the immediate vicinity that would be at a lesser risk of flooding. Therefore, it is considered that the sequential test is passed. Further, Condition 08 is suggested that would permits the offices to be used only by the existing business (Ecofill Ltd).
- 10.29 As the proposal is for a less vulnerable use in Flood Zone 3, it is considered compatible with the flood zone and therefore the exception test does not need to be applied.
- 10.30 The application is accompanied by a Flood Risk Note dated 11th January 2023. This states flood levels are estimated at around 1.34m on the site and due to the flood depths, it would not be beneficial to raise flood levels. The Environment Agency have agreed to allow a finished floor level (FFL) at 15cm above ground level but with a water entry strategy as a flood mitigation measure. A water entry strategy accepts that water will enter the buildings but the use of materials that retain the structural integrity of the buildings is key. Materials should be good drying and have easy cleaning properties. Other measures including consideration for wiring and installing non return valves. The Environment Agency considers this strategy to be acceptable. Condition 02 as suggested would require adherence to the flood risk note should Members resolve to grant planning permission.
- 10.31 During a flood event, the risk to users occurs only during working hours. An evacuation plan is not submitted with the application. Therefore, an informative is recommended to encourage the operator to have in place a flood evacuation plan.
- 10.32 In consideration of the above, the proposal, subject to conditions, satisfies the flood policies of the NPPF.

#### Foul and Surface Water Drainage

- 10.33 The site is on a Principal Aquifer and is not served by the public sewer network.
- 10.34 Policy SP18 (7) of the Core Strategy states that developments should ensure they are protected from soil, air and water quality from all types of pollution. Paragraph 180e of the NPPF states new and existing development should prevent from contributing to water pollution and this is reiterated in Local Plan Policy ENV2.

- 10.35 A resident has objected to the application on the grounds that sewerage proposals are still to be confirmed by the applicant.
- 10.36 As a public sewer connection is unavailable, an alternative system will be required. Paragraph 020 of the national Planning Practice Guidance states that where there is no public sewer connection, a package sewage treatment plant can be considered. Any package treatment plant would have to comply with general binding rules which is a set of technical requirements set by the Environment Agency to prevent groundwater pollution. A septic tank may be an alternative option if a package treatment plant is demonstrated as being unviable. Condition 04 requires foul drainage details to be submitted prior to drainage works commencing or prior to the use commencing (whichever is the sooner).
- 10.37 The scheme is a conversion and replacement of buildings so there would be a negligible impact upon surface water run-off. However, it is not known if the current buildings have an appropriate surface water system. In line with the IDB comments, a scheme for surface water is requested by condition 05.
- 10.38 Subject to the adherence of drainage conditions, the proposal is acceptable in terms of drainage management and would comply with national and local planning policies.

#### Highway Safety and Traffic

- 10.39 Local Plan Policies ENV1, T1, T2, and VP1 and Chapter 9 of the NPPF set out the key policy considerations regarding highway access and safety. The NPPF promotes sustainable transport and, at paragraph 115, states that development should only be refused on highway grounds where there is an unacceptable impact on highway safety or severe residual cumulative impacts on the road network. The NYCC Interim Parking Standards set out the parking requirements.
- 10.40 The site is located to the side of the A1041 but accessed from Common Lane. Both Common Lane and the A1041 do not have footpaths. There are no objections to a minor intensification of the access point and the increased traffic levels onto Common Lane and the A1041 would be limited.
- 10.41 A Transport Statement has been provided with the application which outlines the transport matters relating to this application. The Transport Statement sets out that the proposed accommodation would be occupied by staff and visitors and will not result in any additional trips to the site other than those previously identified in the original Transport Statement accompanying the change of use application (2021/0298/FUL). The Transport Statement submitted with the original application estimated 10-12 full time staff. When including this proposal, the expected number of staff remains at approximately 10-12. The Transport Statement further states that, employee and visitor access to the site can be gained via private vehicles, public transport and cycling. There is a bus service along the A1041 and a pedestrian access is available to the east. The site is also accessible by bicycle from Common Lane. The trip generation and distribution of potential development traffic will remain the same as previously envisaged during the main application. As such it is expected that the increase in daily traffic will be circa 28 trips. This level of trips is not material on the network. Access to the site will continue to be via the existing simple

priority junction onto Common Lane on the southern boundary of the site. Improvement works have previously been undertaken to the site access to comply with the requirements of the initial planning application and appropriate visibility splays are provided.

