



Meeting: **PLANNING COMMITTEE**
Date: **WEDNESDAY 12 APRIL 2017**
Time: **2.00 PM**
Venue: **COUNCIL CHAMBER**
To: **Councillors J Cattanach (Chair), D Peart (Vice Chair),
Mrs L Casling, I Chilvers, J Deans, I Reynolds, C Pearson,
P Welch and B Marshall.**

Agenda

- 1. Apologies for Absence**
- 2. Disclosures of Interest**

A copy of the Register of Interest for each Selby District Councillor is available for inspection at www.selby.gov.uk.

Councillors should declare to the meeting any disclosable pecuniary interest in any item of business on this agenda which is not already entered in their Register of Interests.

Councillors should leave the meeting and take no part in the consideration, discussion or vote on any matter in which they have a disclosable pecuniary interest.

Councillors should also declare any other interests. Having made the declaration, provided the other interest is not a disclosable pecuniary interest, the Councillor may stay in the meeting, speak and vote on that item of business.

If in doubt, Councillors are advised to seek advice from the Monitoring Officer.

- 3. Chair's Address to the Planning Committee**
- 4. Suspension of Council Procedure Rules**

The Planning Committee are asked to agree to the suspension of Council Procedure Rules 15.1 and 15.6(a) for the Committee meeting. This facilitates an open debate within the Committee on the planning merits of the application without the need to have a proposal or amendment moved and seconded first. Councillors are reminded that at the end of the debate the Chair will ask for a proposal to be moved

and seconded. Any alternative motion to this which is proposed and seconded will be considered as an amendment. Councillors who wish to propose a motion against the recommendations of the officers should ensure that they give valid planning reasons for doing so.

5. Minutes

To confirm as a correct record the minutes of the Planning Sub-Committee meeting held on 22 February 2017 and the Planning Committee meeting held on 8 March 2017 (pages 1 to 16 attached).

6. Planning Applications Received

- 6.1 2016/1343/OUTM - Former Kellingley Colliery, Turvers Lane, Kellingley (pages 17 to 80 attached)
- 6.2 2016/1256/OUTM - Land at Hodgsons Lane, Sherburn in Elmet (pages 81 to 112 attached)
- 6.3 2017/0113/FUL - Ings View Farm, Main Street, Thorganby (pages 113 to 131 attached)
- 6.4 2016/1441/FULM - Euro Auctions Ltd, Roall Lane, Kellington. (pages 132 to 149 attached)
- 6.5 PREAPP/2017/0118 - Rigid Paper Mill, Dennison Road, Selby (pages 150 to 199 attached)

Gillian Marshall
Solicitor to the Council

Dates of next meetings
Wednesday 10 May 2017
Wednesday 7 June 2017

For enquiries relating to this agenda please contact Janine Jenkinson on 01757 702268, or email to jjenkinson@selby.gov.uk.

Recording at Council Meetings

Recording is allowed at Council, committee and sub-committee meetings which are open to the public, subject to:- (i) the recording being conducted with the full knowledge of the Chairman of the meeting; and (ii) compliance with the Council's protocol on audio/visual recording and photography at meetings, a copy of which is available on request. Anyone wishing to record must contact the Democratic Services Officer using the details above prior to the start of the meeting. Any recording must be conducted openly and not in secret.

Items for Planning Committee
12 April 2017

Ref	Site Address	Description	Officer	Page
2016/1343/OUTM	Former Kellingley Colliery	Turvers Lane, Kellingley	TOWE	17-80
2016/1256/OUTM	Land at Hodgsons Lane, Sherburn in Elmet	Outline application for residential development comprising up to 60 dwellings, areas of open space, landscaping and associated infrastructure with all matters reserved except access on land to north.	TOWE	81-112
2017/0113/FUL	Ings View Farm, Main Street, Thorganby	Conversion of single dwelling into two separate dwellings by way of a new party wall construction, construction of a new garage, new gate and wall to driveway, replacement of existing window with new double door.	JETY	113-131
2016/1441/FULM	Euro Auctions Ltd, Roall Lane, Kellington.	Extension to Euro Auctions site including development of office building, workshop, auction arena, access arrangements, car parking, hardstanding and associated landscaping.	FIEL	132-149
PREAPP/2017/0118	Rigid Paper Mill, Dennison Road, Selby	Outline scheme for residential, retail, marina	LOMI	150-199

Planning Sub-Committee

Venue:	Council Chamber
Date:	Wednesday 22 February 2017
Time:	10 am
Present:	Councillors Cattnach (Chair), B Marshall, and D Peart.
Apologies for Absence:	None
Officers Present:	Johnathan Carr, Lead Officer – Planning, Keith Thompson, Senior Planning Officer, Jill Low, Principal Planning Officer, Louise Milnes, Principal Planning Officer, Diane Wilson, Planning Officer, Kelly Dawson, Senior Solicitor, Janine Jenkinson, Democratic Services Officer and Robert Illingworth, Technical Engineer (Yorkshire Water).
Public:	6
Press:	0

23. DISCLOSURES OF INTEREST

There were no disclosures of interest.

24. CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

There was no address from the Chair.

25. PLANNING APPLICATIONS RECEIVED

- 25.1 **Application:** 2016/1029/FUL
 Location: East End Cottage,
 Main Street, Thorganby
 Proposal: Proposed demolition of existing dwellings,
 outbuildings and garages and the erection of 4 No.
 residential dwellings, garages and associated works
 and infrastructure.

The Senior Planning Officer introduced the application.

Members were advised that the application had been brought before the Sub-Committee in the context of the Court of Appeal judgement in relation to the West Berkshire Case.

The Sub-Committee was informed that following the Court judgement, the proposal was contrary to the provisions of the Development Plan, but there were material considerations which would justify approving the application without the need to secure an affordable housing contribution. The Senior Planning Officer reported that the council had accepted it did not have a five year housing land supply and therefore proposals for housing should be considered in the context of the presumption in favour of sustainable development and paragraph 49 of the National Planning Policy Framework (NPPF).

The Senior Planning Officer reported that the development would bring economic, social and environmental benefits to the immediate locality and therefore recommended that the application be approved.

With regard to consultation responses, the Chair asked the representative from Yorkshire Water if as a consultee it always provided comments on applications received.

Mr Illingworth reported that Yorkshire Water was not a statutory consultee on the application; however he advised that there was adequate capacity in the existing drainage network to support the proposal. In addition, members were advised that Yorkshire Water had an obligation to maintain the drainage networks and would investigate and repair any issues raised by residents.

A proposal to approve the application, in-line with the Senior Planning Officer's recommendation was moved and seconded.

RESOLVED:

To APPROVE the planning application, subject to the conditions set out in section 4.0 of the report.

25.2 Application: 2016/1234/LBC
Location: Yew Tree Farm,
Main Street, Thorganby
Proposal: External and internal alterations to the listed building
including new doorways and windows and internal
alterations.

The Senior Planning Officer introduced the application.

Members were advised that the application had been brought before the Sub-Committee as it related to a full detailed application on the agenda which was also being presented to the Sub-Committee for consideration.

The Senior Planning Officer reported that the application was for works to the listed farmhouse. Members were advised that the proposal was considered to be acceptable and would not adversely affect the setting and integrity of the building.

Mr M Newby, the applicant's agent, spoke in support of the application.

A proposal to approve the application, in-line with the Senior Planning Officer's recommendation was moved and seconded.

RESOLVED:

To APPROVE the planning application, subject to the conditions set out in section 3.0 of the report.

25.3 Application: 2016/1233/FUL
Location: Yew Tree Farm,
Main Street, Thorganby
Proposal: Demolition of agricultural buildings, conversion of
farmhouse and barns to form 2No. dwellings and
garages and erection of 4No. new dwellings.

The Senior Planning Officer introduced the application.

Members were advised that the application had been brought before the Sub-Committee in the context of the Court of Appeal judgement in relation to the West Berkshire Case.

The Sub-Committee was informed that following the Court judgement, the proposal was contrary to the provisions of the Development Plan, but there were material considerations which would justify approving the application without the need to secure an affordable housing contribution. The Senior Planning Officer reported that the council had accepted it did not have a five year housing land supply and therefore proposals for housing should be considered in the context of the presumption in favour of sustainable development and paragraph 49 of the NPPF.

The Senior Planning Officer reported that the development would bring economic, social and environmental benefits to the immediate locality. Members were informed that there would be no adverse impact of granting planning permission that would significantly and demonstrably outweigh the benefits. The proposal was therefore considered acceptable

when assessed against the policies in the NPPF, Selby District Local Plan and the Core Strategy.

Mr M Newby, the applicant’s agent, spoke in support of the application.

A proposal to approve the application, in-line with the Senior Planning Officer’s recommendation was moved and seconded.

RESOLVED:

To APPROVE the planning application, subject to the conditions set out in section 3.0 of the report.

- 25.4 Application: 2016/1389/OUT**
- Location: Back Lane,**
- Barkston Ash**
- Proposal: Outline application with all matters reserved for the**
- erection of a detached bungalow.**

The Senior Planning Officer introduced the application.

Members were advised that the application had been brought before the Sub-Committee in the context of the Court of Appeal judgement in relation to the West Berkshire case.

The Sub-Committee was informed that following the Court judgement, the proposal was contrary to the provisions of the Development Plan, but there were material considerations which would justify approving the application without the need to secure an affordable housing contribution. The Senior Planning Officer reported that the council had accepted it did not have a five year housing land supply and therefore proposals for housing should be considered in the context of the presumption in favour of sustainable development and paragraph 49 of the NPPF.

The Senior Planning Officer reported that the development would bring economic, social and environmental benefits to the locality and members were recommended to approve the application.

The Senior Planning Officer’s recommendation to approve the application was proposed and seconded.

RESOLVED:

To APPROVE the planning application, subject to the conditions set out in section 4.0 of the report.

25.5 Application: 2016/1352/FUL
Location: Brotherton Garage MOT Centre,
Old Great North Road,
Brotherton
Proposal: Proposed extension to existing premises to form
staff living accommodation (1 No flat).

The Principal Planning Officer introduced the application and referred the Committee to the information provided in the Officer Update Note. The Update Note reported that a response from the council's Contaminated Land Consultant had not yet been received, and therefore members were requested to grant delegated authority to officers to determine the application, in accordance with the Contaminated Land Consultee's recommendations.

Members were advised that the application had been brought before the Sub-Committee in the context of the Court of Appeal judgement in relation to the West Berkshire Case. The Sub-Committee was informed that following the Court judgement, the proposal was contrary to the provisions of the Development Plan, but there were material considerations which would justify approving the application without the need to secure an affordable housing contribution. The Principal Planning Officer reported that the council had accepted it did not have a five year housing land supply and therefore proposals for housing should be considered in the context of the presumption in favour of sustainable development and paragraph 49 of the NPPF.

The Principal Planning Officer reported that on balance there were no adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits. The proposal was considered acceptable when assessed against the policies in the NPPF, Selby District Local Plan and the Core Strategy. Members were therefore recommended to approve the application.

The Principal Planning Officer's recommendation to approve the application was proposed and seconded.

RESOLVED:

To APPROVE delegated authority to officers to approve the planning application, subject to the conditions detailed in section 2.19 of the report and any recommendations of the council's contaminated land consultant.

25.6 Application: 2017/0006/FUL
Location: Land west of Blackthorne House,
Park Lane, Barlow
Proposal: Proposed erection of 1 No self-build dwelling.

The Principal Planning Officer introduced the application and referred the Committee to the information provided in the Officer Update Note. The Update Note reported that a further letter had been received from a neighbour, commenting on the application and raising concerns in relation to drainage.

Members were advised that the application had been brought before the Sub-Committee in the context of the Court of Appeal judgement in relation to the West Berkshire Case. The Sub-Committee was informed that following the Court judgement, the proposal was contrary to the provisions of the Development Plan, but there were material considerations which would justify approving the application without the need to secure an affordable housing contribution. The Principal Planning Officer reported that the council had accepted it did not have a five year housing land supply and therefore proposals for housing should be considered in the context of the presumption in favour of sustainable development and paragraph 49 of the NPPF.

The Principal Planning Officer reported that on balance there were no adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits. The proposal was considered acceptable when assessed against the policies in the NPPF, Selby District Local Plan and the Core Strategy. Members were therefore recommended to approve the application.

The Principal Planning Officer's recommendation to approve the application was proposed and seconded.

RESOLVED:

To APPROVE the planning application, subject to the conditions set out in section 2.18 of the report.

- 25.7 Application: 2016/1466/FUL**
- Location: Stillingfleet Grange,**
- Escrick Road,**
- Stillingfleet**
- Proposal: Demolition and conversion of redundant agricultural**
- buildings to a dwelling house with associated works**
- and infrastructure.**

The Principal Planning Officer introduced the application.

Members were advised that the application had been brought before the Sub-Committee as Officers considered that although the proposal was contrary to Policy SP9 of the Core Strategy and Criterion 1 of Policy H12 of the Local Plan, there were material considerations which would justify approving the application.

Members were informed that Policy H12 of the Local Plan should be given limited weight due to the conflict between the requirements of Criteria (1) of the Policy and the less onerous approach set out in the Core Strategy and within the NPPF. As such, the applicant was not required to meet the tests set out in Criterion 1 of Policy H12 of the Local Plan.

The Sub-Committee was advised that whilst the scheme was contrary to Policy SP9 of the Core Strategy, the West Berkshire Court of Appeal decision was considered a material consideration of substantial weight which outweighed the policy requirement for a commuted sum. Officers reported that having had regard to Policy SP9 and the Planning Policy Guidance (PPG), on balance, the application was acceptable without a contribution for affordable housing and therefore recommended the application be approved.

The Principal Planning Officer's recommendation to approve the application was proposed and seconded.

RESOLVED:

To APPROVE the planning application, subject to the conditions set out in section 2.14 of the report.

25.8 Application: 2016/1372/FUL
Location: Mulberry House,
High Street,
Brotherton
Proposal: Proposed erection of a detached house with integral
garage and a detached house with detached single
garage to include the creation of a new access and
removal of existing access.

The Planning Officer introduced the application and informed members that the application had been brought before the Sub-Committee as officers considered that although the proposal was contrary to Policy SP9 of the Core Strategy, there were material considerations which would justify approving the application.

The Senior Planning Officer reported that the council had acknowledge it did not have a five year housing land supply and as such the proposals for residential development on the site should be considered in the context of the presumption in favour of sustainable development and paragraphs 14 and 49 of the NPPF.

With regard to Policy SP9, members were informed that the Court of Appeal judgement in relation to the West Berkshire Case was a material consideration of substantial weight, which outweighed the policy requirement for a commuted sum. Members were therefore recommended that, having had regard to Policy SP9 and the PPG, on balance, the application was acceptable without a contribution for affordable housing.

The Planning Officer's recommendation to approve the application was proposed and seconded.

RESOLVED:

To APPROVE the planning application, subject to the conditions set out in section 2.14 of the report.

The Chair closed the meeting at 10.50 a.m.

Minutes

Planning Committee

Venue:	Council Chamber
Date:	Wednesday 8 March 2017
Time:	2.00pm
Present:	Councillors J Cattnach (Chair), D Peart (Vice-Chair), M Jordan (substitute for I Reynolds), Mrs E Casling, I Chilvers, J Deans, B Marshall, C Pearson and Mrs S Duckett (substitute for P Welch).
Apologies:	Councillors I Reynolds and P Welch.
Officers present:	Kelly Dawson, Senior Solicitor; Jonathan Carr, Interim Lead Officer (Planning); Calum Rowley, Senior Planning Officer; Thomas Webster, Principal Planning Officer; Yvonne Naylor, Principal Planning Officer; Fiona Ellwood, Principal Planning Officer; Keith Thompson, Senior Planning Officer; and Janine Jenkinson, Democratic Services Officer.
Public:	24
Press:	1

54. DISCLOSURES OF INTEREST

All councillors reported that they had received communications in relation to the following applications on the agenda:

- 2016/1482/COU – 3 Low Street, Sherburn In Elmet
- 2016/0644/OUT – Main Street, North Duffield, Selby

55. CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair reported that the following training sessions had been arranged for Planning Committee members:

- Urban Design Training - Friday 24 March 2017, 1- 4.30 pm, at the Civic Centre, Selby.
- Planning Best Practice - Friday 7 April 2017, 1- 4.30 pm at Community House, Selby.

The Chair reported that application 2016/1368/FUL – Old Forge Cottage, Main Street, Church Fenton, Tadcaster had been withdrawn by the applicant, and therefore would not be considered at the meeting.

In addition, the Chair advised the Committee that the order of the agenda had been adjusted to reflect the number of public speakers registered in relation to each application. It was noted that application 2016/0644/OUT – Main Street, North Duffield, Selby had a number of speakers registered and therefore would be considered first.

56. SUSPENSION OF COUNCIL PROCEDURE RULES

The Committee considered the suspension of Council Procedure Rules 15.1 and 15.6 (a) to allow for a more effective discussion when considering planning applications.

RESOLVED:

To suspend Council Procedure Rules 15.1 and 15.6 (a) for the duration of the meeting.

57. MINUTES

The Committee considered the minutes of the Planning Committee meeting held on 8 February 2017.

In relation to Minute 53.3 – 2016/1322/OUTM – Colton Lane, Appleton Roebuck, the Chair requested that the following additional wording be inserted at the end of the first paragraph:

‘The Update Note also included specific reference and assessment of the inter-relationship of this proposed development to a nearby site which was refused consent for residential development under application – 2016/0201/OUT, with a plan showing this site included as part of the Officer Update Note and within the presentation slides. The different impacts of the two sites in relation to long distances views and their relationship to the urban form was explained to the Committee.’

RESOLVED:

To approve the minutes of the Planning Committee meeting held on 8 February 2017, subject to the inclusion of the wording as set out above.

58. PLANNING APPLICATIONS RECEIVED

The Committee considered the following planning applications.

58.1 Application: 2016/0644/OUT

Location: Main Street, North Duffield, Selby

Proposal: Outline planning application for up to 57 dwellings and a new community football pitch with parking, a changing room/clubhouse to include access (all other matters reserved) at land off York Road.

The Principal Planning Officer introduced the application and referred the Committee to the additional information provided in the Update Note. The Update Note outlined additional correspondence that had been received and issues that had not previously been raised. In addition, the Update Note reported that in light of the further issues that had been raised, the Principal Planning Officer had been in discussion with North Yorkshire Highways. North Yorkshire Highways had provided a full response regarding visibility and crossing issues, members were advised that the full response was set out in the Officer Update Note.

The Principal Planning Officer reported that the application had been considered at the Planning Committee meeting held on 11 January 2017. The application had been recommended for approval; however at the meeting, members had raised concerns in relation to scale and size, inappropriate development and the application being contrary to policies ENV1 (1) and (4) of the Local Plan and SP18 and SP19 of the Core Strategy. It had been resolved at the meeting to refuse the application and to delegate authority to officers to formulate suitable wording for the reasons for refusal.

The Principal Planning Officer reported that at the Planning Committee meeting held on 8 February 2017. Members had been informed that further discussions between officers and the applicant had taken place, in relation to reducing the number of dwellings proposed. Members had been advised, at the meeting, that if an amended application was not forthcoming, the original application would be brought back to be determined by the Committee.

The Principal Planning Officer reported that for a number of reasons a revised scheme had not been submitted and the applicant had requested that the original application now be determined.

Members were informed that officers had now considered the reasons for refusal and it was deemed necessary to expand on the reasons, to ensure they were robust. As such, the Committee was requested to consider the revised wording for the reasons for refusal, as set out in the report.

Claire Walker, a local resident, spoke in objection to the application.

Joyce Baines-Holgate, Parish Councillor, spoke in objection to the application.

Councillor Karl Arthur, Ward Member, spoke in objection to the application.

Richard Morton, the applicant's agent, spoke in support of the application.