- 10.42 Interested parties have raised concerns with regards to traffic movements and highway concerns. Given that the proposal is for a small increase in office space to an existing business and the Transport Statement identifies that there will be circa 28 trips, the residual cumulative impact on the road network would not be severe. The proposal will utilise the existing approved access and as such there will be no unacceptable impact on highway safety. The Council's Highways Officer has raised no objections.
- 10.43 Based on the NYCC Interim Parking Standards an increase of 1-2 spaces is required. The company has advised that there is 4-5 full time staff working from the site. This application is expected to double the number of full-time staff. The company has stated that they need 5-6 additional spaces for visitors. Taking into consideration NYCC Interim Parking Standards and the anticipated staff/ visitor numbers, an additional 5 spaces would be a reasonable requirement. The plans do not show any additional spaces but there is sufficient space for 5 spaces to be laid out on land adjacent to the west elevation of the building and within the red line boundary.
- 10.44 The site is close to a bus route along the A1041 but there is no footpath. The site is accessible by bicycle. Whilst there are other transport modes available for site users, it is likely that the development will be car led. However, given the scale of the proposal and the location, officers are of the view that this is acceptable and given there is sufficient parking to be provided within the site, the proposal would not lead to parking on rural roads. A condition is recommended requiring the applicant to provide details of parking spaces should Members resolve to grant planning permission.
- 10.45 In light of the above, the proposal would not result in an unacceptable impact on existing highway safety on the transport network. Therefore, as directed by the NPPF, there is no justified reason to prevent or refuse the proposed development on highway grounds.

#### Protected Species, Biodiversity and Habitats

- 10.46 Policy SP18 of the Core Strategy seeks to promote effective stewardship of the districts wildlife by safeguarding national and locally protected nature conservation sites, protected species and net gains in biodiversity. Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on public authorities in the exercise of their functions to the purpose of conserving biodiversity by having regard to the relevant key policies and legislation which includes local policy, Chapter 15 of the NPPF, planning practice guidance, The Town and Country Planning Act and the Wildlife and Countryside Act (1981) (as amended).
- 10.47 The Ecological information produced by JCA Ltd Ecological Consultants submitted with the application demonstrates that the buildings to be refurbished and demolished/replaced are not suitable to support bats and the area surrounding the buildings is hard standing and therefore of low ecological value.

- 10.48 The submitted reports also confirm the presence of barn owl and several other breeding bird species within the buildings on site. The mitigation proposed includes the installation of a barn owl nest box within a tree on the boundary of the site and the incorporation of nest boxes for other species.
- 10.49 The Council's Ecologist has been consulted and having reviewed the submitted ecological information raises no objections, subject to conditions, which includes the submission of a Biodiversity Enhancement and Management Plan (BEMP) and compensatory measures for birds.
- 10.50 A local resident has queried whether Natural England have been consulted. A consultation with Natural England would only be necessary for this application if the proposal would affect a SSSI. To assess the impact on a SSSI, Impact Risk Zones (IRZ's) are used. An IRZ is a GIS tool developed by Natural England to make a rapid initial assessment of the potential risks to SSSIs posed by development proposals. They define zones around each SSSI which reflect the particular sensitivities of the features for which it is notified and indicate the types of development proposal which could potentially have adverse impacts. According to the Impact Risk Zones GIS Tool, this proposal is not identified as having an impact on a SSSI. Therefore, a consultation with Natural England is not required.
- 10.51 The local representations have also notified the LPA of significant clearance of trees and greenery around the pond to the southeast. These works have taken place outside of the application site on the adjacent Burn Road Pond site and no trees or greenery have to be removed to facilitate this development. Therefore, these clearance works fall outside the consideration of this planning application. It is noted that an application for a certificate of lawful use is before the Council for consideration for the land at Burn Road Pond.
- 10.52 The NPPF and Core Strategy Policy SP18 seek biodiversity net gains where this is appropriate. However, the Biodiversity Gain Requirements (Exemptions) Regulations 2024 states that non major developments made before April 2024 are exempt from mandatory biodiversity net gain through condition. However, a Biodiversity Enhancement Plan Survey and Report has been provided. The Council's Ecologist has recommended a condition for on-site biodiversity enhancements, which will provide for a net gain in line with the requirements of the NPPF.
- 10.53 Therefore, the scheme complies with the relevant natural environment policies as set out above, subject to the conditions recommended by the Council's Ecologist as referred to above. The proposal therefore would comply with the aims of national and local planning policies.