It was proposed and seconded that the application be refused for the reasons set out in section 5.2 of the report.

RESOLVED:

To REFUSE the application for the following reasons:

- I. **The site lies outside the established development limits of North Duffield and due to its excessive size and position would not represent a natural rounding off or provide new defensible boundaries. It would expand the settlement outwards, increasing the depth of built form at the edge of the village, creating an additional large block of development encroaching into the rural open countryside location at the northern end of the village. It would create a harsh urban edge abutting the existing field track when viewed from the east due to the solid amount of housing and the lack of landscaping. Furthermore, it would leave an area of undeveloped land between the northern edge of the development and the proposed football pitch which would be subject to future pressure for infill development. The scheme would therefore result in a development which would have a significant and demonstrably harmful impact on the character, form and setting of the village contrary to the aims of Policies SP1, SP18 and SP19 of the Selby District Core Strategy Local Plan (SDCSLP), ENV1 of the Selby District Local Plan (SDLP) and with the National Planning Policy Framework (NPPF).**

- II. **The proposal due to the scale, at approximately 57 dwellings, is not considered to be appropriate to the size and role of North Duffield, a settlement, which is designated a service Village in the Core Strategy. There are already extant approvals on smaller sites for a total of 59 dwellings and capacity for significant growth already therefore exists in the**

village. Continued expansion of North Duffield would undermine the spatial integrity of the development plan and the ability of the council to deliver a plan led approach. Therefore the proposal would conflict with the Spatial Development Strategy for the District and the overall aim of the Development Plan to achieve sustainable patterns of growth. The proposal is therefore contrary to Policies ENV1 of the SDLP and Policies SP1, SP2, SP4, SP18 and SP19 of the SDCSLP and with the NPPF.

58.2 Application: 2016/0141/COU

Location: Birchwood Lodge, Market Weighton Road, Barlby, Selby

Proposal: Proposed change of use to form grass runway

The Principal Planning Officer introduced the application and referred the Committee to the additional information provided in the Update Note. The Update Note set out the following additional conditions, to be attached to any permission granted:

- Applicant / owner to keep a log of flights
- A condition requiring the scheme to be in accordance with approved plans.

The Principal Planning Officer presented the report and explained that the application had been brought before the Planning Committee at the request of Ward member, Councillor Karl Arthur for the reasons outlined in the report.

It was noted that the application had been considered by the Planning Committee on 8 February 2017, where members had resolved to defer a decision on the application in order to undertake a site visit. The Principal Planning Officer reported that a Committee site visit had been undertaken on Tuesday 7 March 2017, and members had now had the opportunity to view and assess the site location and surrounding area.

The Committee was advised that in-line with General Permitted Development Order, 2016 (GPDO), the applicant had used permitted development rights to convert part of the field to a grass runway, which had facilitated 15 flights a year. The applicant now sought to increase the number of flights beyond what was permissible under GPDO and therefore planning permission was required. Members were advised that having assessed the proposal against the relevant policies, the application was considered to be acceptable in respect of design, impact on character of the area, flood risk, drainage, climate change, highway safety, residential amenity, land contamination and nature conservation. The Committee was therefore recommended to approve

permission for a two year period, after which the applicant would need to submit another application, to continue the use.

Michael McDonald, a local resident, spoke in objection to the application.

Councillor Karl Arthur, Ward Member, spoke in objection to the application.

Some concern was raised in relation noise nuisance, safety, the close proximity of neighbouring dwellings, and detrimental impact on the amenity of nearby residents.

The Principal Planning Officer's recommendation to approval the application was moved and seconded.

An amendment to refuse the application was proposed, on the grounds the proposal would have an adverse impact on the amenity of nearby residents, environmental impact, noise pollution, impact on nearby wildlife and increased traffic generation. The amendment was not seconded, and fell accordingly.

The proposal to approve the application was voted upon.

RESOLVED:

To APPROVE the application, subject to the conditions set out in section 3.0 of the report presented to the Committee on 8 February 2017, and the additional conditions detailed in the Officer Update Note.

58.3 Application: 2016/1482/COU

Location: 3 Low Street, Sherburn In Elmet

Proposal: Proposed change of use to fish and chip shop (A5)

The Senior Planning Officer introduced the application and referred the Committee to the additional information provided in the Update Note. The Update Note outlined five further letters of objections that had been received. The Senior Planning Officer advised that the additional letters had not raised any issues that had not already been addressed in the report. In addition, the Senior Planning Officer reported that Councillor Buckle had sent an email regarding the North Yorkshire County Council, Healthier Choices Campaign, which related to tackling obesity in the Selby area, and the North Yorkshire Joint Strategic Needs Assessment Annual Update 2016. The Committee was advised that these campaigns / documents held no weight in the determination of the application and the proposal should be assessed against local and national planning policies as set out in the report.

The Senior Planning Officer explained that the application had been brought before the Planning Committee due to there being more than 10 representations being received contrary to the Officer's recommendation, and at the request from Councillor Buckle, for the reasons outlined in the report.

The Senior Planning Officer reported that the site was located within a commercial zone of Sherburn In Elmet and there was a variety of uses within the surrounding area including A1 (shops), A2 (financial and professional services), A4 (drinking establishments), A5 (hot food takeaway) and C3 (residential). Members were advised that with regard to the Development Plan, all other relevant local and national policy, consultation responses and all other material planning considerations, the proposed change of use would not have a detrimental impact on the character and form of the area, residential amenity or highway safety. The Committee was recommended to approve the application.

Councillor D Buckle, a local resident and District Councillor spoke in objection to the application.

Councillor M Hobson, Ward Member, spoke in objection to the application.

Some members raised concerns in relation to noise/smell nuisance, inappropriate development, detrimental impact to existing businesses in the area, and adverse impact on the amenity of nearby residential neighbours.

Some members highlighted that there were no policy reasons to refuse the application and felt the application should be approved.

The recommendation to approve the application in-line with the Senior Planning Officer's recommendation was moved and seconded.

An amendment was proposed and seconded that the application be refused on the grounds the application was inappropriate development in the village centre, detrimental impact on existing businesses and adverse impact on the amenity of nearby residents. The proposal was not supported by the Committee and fell accordingly.

The proposal to approve the application was voted upon.

RESOLVED:

To APPROVE the planning application, subject to the conditions set out in section 2.12 of the report.

58.4 Application: 2016/1258/COU

Location: Land to Rear of the Lodge, 23 Selby Road, Riccall

Proposal: Demolition of outbuildings on site, change of use to allow the siting of 6 no. holiday use only units on land.

The Senior Planning Officer introduced the application and referred the Committee to the additional information provided in the Update Note. The Update Note reported that the applicant had submitted amended plans and descriptions; however neighbouring residents remained opposed to the application. The Committee was advised that no new issues had been raised, that had not already been addressed in the report. The Update Note reported

that if approved, Condition 17 would be updated to reflect the amended plans received. In addition, the Senior Planning Officer explained that it was considered reasonable and necessary to attach a condition to any permission granted to ensure there was no permanent occupation of the lodges.

The Senior Planning Officer explained that a neighbour dispute regarding the accuracy of the plans showing access to the site and land around nos.19, 21 and 23 Selby Road had now been clarified by the agent supplying a copy of the title deed plan and update to the red edge plan. The Committee was advised that any further dispute regarding the title deed plan/location would be a civil matter and was not a planning consideration.

Members were advised that the application had been brought before the Committee due to more than 10 objections having been received, contrary to the Officer's recommendation to approve the scheme.

The Senior Planning Officer reported that the proposal was considered to be in accordance with Policies SP1, SP2 and SP13 of the Core Strategy and RT12 of Selby District Local Plan and the National Planning Policy Framework. Members were informed that the proposal was considered to be acceptable in respect of matters of acknowledged importance such as design, impact on the character and form of the area, highway safety, drainage and flood risk, residential amenity and nature conservation. The Senior Planning Officer therefore recommended the application be approved.

Mr M Lane, the applicant's agent, spoke in support of the application.

The Senior Planning Officer's recommendation to approve the application was moved and seconded.

RESOLVED:

To APPROVE the planning application, subject to the conditions set out in section 3.0 of the report, an updated Condition 17 to reflect the amended plans received, and the additional condition detailed in the Officer Update Note.

58.5 Application: TPO 3/2016

Location: Land at East Acres Byram

Proposal: Tree Preservation Order (TPO)

The Principal Planning Officer introduced the application and referred the Committee to the additional information provided in the Update Note. The Update Note outlined comments that had been received from ECUS Arboricultural Consultants acting on behalf of one of the site landowners. Members were informed that advice from Landscape Advisors had been sought and it had been concluded that in the context of the adjacent site / site having consent for development under 2016/0831/FUL, the TPO should be confirmed in-line with the following amendments:

- Confirm protection of T1 as part of the TPO.

- Group W1 should be retained within the TPO as it has amenity value and being covered by the TPO would give the Council control over any pruning works arising from pressure from future occupiers of the adjacent development and ensure that the areas value within the local landscape context is retained.
- Group W2 does have value as a group, however in the context of the consent for the development of the site this group should be removed from the TPO and T8 and T9 and T11 on ECUS Drawing L7633/01 added to the TPO upon confirmation.

The Principal Planning Officer presented a report that sought the permission of the Planning Committee to 'confirm, with no modification', Tree Preservation Order (TPO) No. 3/2016, to which an objection had been received.

Members were informed that in accordance with the scheme of delegation, the TPO could not be confirmed under delegated powers, due to the objection received.

The Committee's attention was drawn to the officer update and amended recommendation to confirm the TPO with modifications. Members were advised that TPO 03/2016 would protect specific trees, groups of trees and woodlands in the interests of amenity; its use was deemed appropriate to protect the trees not consented for removal under application 2016/0831/FUL, as removal would have a significant detrimental impact on the local environment and its enjoyment by the public.

The Principal Planning Officer's recommendation to confirm the TPO in accordance with the recommendation as set out in the Officer Update Note was moved and seconded.

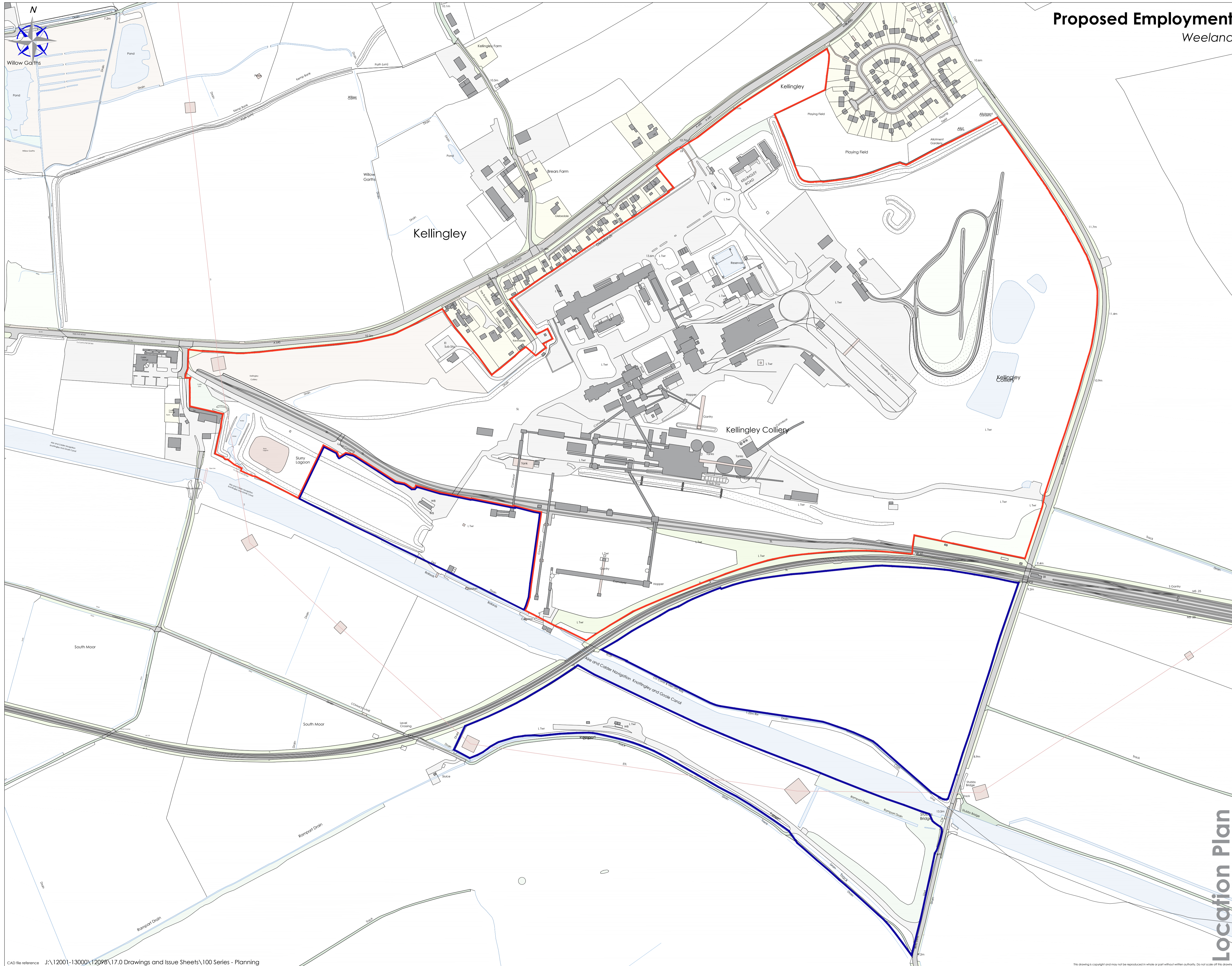
RESOLVED:

To CONFIRM the Tree Preservation Order No.3/2016 subject to the modifications set out in the Officer Update Note.

The meeting closed at 3.50 pm.

Proposed Employment Park Development

Weeland Road, Beal, North Yorkshire



Red - planning application boundary
 Blue - land owned by the applicant.

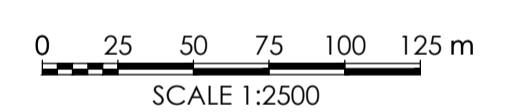
Red Line Site area
140.97 Acres / 57.05 hectares

RECEIVED

14.11.2016

BUSINESS SUPPORT

Note:
 Information is based on OS map and received information and is subject to full topographical and building survey.
 Assumed site boundary and site constraints subject to confirmation.
 All Legal easements and extent of existing underground services locations are subject to confirmation.



Rev	Date	Description	Rev By	Ch'd By
F	12.10.16	Updated with Planners comments	NBB	JMR
E	12.10.16	Title block amended	NBB	JMR
D	03.10.16	Red line amended	NBB	JMR
C	03.10.16	Red line amended	NBB	JMR
B	03.09.16	Project Title amended	NBB	JMR
A	30.08.16	Project Title amended	NBB	JMR

Project Title	Redevelopment of Kellingley Colliery Knottingley		
	Weeland Road Beal North Yorkshire		
Client	Harworth Group		
Status	OUTLINE PLANNING		
Scale	1:2500	Drawing Size	A1
Drawn By	NBB	Checked By	JMR
		Date	08/2016
Drawing Title	LOCATION PLAN		
Job-Dwg No	12098-100	Rev	F

Location Plan

THE HARRIS PARTNERSHIP WAKEFIELD
 2 St. Johns North, Wakefield, WF1 5GA
 T. 01924 291 800 F. 01924 290 072

THE HARRIS PARTNERSHIP MANCHESTER
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THE HARRIS PARTNERSHIP
 ARCHITECTS
 www.harrispartnership.com

To: Planning Committee
Date: 12th April 2017
Author: Tom Webster (Principal Planning Officer)
Lead Officer: Jonathan Carr (Interim Lead Officer – Planning)

APPLICATION NUMBER:	2016/1343/OUTM 8/52/1E/PA	PARISH:	Beale Parish Council
APPLICANT:	Harworth Estates Ltd	VALID DATE:	17 November 2016
		EXPIRY DATE:	30 April 2017
PROPOSAL:	Outline application including means of access (all other matters reserved) for the construction of an employment park up to 1.45 million sqft. (135,500sqm) gross floor space (GIA) comprising of B2, B8 and ancillary B1 uses, ancillary non-residential institution (D1) and retail uses (A1- A5) and related ancillary infrastructure)		
LOCATION:	Former Kellingley Colliery, Turvers Lane, Kellingley		

This application has been brought to Planning Committee because it represents a departure from the development plan. It is a departure because the site, although in employment use for over 50 years, is not an allocated site and the proposal is for large-scale development that will have an impact on the surrounding environment.

Summary:

The proposed development supports the strategic vision of the Council, as set out in the the Corporate Plan 2015 – 2020 and is in line with the general objectives of the Core Strategy and the NPPF. It delivers employment growth, strengthens the local economy and generates significant employment training opportunities (in the construction and operation phases) for local ex miners, unemployed residents of Selby and in the ‘five towns’ of Wakefield and other people in the locality who are looking for new jobs.

Kellingley Colliery is not an allocated site in the Core Strategy because, at the time of adoption of the Core Strategy, it was still in use as a coal mine (it was Britain’s last active deep coal mine). It is, however, a large and important piece of brownfield land with good transport links. This makes it well-placed for a redevelopment of this scale.

Appropriate redevelopment is vital to the regeneration of this ex colliery site and the economic growth ambitions for the wider area. As well as replacing the 630 jobs that were lost through the closure of the colliery in December 2015 it would, over a 10-year period, create up to 2,900 new jobs, improve the drainage system of the site, deliver a significant

amount of publically accessible open space, provide a cycle/footpath to the canal (bringing with it a better sense of social cohesion and connectivity), and deliver new local employment training/opportunities to residents of Selby and nearby towns in the Wakefield area.

Therefore, the principle of developing this site for 135,500sqm gross floor space (GIA) of mixed-use employment space is acceptable as it will transform an underused and derelict site into an important and valuable employment site which supports the Council's growth agenda; and the delivery of this scheme (subject to conditions and the appropriate S106 Agreement being signed) would be consistent with the broad aims of the NPPF and its presumption in favour of sustainable development.

Recommendation

This planning application is recommended to be APPROVED subject to:-

- (i) No objections from Highways England, and any other statutory consultee after the advertisement/re-consultation,**
- (ii) Following Referral of the application to the Secretary of State, his confirmation that it is not to be called in for his consideration**
- (iii) The completion of a satisfactory S106 Agreement and conditions:**

The heads of terms, which form the basis of the S106 Agreement, are set out below:

- A contribution of £100k towards improving the public transport links to the site will be paid to the Council prior to occupation of the first 100,000 sq ft (9290 sqm (GIA)) of employment floorspace. The detail of how this additional money will be spent will be agreed through a Travel Plan Steering Group.
- Preparation and implementation of a Travel Plan for the Proposed Development which shall include measures to promote sustainable travel to and from the Proposed Development and individual occupiers;
- Preparation and implementation of a HGV routing strategy, the details of which would be agreed as part of the Travel Plan and will include a monitoring contribution of £50k (£10k per year for a five year period);
- Appointment of a Travel Plan Co-ordinator to implement the measures necessary to deliver the objectives set out in the Travel Plan;
- A contribution of £155k to be paid, prior to the commencement of development, to Council for the improvement of the canal towpath as part of the Aire and Calder Navigation Corridor Enhancement Project to improve access by cycle and foot and to promote sustainable transport to the site. If the final amount is less than £155k, then the difference shall be returned to the applicants.
- A contribution of £30k, to be paid prior to the commencement of development, towards public art that will be used to create an entrance feature.

- All of the contributions are to be index linked to the date of decision.