#### Minerals and Safeguarding

- 10.54 According to the Interactive Minerals and Waste Policies Map and the National Coal Mining maps, the site falls within the following:
- Nitrate Vulnerable Zone
  - Coal Authority reporting area (low risk)
  - Brick and clay safeguarding area
  - Sand and gravel safeguarding area

- 10.55 Policy S01 of the Minerals and Waste Joint Plan (MWJP) requires mineral resources and their buffer zones to be safeguarded from other forms of surface non-mineral development. Part i) of Policy S02 of the MWJP states that permission for development other than minerals extraction will be granted where it would not sterilise the mineral or prejudice future extraction.
- 10.56 Given the proposal is a conversion and replacement building and the site in use for a business, it is considered the site would not sterilise minerals extraction. The proposal therefore complies with the relevant policies of the MWJP.
- 10.57 The proposal has no conflict with the protection of agricultural land as the land is not in use for agriculture.
- 10.58 The site is within a low-risk coal mining area. Therefore, a coal mining risk assessment is not required, and the development is not at high risk from coal mining features.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1 The proposal provides additional office space for an existing company. The proposal is a small expansion, therefore appropriate in the scale and type for its location. The NPPF and Local Policy is supportive of the growth of business in rural areas. Therefore, the application is acceptable in principle.
- 11.2 The assessment of the application has considered all other material planning considerations and found the scheme to be compliant with the relevant policies, subject to conditions and the mitigation measures recommended.
- 11.3 Local residents have expressed concerns for the application due to existing issues and these have been taken on board during the consideration of the application. This application is limited to the impact of two buildings to be used for offices. When considering the scale of the use and size of the buildings, this proposal would not create significant impacts through noise or disturbance.
- 11.4 The NPPF states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings; On balance, taking into account all of the above material planning considerations, the proposal puts forward sustainable development in accordance with both local and national planning policies and as such is recommended accordingly.

## **12.0 RECOMMENDATION**

- 12.1 That planning permission be GRANTED subject to conditions listed below:

### Recommended conditions:

1. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason:

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

- 2 The development hereby permitted shall not be carried out otherwise than in strict and complete accordance with the amended plans and specifications listed below:

Existing & Proposed Barn 1 Elevations (23A)

Existing & Proposed Barn 2 Elevations Sheet 1 (24A)

Existing & Proposed Barn 2 Elevations Sheet 2 (25)

Existing & Proposed Barn Plans (22B)

Conversion Statement Barns 1 & 2 – Honey Pot Farm, Selby by Pearson Bridge Associates

Flood Risk Note 22338 – Honey Pot Farm 11<sup>th</sup> January 2023

Reason:

To ensure that no departure is made from the details approved and that the whole of the development is carried out, in order to ensure the development accords with Selby Local Plan Policy ENV1.

- 3 Prior to development commencing, demolition and site clearance, a Biodiversity Enhancement and Management Plan (BEMP), including timing schedule and ongoing maintenance and management shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved BEMP.

Reason

In the interests of biodiversity in accordance with Policy ENV1 of the Selby Local Plan, Policies SP15 and SP15 of the Selby Core Strategy and paragraph 180 of the NPPF.