1.1 The Site

- 1.1.1 The site is located 1.5km to the east of Knottingley and 1.1km to the south of Beal. Although located within the boundary of Selby District Council, and is in close proximity of the administrative boundary with Wakefield District Council (**see context plan in Appendix A**).
- 1.1.2 The northern boundary of the site is framed by the A645 (Weeland Road), and a collection of residential properties, known as Glebelands.
- 1.1.3 The eastern part of the site is framed by Sudforth Lane, which has agricultural land just beyond. All of the surrounding fields are in the West Yorkshire Green Belt.
- 1.1.4 Southmoor Lane forms the western boundary of the site with Calder Grange Farm being immediately adjacent to this point.
- 1.1.5 The southern boundary line comprises railway track and sidings which connect up to the site up to the Knottingley to Goole line at both ends and the Aire and Calder Navigation, which forms part of the canal system of the River Aire and River Calder.
- 1.1.6 In addition to the varied boundary characteristics, the site is located near important pieces of infrastructure and two villages:
- A depot, a sewage pumping station and Brears and Kellingley Farms are all located to the north, as is the River Aire (600m away).
 - Knottingley Town and Ferrybridge Village are located to the west.
 - Southmoor Energy Farm is located along the south eastern boundary, and there is an extant planning permission (NY/2013/0128/ENV) for an energy (from waste) centre under the southern boundary of the site, next to the Knottingley and Goole Canal.
 - Solar photovoltaic farm, which has permission (2015/0415/FUL) on land to the south of Kellingley Colliery (west of Sudforth Lane) and has been built out.
- 1.1.7 The majority of the site is located within Flood Zone 1. Two small parts of the site (north east and along the western boundary are in Flood Zone 2, but these areas are not being proposed for development.
- 1.1.8 The north west part of the site will be retained as woodland and will be maintained and managed under a management plan secured through the Section 106 Agreement for the Southmoor Energy Centre. The applicants acknowledge in their Design and Access Statement (paragraph 17.1, sub-section 3) that there is the potential to reinforce parts of the woodland through new planting. The woodland will not be publically accessible.

- 1.1.9 The Site, which has an irregular shape, covers an area of 57ha and, for many years, was home to Kellingley Colliery, the last deep coal mine in Britain. It closed on the 18th December 2015. When in use as coal mine, it operated throughout the week without hours of operation conditions
- 1.1.10 The former main colliery processing plant is located within the centre and south of the site, with a wooded area located along part of the northern boundary. A conveyor crosses the entire site in an east-west trajectory. A car park and associated buildings are located in the northern part of the site; these are accessed by Kellingley Road which enters the site from the north, and heads south.
- 1.1.11 There are a number of buildings used as substations on the northern part of the site, that facilitate methane gas extraction. They are still in use and will continue to extract gas for approximately 9-10 years. The associated car parking would be removed.
- 1.1.12 Two mine shaft buildings are also located within the centre of the site. They have now been filled in and capped.
- 1.1.13 The Miner's Rescue Centre, a disused building, is located in the north - eastern part of the site. There are also three lagoons, and three capped lagoons, located within the site (to the east) which are surrounded by grasslands and small areas of shrubbery.
- 1.1.14 The site has four access points for cars and HGV Vehicles. Three are located along the A645 (known as Weeland Road) and the other leads out onto Sudforth Lane, which runs along the eastern boundary of the site. Two of the access points on the north-west and western edge of the site will be closed to the colliery site and used for Southmoor Energy Centre.
- 1.1.15 The site is in close proximity to big strategic roads. It is 6km from Junction 33 of the M62/A1(M) to the west, and is 5.5km from Junction 34 on the M62 to the east.
- 1.1.16 The site also has existing railway track and sidings located on the eastern part of the site which connect the site with the Knottingley and Goole train lines, and their stations at either end. These facilities will be retained and have the potential to be extended if there is demand to do so.
- 1.1.17 There has also (until fairly recently) been a fairly regular bus service that links the colliery site up with Knottingley, Pontefract, and Selby. The timetables can be found in **Appendix B**. However, ARRIVA, the company who run the bus services along this route have, at the time of writing this report, announced that there are planned cuts along this route. The details of these are as follows:

476 – Selby to Pontefract (Monday to Friday)

- The early morning (06.25am,) Selby to Pontefract will stop running from 10th April.
- The current last bus from Pontefract to Selby (18.05 pm) will also cease from 10th April.

1.1.18 The site has a range of levels. According to the topological features plan, identified in figures 2, of the LVIA, north of the train track and sidings, the site is 10-15m AOD, to the south it is 10m AOD, and to the north-west it is 10m AOD. The north part of the site is currently 13.5m AOD which reduces to 13m at the main entrance. Future site levels are not yet known but are unlikely to be significantly different and the new levels will be controlled by condition, as will be the ridge heights of the buildings in accordance with the parameter plan

1.2. The Proposal

1.2.1 This planning application seeks outline planning approval for the construction of an employment park up to 135,500sqm (GIA) comprising of B2, B8 and B1 uses, non-residential institution (D1) and retail uses (A1- A5) and related ancillary infrastructure).

1.2.2 The table below sets out the maximum provision of each of the proposed uses:

LAND USE	USE CLASS	AMOUNT
Business	B1	Plots 1a and 2
Business/Light Industry	B1(a)	Ancillary to the B2/B8 uses
General Industry	B2	Up to 80,345sqm
Storage and Distribution	B8	Up to 51,042sqm
Retail	A1	Up to 350sqm
Finance & Professional Services	A2	Up to 50sqm
Restaurants and Cafes	A3	Up to 50sqm
Drinking Establishment	A4	Up to 50sqm
Hot Food Take-away	A5	Up to 50sqm
Crèche	D1	50sqm

1.2.3 The distribution of the uses, the scale and height of the buildings are shown in the following plans:

1.2.4 The *Land Use Parameter Plan* shows that the majority of the employment space will comprise B2/B8 use. The specific breakdown in terms of use is set out in the 'Land-use' section of this report (see paras 2.8.1), and the Transport Assessment is based on these uses.

1.2.5 The Land-Use plan shows the potential for a mixed-use hub located to the east of the main entrance road. This will comprise A1-A5 uses, a D1 use and some B1/B2/B8 space. These facilities will serve the existing community and the future employees of the site.

1.2.6 It should be noted that, whilst the land-use parameter plan shows B2/B8 uses on the northern part of the site (directly opposite the residential properties) the uses here will, in fact, be B1 use and this will be secured by **condition 2**.

1.2.7 The *Plot Boundaries Parameter Plan* shows the potential location for up to 18 different plots reserved for development, although this figure may change as a

result of occupier requirements. The plan shows that there will be no development on the parts of the land that are inside Flood Zone 2 (the north-west and north-east boundaries) or the Green Belt (also the north-west). The plots will all be accessed via the existing and proposed internal spine roads.

1.2.8 The *Building Heights Parameter Plan* caps the heights of the buildings at

- 50.55m AOD on the south east part of the site
- 34.50m AOD to the north east part of the site
- 33.55m AOD in the central part of the site
- 29.0 m AOD for the two buildings closest to the residents on Weeland Road and the adjoining cul-de-sac
- 27.50AOD to the east of the main entrance
- 29.55m AOD on the southern-most part of the site, facing onto the canal.

1.2.9 All three parameter plans show the strategic landscaping strips, and the distances of the built development from the site boundary line. As part of the landscaping proposals, publicly accessible open space will be provided to the north of Plot 9, and will feature a SuDs pond.

1.2.10 The key separation distances are:

- Plots 1a and 2 to be set back 15m from boundary line shared with the residents of Weeland Road.
- The buffer strip along the south and eastern parts of the site will, with the exception of two corners of Plots 9 and 10, have a minimum width of 30m.
- Plots 01A and 01B will be set back from the boundary by 30m
- Part of Plot 18, which faces the Canal, has a separation distance of 5m, in order to facilitate a pedestrian/cycle path.

1.2.11 The application is accompanied by the following documents.

- Planning Statement
- Design and Access Statement
- Transport Statement
- Employment Benefits Statement
- Heritage Statement
- Utilities Assessment
- Bat Survey Report
- Air Quality Assessment
- Noise Assessment
- Statement of Community Involvement
- Flood Risk Assessment
- Landscape and Visual Impact Assessment
- Market Demand and Needs Assessment
- Habitat Assessment Phase 1
- Rail Freight Facilities
- Breeding Bird Surveys 2016
- Site Plan
- Context Plan
- Land-use Parameter Plan
- Phasing Parameter Plan
- Building Heights Parameter Plan

- Constraints Plan

1.2.12 Since the original application was registered a number of amendments and additional information have been submitted, these include:

- Land-use Parameter Plan Rev S
- Phasing Parameter Plan Rev F
- Building Heights Parameter Plan Rev N
- Plot Boundaries Rev B

1.3 Planning History

1.3.1 There is a complicated site history to Kellingley Colliery. Over the years, a number of additional buildings/machinery has been erected, in addition to those permitted by the original permission in the 1950's which allowed for exploratory boreholes to be sunk, and the subsequent permissions in the 1960's for the installation of two shafts.

1.3.2 The majority of this additional development was delivered through permitted development rights.

1.3.3 Since Kellingley Colliery closed down in December 2015, work has commenced on clearing the site of its machinery and most of the existing structures. Provided that all this work is completed within 24 months from the day of the closure, then this work can be carried out as Permitted Development under Schedule 2, Part 17, and Class A of the General Permitted Development Order (GPDO) 2015.

1.3.4 An application for the Southmoor Energy Centre (SEC) (LPA Ref: NY/2013/0128/ENV) was approved in February 2015. It comprises an 'energy from waste' facility that is capable of producing 26MW of electricity and heat, and could potentially serve the future businesses of this proposed mixed-use, employment led development.

1.3.6 1.3.5 Two conditions (37 and 38) were attached to the SEC permission that require an acoustic bund (10.5m in height) and a screening fence (2m in height) to be built on the Kellingley Colliery Site to the north of the Energy Centre in order to mitigate the impacts on noise and protects the resident of Turver's Lane. As part of the s106 agreement for the SEC scheme, enhancements to the woodland located on the north-west part of the Kellingley Colliery site were secured. The enhancements, to be made through a 'Woodland Management Scheme' include the selective removal of weaker specimens and additional planting. The SEC cannot be occupied until the Woodland Management Scheme has been agreed by the County Council. The energy centre development will also include a wharf lease area along the canal.

1.3.7 It should also be noted that, at the time of writing this report, an application under Section 73 of the Planning Act 1990 has been submitted to North Yorkshire County Council to make minor changes to the application boundary and access to

Southmoor Energy Centre scheme to ensure the two developments are co-ordinated in an optimal manner. The applicants are Harworth Estates Ltd and The Peel Group.

- 1.3.8 In addition to the Southmoor Energy Centre, planning permission (2015/0415/FUL) was granted on the 8th July 2015 for the Construction and operation of a solar photovoltaic farm including site access, ancillary infrastructure, access tracks, fencing, inverter and transformer stations, substations, cabling, CCTV, fencing and landscaping on land to the south of Kellingley Colliery, west of Sudforth Lane, north-west of Stubbs Bridge. This consent has been implemented.

1.4 Pre-Application Consultation

- 1.4.1 Prior to the submission of the application the applicants (Harworth Estates) held the following two public consultation events:

- Eggborough and Whitley Village Hall: Monday 26th September, 2016 between 3.30pm to 7.30pm
- Knottingley Town Hall: Wednesday 28th September, 2016 between 3.30pm to 7.30pm

- 1.4.2 They also engaged with local businesses, North Yorkshire/Leeds Local Enterprise partnerships, local residents, Parish Councillors, Ward Councillors, North Yorkshire County Council, Wakefield Metropolitan Council and had a series of pre-application meetings with Selby District Council between January 2016 and October 2016. The applicants had 19 responses to a questionnaire they had sent out, and the majority of the responses (53%) supported the principle of an employment park. As part of the consultation process people raised the following issues:

- They enquired about the availability of local jobs being provided
- Had concerns about pollution arising from the development
- Had concerns about noise levels during construction and through increased vehicular use
- Lack of connectivity between Weeland Road and the canal
- Would this development prevent Southmoor Energy Centre coming forward
- Would existing landscape be lost and how would the development fit into the area.
- Air Quality
- Flooding and Drainage

- 1.4.3 The final part of the applicants pre-application consultation was in the form of a Members Briefing Presentation on the 15th November 2016. Members were invited to ask questions and they made it known that they would like the applicant to consider putting the following land-uses and facilities on the site (a copy of the minutes can be found in Appendix C:

- Housing
- A crèche/nursery

- Publicly accessible open space

They also wanted to see:

- Improved Biodiversity
- Improved Cycle/Pedestrian and public transport arrangements
- Recruitment/employment training opportunities for local residents

Further issues were raised as follows

- How would the methane be managed?
- Details of consultation with Wakefield Council and North Yorkshire County Council
- Details of S106/CIL contributions
- Traffic Highways Impacts

1.4.4 Subject to addressing the points that they had raised, Members welcomed the principle of re-developing this former colliery site. The applicants submitted the application two days (17th November 2016) after this Members Briefing.

Consultations

1.4.5 The application has been publicised as a major development and a departure from the development plan. In addition to the press notice, and letters sent out to neighbouring residents, we have consulted Beale, Eggborough and Kellington Parish Councils and erected site notices.

1.4.6 Details of the consultation responses to the Council's notification letters, site notices and press release are set out in paragraphs 1.4.6 to 1.4.32. No responses from neighbouring properties have been received

Consultee Responses

1.4.7 Beale Parish Council

The Parish Council makes the following points:

- Queries whether a condition of the original Kellingley Colliery permission that required the use of the land to revert back to agricultural use, should the colliery close is still in force.
- Objects to Sudforth Lane being used as an access for commercial vehicles on the grounds of safety. Raises concerns about it already being a bad access point and are worried that commercial vehicles turning right, towards Eggborough, will exacerbate this problem further. The Parish suggests, as an alternative, a roundabout could be put at the end of Common Lane and a direct route be put onto Sudforth Lane Asks if a condition, that limits the size and weight of the HGV trucks using this road, would address these concerns
- Requests that street lighting is provided along Sudforth Lane to cover the entrance if commercial vehicles will use this for access.

1.4.8 Eggborough Parish Council

Eggborough Parish Council objects to the above planning application on the following grounds

There will be an unacceptable increase in the amount of traffic that will travel along the A645 through Eggborough, already a busy and dangerous road. This traffic will also be 24 hours a day with many vehicles using the route in the early hours and late at night leading to a drastic effect on the quality of life and health and safety of local residents.

There would be no objection if an additional access was built on Sudforth Lane linking the site to the M62 and A1.

1.4.9 Kellington Parish Council

No comments received at the time of writing this report. If comments are subsequently received an update will be provided at Committee.

1.4.10 Coal Authority

Objects to the indicative layouts shown, on the grounds that the employment element conflicts with the locations of the mine shafts. The Phase 1 Preliminary Risk Assessment Report (November 2016, prepared by WSP Parsons Brinkerhoff) generally focuses on contamination. However, the existing mine entries on the site will need to be examined in relation to any layout, as building over or within the influencing distance of a mine entry (shaft or adit) can be dangerous, and has the potential for significant risks to both the development and the occupiers if not undertaken appropriately. Consequently, The Coal Authority would therefore expect any subsequent reserved matters submission relating to the site layout to avoid the siting of buildings within influencing distance of the recorded mine entries on the site.

1.4.11 Environment Agency

Raises no objections but recommends a series of conditions be attached to ensure that a site investigation, based on preliminary work is carried out and that no work is carried out until a verification report has been submitted. Also suggests a condition that states that, if contamination, not previously identified is found, then no development shall take place until the appropriate remediation measures have been put in place. Two conditions securing these requests have been attached to this recommendation.

1.4.12 Natural England

Raises no objections to the proposal but advises that the local planning authority should consider biodiversity enhancements as part of this scheme.

1.4.13 North Yorkshire Highways

In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters:

The A645 county road has been built to a high standard with speed restrictions through the urban areas of Kellingley and Eggborough. The existing road has traffic flows of approximately 6000 vehicles a day and generally is not congested. The applicant is to improve the access into the site which will aid access into the site. It is noted that a second access has been shown on Sudforth Lane and this is to be an emergency access only.

The applicant has demonstrated that the access has spare capacity and also undertaken assessments on a number of junctions near to the development all of which have spare capacity. Link capacity has also been shown to be sufficient. The applicant has examined the accidents which have been recorded near to the site. None have highlighted any concerns when considering the development of this site.

The development will have impact on the road network. According to the data supplied in the Transport Assessment, the proposal is likely to generate, at peak times, 600 vehicles over and above the current usage of the road. However, the Highway Authority considers this not to be severe and should not adversely impact on the operation of the local network.

To improve the sustainability of the site the developer is keen to upgrade the tow path in order to introduce a cycleway along the Airedale Canal which will improve the link to Knottingley and provide a leisure facility for people in the area. The Canal and River trust will need to be consulted and their permission will be required to undertake any work on the towpath

The Highway Authority also requests a contribution towards the enhancement of the Aire & Calder Navigation corridor, or alternative corridor through the employment park if the wharf adjacent to the Southmoor Energy Centre prevents local use of the towpath, to incorporate feasibility study and subsequent delivery of landscape, footpath/cycleway and green infrastructure improvements.

We have yet to receive their final comments on the proposed Travel Plan.

1.4.14 North Yorkshire County Ecologist

Makes the following comments:-

- The bird survey accompanying the application notes that the site supports Peregrine Falcon and that there is potential for some of the buildings to support barn owls. This survey report should be considered in detail, with regards to any demolition/ pre-development work that takes place on site, due to the legal protection afforded to these species.
- With regard to bats, the survey undertaken in 2016 found that only 2 buildings had potential to support roosting bats and these were surveyed in 2016 and it was confirmed that no bats were present.
- General protection should be in place for trees and hedgerows to be retained as noted in the Extended Phase 1 habitat report.
- Other than the above the County ecologist has no further concerns in relation to the demolition/pre development phase.
- Would like to see a contribution towards habitat creation and enhancement in the area surrounding the development

1.4.15 WPA Environmental (Contaminated Land Consultee)

Having reviewed the currently available information on the above site, WPA recommend that Selby District Council's standard contaminated land planning conditions CL1 – CL5 should be applied, to assess the potential risks from the previous use of the site as a colliery.

At the least, a Phase 1 Desktop Study/Preliminary Risk Assessment should be carried out and submitted for review, followed by any necessary further works.

1.4.16 North Yorkshire Fire & Rescue Service

No objections –points the applicants in the direction of the national guidance document.

1.4.17 Local Lead Flood Authority (NYCC) (Sustainable Drainage Systems)

Further information has been supplied to the SuDs officer that show the exceedance flow routes and details of on-going management systems and, as such, he has no objection in principle to the development, subject to a condition requiring a drainage maintenance and management plan.(See suggested condition 23)

1.4.18 Danvm Drainage Commissioners Of IDBs

No obstructions within 9m of the edge of the watercourse without the consent of the IDB. Surface water run-off to be restricted to 1.4litres per second per hectare.

1.4.19 Canal & River Trust

Makes the following points:-

- Objects to the height of Unit 18 (shown on both Masterplans). At 29.55m tall, states it would have an overbearing impact on the Aire & Calder Navigation because of its close proximity.
- To avoid overbearing impact, it should have a significant setback, which could allow for landscaping to soften the area.
- A café or a business use could provide an active frontage.

Biodiversity

- Supports the ecological statement.
- A linear strip of grassland along the water corridor should be maintained to support barn owls.
- Encourage the use of native trees and shrubs.

Air Quality

- This assessment does not appear to assess any impacts on boaters and any other users of the navigation.

Heritage Impacts

- Suggests a condition is imposed to ensure trial trenching, and more information on the historical relationship between the colliery and canal.

Pedestrian/Cycle Links

- The former colliery wharf effectively blocked the canal towpath. The trust would like this to be unblocked as it would allow for an uninterrupted towpath or footpath from Ferrybridge Lock to Goole, enabling more sustainable modes of travel.