- 4 Prior to the use commencing or the commencement of any drainage works (whichever is the sooner), details for the method of disposal of the foul water shall be submitted to and agreed in writing the Local Planning Authority. The details shall include a timetable for implementation and works shall be carried out in accordance with the agreed details.

Reason:

To ensure the development does not lead to groundwater pollution, in accordance Local Plan Policy ENV2 and paragraph 180 of the NPPF.

- 5 Prior to the development being brought into use, a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the development being brought into use.

Reason:

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



6 Prior to the buildings hereby approved being brought into use, a scheme for proposed parking spaces along with a management and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- An existing parking plan showing parking spaces available on the site.
- A proposed parking plan showing five or more additional parking spaces.
- Details of surfacing.

The approved parking scheme shall then be completed and available for use prior to the first use of the buildings hereby approved. The spaces shall thereafter be kept free from obstruction and retained for the parking of vehicles.

Reason

To provide for appropriate on-site vehicle parking, in the interests of highway safety and the general amenity of the development, having had regard to Selby Local Plan Policies ENV1 and T2, Selby Core Strategy SP19 and Chapter 9 of the NPPF.

7 No work relating to the development hereby approved, including works of demolition or preparation prior to building operations, shall take place other than between the hours of 08:00 hours and 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank or National Holidays.

Reason:

In the interests of the residential amenity of the locality during the operational phase and in order to comply with saved Policies ENV1 and ENV2 of the Selby District Local Plan, Policy SP19 or the Core Strategy, national planning policy contained within the NPPF and the Noise Policy Statement for England (NPSE).

8 The office space hereby approved and as shown on drawing no. 22B shall only be used in connection with and ancillary to the existing business (Ecofill Limited) on the site known as Honeypot Farm, Burn and as defined by the Location Plan reference ECO-001 20 B.

Reason:

To ensure the proposal is linked to the existing business, passes the flooding sequential test, prevents conflict with "town centre first" policies and to protect residential amenity, in accordance with the NPPF, Core Strategy Policies SP2 and SP13, and Local Plan Policies EMP2 and EMP9.

9 The office buildings hereby approved shall only be used during the hours of 08:00 hours and 18:00 hours Monday to Sunday.

Reason:

In the interests of the residential amenity of the locality during the operational phase and in order to comply with saved Policies ENV1 and ENV2 of the Selby District Local Plan, Policy SP19 or the Core Strategy, national planning policy contained within the NPPF and the Noise Policy Statement for England (NPSE).

10 The development hereby permitted shall be carried out in strict accordance with the recommendations contained within the following documents:

- Preliminary Ecological Appraisal (PEA) February 2021
- Brooks Ecological; Bat Emergence and Re-Entry Survey Report 2nd July 2021 prepared by JCA Limited
- Amphibians Survey and Report 5th July 2021 prepared by JAC Limited
- Biodiversity Enhancement Plan Survey and Report dated 30th July 2021 prepared by JAC Limited

**Reason:**

In the interests of nature conservation and the protection of protected species and in order to comply with saved Policy ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Selby District Core Strategy Local Plan, national planning policy contained within the NPPF, the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017.

**Recommended Informative**

**INFORMATIVE**

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

**INFORMATIVE - COAL AUTHORITY - LOW RISK AREA**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

Standing Advice valid from 1st January 2023 until 31st December 2024

**INFORMATIVE – FLOOD RISK**

The site is highly vulnerable to flooding. The applicant or site manager is advised to write a flood warning and evacuation plan prior to the building being brought into use. Advice on writing a flood plan can be found at: [Prepare your business for flooding - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/prepare-your-business-for-flooding). It is also recommended that the flood plan is written and agreed in consultation with the emergency planners at the Local Authority.

**Target Determination Date:** 12/04/2024

**Case Officer:** Elizabeth Maw, [elizabeth.maw@northyorks.gov.uk](mailto:elizabeth.maw@northyorks.gov.uk)

**Appendix A – Proposed Block Plan**