1.4.20 Lead Officer -Environmental Health (EH)

Rail

- The conclusions in the *Rail Freight Facilities document* are welcomed, as it can be used to reduce the impact of HGVs on the road network.

Lighting & Noise

- Lighting has not been considered by the applicants at this stage, and it is requested that it is considered in detail as part of the reserved matters application(s). It is also advisable that a condition is attached to the decision notice of this outline application that ensures an adequate lighting strategy is agreed in writing with the LPA.
- Unit 2, on both masterplan options, is located sideways to the adjoining residential properties. This means that car parking/loading/unloading will not be obscured from these properties by a building –this means there could be lighting and noise implications on the neighbouring residents. Residents on Turvers Lane may be similarly impacted upon.
- EH does not support the proposed 24hr, 7 day a week use of the existing access from Weeland Road. Although it is an existing entrance to the site, it was mainly used by cars, as the HGVs were confined to the Caddick entrance and Sudforth Lane. HGVs were confined to these entrances because whenever they have used the Welland Road entrance, they have generated lots of complaints from residents.

Noise

- The *Wardell Armstrong Noise Assessment Report* suggests that construction hours will take place between 07:00 -18:00 Monday to Friday, and 8:00 -13:00 on Saturdays and not on Sundays or Bank and Public Holidays. This is acceptable and should be included in the CEMP and secured by condition.
- The noise levels should not rise above the existing receptors –again to be secured by condition.
- Piling, details to be included in the CEMP, which should be a precise document .
- The *Wardell Armstrong Noise Assessment Report* suggests that the operational hours will include the weekend but does not make clear what these hours will be. Therefore, a detailed noise assessment is required to establish what the impact will be on existing residential properties in the area. A condition is required to secure this information.
- At the reserved matters stage, a noise assessment should factor in all the possible noise levels in action at the same time (different uses, visitor and worker traffic etc)
- The location of office development has not been determined but acknowledges that mitigation measures might be required to achieve internal noise levels inside the office buildings. Accordingly, EH recommends a condition.

Development related road traffic

- EH is concerned that the preferred site entrance for all vehicles and the route to the M62 may cause more disturbance to residential receptors than is necessary. It is recommended that an alternative entrance is explored for the HGVs.
- EH have also questioned if the identified route for HGVs to the M62 at Whitley Bridge is the most appropriate, when the alternative of using the Sudforth Lane entrance to run vehicles south to Cobcroft Lane, and then east to the A19.

Air Quality

- EH has concerns relating to emissions during the construction and operational phases brought about through vehicles and the buildings themselves.
- The *Air Quality Assessment* by Fichter has not given any consideration to the use of the current rail link on site, and the possibility of moving away from road transport to rail to reduce the impact of any increase of HGVs using the site. In order to comply with Section 6.20 I: Mitigation Measures in the EPUK/IAQM Land Use Planning & Development Control Planning for Air Quality, consideration should be given to the application of good design and good practice measures, even where their effect is to be judged insignificant.
- Background monitoring of air quality in the area needs to be carried out to verify the background maps data, as this vital piece of work has not been undertaken.
- The air quality assessment carried out by Fichtner does not consider emissions from the various units for heating or as part of an industrial process within the buildings. This is probably as the use of the various buildings is not known at this time but will need to be considered in detail
- It is important that emissions from all units are considered simultaneously to determine the overall impact on air quality. However, it is appreciated that not all units will be ready for occupation and occupied at the same time. This will then prove difficult for the applicant to provide information allowing the condition to be discharged. It may be possible to attach the condition to the completion of each unit and allow for an overall picture to be developed as the units are completed and occupied.

1.4.21 Yorkshire Water

Raises no objections but have recommended a series of conditions and informatives

1.4.22 Network Rail

Raises no objections but recommends a series of conditions and informatives. Also requests a financial contribution towards capacity improvement works at Knottingley and Whitley Bridge Stations.

1.4.23 Wakefield Council

Whilst not objecting to the scheme in principle, makes a number of comments. Of particular note, expresses concern over the air quality modelling work that has been undertaken and the mitigation measures being proposed. In short, the Council requests that further modelling work is undertaken it feels that the potential impact on the air quality enjoyed by Knottingley residents has not been fully considered

and that adequate mitigation measures are not being put in place. Also requested a contribution of £559,265 towards mitigation measures to deal with the increased emissions and pollutant concentrations of a development proposal on local air quality.

Following a response from the applicants, Wakefield Council's scientific officer provided a second response:

The proposal remains unacceptable as it stands unless further mitigation of the impact on residents within the Knottingley AQMA is proposed to the scale of the damage cost. Alternatively, the damage cost value should be provided to Wakefield as compensation to enable fulfilment of the Air Quality Action Plan measures, West Yorkshire Low Emissions Strategy objectives and the Local Transport Strategy as referenced in the most recent Annual Status Report.

The five towns of Wakefield experience high levels of unemployment and, to improve employment levels, Wakefield Council have been looking at ways of improving this situation. In doing so, they have been looking at ways of supporting public transport to these towns. They have drawn officers attention to the transport support measures that they have put in place for the recent Minster Law, Calder Park development in Wakefield. These details are set out below:

- Solutions were made by liaising with local bus company Arriva who conducted a travel analysis of the Business (and the wider business park where Minster Law are located) raised the requirement of a route to be provided from the Train Station to the business Park. A trial service is to be launched April 2017 which times with the direct train from York-Wakefield, and again for a service in the evening.
- Wakefield Council is in the process of finding funding for a Car Share Scheme which will be available to all businesses on Calder Park Business Park, for employees to register their route & hope to remove some of the car traffic/parking issues.

1.4.24 North Yorkshire County Council Heritage Officer

Although the area was exploited in the Prehistoric and Romano-British periods, due to the colliery use of the site since the 1960s it is unlikely that there are any archaeological constraints. A more detailed heritage statement is required that should include internal and external photography of the existing colliery buildings and a written statement to at least 'Level 2', as set out in 'Historic England 2016: Understanding Historic Buildings: A guide to good recording practice.'

1.4.25 Yorkshire Wildlife Trust

Makes the following points:

- Kellingley Colliery is less than 350 metres from the Yorkshire Wildlife Trust's reserve at Willow Garth.

- The Wildlife Trust welcomes the recommendations for the proposed retention of breeding peregrine falcons on the application site through the provision of a new nest site and provision of habitat for prey species on the roofs of new buildings. The Breeding Bird Surveys document advises that the design and site of the proposed new nesting site be agreed with the Wildlife Trust and the regional peregrine falcon/protected species officer. The Wildlife Trust would happily aid this and suggest that the plans are secured by an appropriately worded condition prior to approval.
- The Wildlife Trust suggests that the recommendations for a scheme for barn owl mitigation be conditioned, with installation of nest boxes and habitat enhancement. This scheme should consider:
 - The preferred habitat of the breeding birds on the application site, especially those species of conservation concern
 - The connectivity of wildlife on the site with the implementation of corridors to cater for birds and other fauna
 - The provision of bird nesting boxes
- It is recommended that construction be carried out outside of the bird breeding season, unless a nesting bird survey has been carried out by a qualified ecologist prior to works; or bird access is prevented through the sealing of buildings. This should be secured by an appropriately worded condition.
- The Wildlife Trust agrees that BS 5837:2012 should be adhered to with regards to the protection of retained trees and hedgerows on site during development and that this should be conditioned.
- The Trust welcomes the plans for the incorporation of bat boxes on approximately half of the proposed units and suggest that this habitat enhancement for bats be conditioned. Further enhancements of buildings such as green roofs or walls might also be possible in the final plans and would be valuable for biodiversity.

1.4.26 Historic England

Has raised no objections to the proposal.

1.4.27 National Grid

National Grid (NG) have no objections to the proposal, which is in close proximity to a high voltage Transmission Overhead Line. NG do advise, however, that the applicants/contractors should contact National Grid (NG) before any work is carried out.

1.4.28 Designing Out Crime Officer

No objections –consideration should be given to designing out crime, including layout, boundary treatment, CCTV, Parking and Lighting etc.

1.4.29 Atkins on behalf of the Telecommunications Association of the UK Water Industry

No Objections

1.4.30 Planning Policy

Paragraph 11 of the NPPF restates planning law that requires planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF re-emphasises that an up-to-date Development Plan is the starting point for decision-making, adding

that development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The policies in the SDLP and Adopted CS are consistent with the NPPF.

It is noted also that under para 14 of the NPPF that the presumption in favour of sustainable development should be seen as a golden thread running through decision-taking. Paragraph 20 states that; “To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century”.

This proposal is for a strategic employment site outside of the development limits and in the countryside, therefore Core Strategy Policy SP2 (Spatial Development Strategy) part (c) applies and 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”.

The proposed scheme is a redevelopment of a former major employment site for employment uses. The proposed uses will help generate jobs for the local economy and maintain the vitality of the existing rural communities; the proposal is therefore in conformity with policy SP2 but has been advertised as a departure because of the scale involved.

Policy SP13 (Scale and Distribution of Economic Growth) sets out the council’s position on supporting economic development. Part B(1) explains that in the development management of sites, support will be given to developing and revitalising the local economy, by; “supporting the more efficient use of existing employment sites and premises within defined Development Limits through modernisation of existing premises, expansion, redevelopment, re-use, and intensification”. The proposal on this site, although not within any existing defined development limits, does constitute a modernisation, re use and redevelopment of a significant economic asset, and is supported in this regard.

Part C (Rural Economy) of policy SP13 states 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, including for example

1. The re-use of existing buildings and infrastructure and the development of well-designed new buildings.
2. The redevelopment of existing and former employment sites and commercial premises.”

As mentioned above, the proposed development does entail the re-use of existing infrastructure and the redevelopment of a former employment site, and so is supported in this regard.

The proposal involves the development of several large new buildings in the countryside. The case officer and Committee Members will have to be satisfied,

taking into account parts (a) (b) and (c) of policy SP19 (Design Quality), that the new buildings are designed to a high quality and have regard to the local character identity and context of their surroundings.

1.4.31 Highways England (HE)

HE initially submitted a holding response on the grounds that it would like to see further information. The main concerns are:

- Assessment of the safety of the junction of the M62 which are impacted upon by the development.
- Provision of sustainable incentives and improvements to accessibility
- Provision of a separate Framework Travel Plan with updates incorporating the identified issues;
- Reconsideration/Justification of the distribution for generated traffic
- Consideration of the impact at junction 33 of the M62 and detailed assessment if potential impact is shown
- Reconsideration/further justification of the B2 people trip rates used within the assessment
- Update of the modelling of the M62 Junction 34 to ensure that appropriate parameters have been used and the models validate; and
- Further consideration of the westbound merge assessment to assess whether the Type A merge is appropriate or whether an upgrade is appropriate.

Second response from Highways England

- Further consultation has taken place between HE and the applicant and Members will be updated on the outcome of these discussions at committee.
- We have yet to receive their final comment on the proposed travel plan.

1.4.32 Landscape (ARUP, acting on behalf of the Local Planning Authority)

States the minimum distance of 10m landscape buffer from the boundary of the residential properties along Weeland Road still seems tight, despite the building heights being reduced. Plot 01A and 02 are shown with a maximum 32.5m AOD (22.5m although anticipated 15-19m) and they would feel more comfortable with the maximum parameter lowered to 27.5m AOD which ties in with plots 15, 16 and 17. The buildings are to the south of the residential properties and could block out light to the houses. The landscape officer would feel more comfortable with the building plots being set back a minimum of 20m from the residential boundary. Parameter plans showing the position of the buildings in the plots with minimum distances from the plot edges could be useful to ensure this.

The Landscape officer welcomes that the development area in the south west corner of the site has been pulled away from the canal to allow for the inclusion of an open area on the waterfront. It would be useful to know the minimum distance proposed here.

2. Report

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and 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.

2.2 Selby District Core Strategy Local Plan

The relevant Core Strategy Policies are as follows:

SP1:	Presumption in Favour of Sustainable Development
SP2:	Spatial Development Strategy
SP13	Scale and Distribution of Economic Growth
SP14	Town Centres and Local Services
SP15:	Sustainable Development and Climate Change
SP16:	Improving Resource Efficiency
SP18:	Protecting and Enhancing the Environment
SP19:	Design Quality

2.3 Selby District Local Plan

The relevant Selby District Local Plan Policies are:

ENV1:	Control of Development
ENV2:	Environmental Pollution and Contaminated Land
ENV3:	Light Pollution
S4	Retail Development in the Countryside
T1:	Development in Relation to Highway
T2:	Access to Roads
GB4	Character and Visual Amenity of the Green Belt
CS3	Children's Nurseries
CS4	Community Centre

2.4 National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (PPG)

On the 27th March 2012 the Government published the National Planning Policy Framework (NPPF). The NPPF replaced the suite of Planning Policy Statements (PPS's) and Planning Policy Guidance Notes (PPG's) and now, along with the Planning Policy Guidance (PPG), provides the national guidance on planning.

The NPPF is a pro-growth document that stresses the importance of improving the economy. This can be clearly seen in paragraph 8, which states that 'economic

growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Similarly, paragraph 9 explains how a positive approach to planning can lead to developments that make it easier for jobs to be created in cities, towns and villages.

To this end, the NPPF introduces, in paragraph 14, a presumption in favour of sustainable development. Paragraph 14 of the NPPF states "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking".

2.5 Other Policies/Guidance

2.5.1 Developer Contributions Supplementary Planning Document March 2007.

2.5.2 *Environmental Impact Assessment Regulations*: As the proposal exceeds the thresholds or criteria set out in the second column of Schedule 2 of the 2011 Town and Country Planning (Environmental Impact Assessment) Regulations, it needs to be screened by the local planning authority to determine whether significant effects are likely and hence whether an assessment is required.

2.5.3 It is on this basis that a formal Screening Opinion and supporting written statement has been undertaken. The conclusions of this work are that the proposed development, because of its size, location (it is not in an area of environmental sensitivity) and former use as a coal mine, would not, subject to the appropriate conditions and S106 Agreement, result in a development that is likely to have significant effects on the environment.

2.5.4 When the Screening Opinion was given, the heights of the buildings were smaller, however the total floorspace at the time of the opinion was substantially greater. The planning officer remains of the view that the conclusions of the Screening Opinion are correct and that the proposal does not need to be accompanied by an Environmental Statement.

2.6 Key Issues

2.6.1 The main issues to be taken into account when assessing this application are:

1. The Principal of Development
2. Land Use Mix
3. Layout, Design, Scale, Landscaping and Visual Impact
4. Transport Impacts
5. Land contamination/air quality/Dust/Vibration and Light Pollution
6. Residential Amenity
7. Flood risk, drainage and climate change
8. Ecology
9. Sustainable Development and Construction
10. Archaeology
11. Employment Training
12. Public Art
13. Heads of terms/S106 Obligations

- 14. Final Balance
- 15. Recommendation.

2.7 The Principle of Development

- 2.7.1 The NPPF sets out the principles of sustainable development and economic growth in paragraph 14.
- 2.7.2 Policy SP1 of the Selby District Core Strategy (2013) 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.
- 2.7.2 Policy SP1 is therefore consistent with the guidance in Paragraph 14 of the NPPF and should be afforded significant weight.
- 2.7.3 It is a strategic priority (SP13) within the Selby Core Strategy to improve job opportunities for local residents. Stimulating growth and creating job opportunities are also key objectives of the Government. This is reflected in the NPPF which places great emphasis on supporting economic growth in rural areas in order to create jobs. Redeveloping brownfield land is also a key priority of the NPPF.
- 2.7.4 Policy SP13 (Scale and Distribution of Economic Growth) sets out the council's position on supporting economic development. Part B(1) explains that in the development management of sites, support will be given to developing and revitalising the local economy, by; "supporting the more efficient use of existing employment sites and premises within defined Development Limits through ...redevelopment....and intensification". Although the site is not within any existing defined development limits, the proposals constitute a redevelopment and intensification of use of a significant economic asset and will replace lost jobs and bring significant benefits to Selby and nearby residents in the 'Five Towns' of Wakefield (Knottingley, Pontefract, Castleford, Normanton and Featherstone). As such, the proposal is considered to accord with the aims and intentions of this policy.
- 2.7.5 Part C (Rural Economy) of policy SP13 goes on to say;
"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, including for example
 1. *The re-use of existing buildings and infrastructure and the development of well-designed new buildings.*
 2. *The redevelopment of existing and former employment sites and commercial premises."*
- 2.7.6 At the time of adoption of the Core Strategy, Kellingley Colliery was in use as an employment site. Therefore, there was no specific proposal for the redevelopment of an employment site put in place.

2.7.7 As the proposed scheme is a redevelopment of a former major employment site for employment uses and will generate jobs for the local economy and maintain the vitality of the existing rural communities the proposal is, although a departure from the Core Strategy¹, is in line with policy SP13.

2.7.8 In addition to the Core Strategy, Selby District Council's economic vision, and commitment to delivering new jobs across the district, is also set out in the Corporate Plan 2015-2020. This document makes it clear that the Council wants to *“support new investment opportunities by working with developers, partners and business leaders, whether they are new to the area or already well-established in Selby, to encourage new investment in businesses that deliver new opportunities for our people and support a skilled workforce.”*

The Corporate plan goes on to spell out three of its key aims, which are:

- Secure new investment in the District
- Improve employment opportunities
- Work with education providers to support people in accessing training and education that will skill them for work.

2.7.9 Although the site is located outside of the development limits of Beale, Eggborough and Kellington and is surrounded by Green Belt, it has been in use as an employment site for over 5 decades. Therefore, the principle of employment use in this location has long been established.

2.7.10 At its peak, the Colliery site had a working population of 2500, which, over a number of years steadily declined to 630. Redeveloping this land for a myriad of employment uses will not only deliver jobs, it will also provide job opportunities in a variety of sectors.

2.7.11 In addition to establishing the principle of mixed employment uses, a section 106 employment and training package has been agreed between the applicants, the Council and Selby College. This is a significant benefit of the scheme, as this package, will ensure the redevelopments is linked up improvements are made to the local bus services to ensure that school/college leavers, miners who lost their jobs and locally unemployed people, looking for jobs, will have access to employment during the construction and occupation of the site. Details of the employment training package are set out in the heads of terms section of this report. It responds to the local concern raised as part of the application process and to the concern of the Members.

2.7.12 Officers are of the view that the benefits of the proposed development represents exceptional circumstances which justify the redevelopment of this brownfield site. The proposal will replace lost jobs and provide opportunities for unemployed people in Selby and nearby towns in Wakefield, such as Castleford, Knottingley and Pontefract, which all experience high levels of unemployment, to get new jobs. Therefore, the use of the site for mixed-employment uses is acceptable and accords with policies SP1 and SP13 of the Core Strategy and policies 7, 14, 17 and 20 of the NPPF.

¹ It is a departure from the Local Plan because the site is unallocated, and due to the scale of development in a rural location.

Land-use mix

B2/B8 and B1 Use Class

- 2.8.2 The council wishes to encourage a diverse and vibrant economic base in the district, supporting sectors and businesses that can adapt to changing circumstances in order to ensure long term economic sustainability across the Selby District.
- 2.8.3 The primary uses would be B2 (General Industrial) and B8 (Storage and Distribution), which would be accompanied by new office floorspace of varying sizes, supporting the B2/B8 uses.
- 2.8.4 The B2/B8 uses would range in size and scale, which means that there would be the opportunity for the provision of starter units for new and small businesses, as well as having the facilities in place to attract large-scale established companies.
- 2.8.5 The B2/B8 uses would be spread out across the eastern, southern and western parts of the site, as identified on the Land-Use Parameter Plan. These uses will not be located along the northern boundary for two reasons:
1. Having B2/B8 uses, which can be in 24hr use, in such close proximity to the neighbouring properties on Weeland Road, could result in poor quality amenities for those residents who could be affected by noise.
 2. Part of this area will be retained for A1-A5 Uses to benefit local residents and local businesses on the site (see para 2.8 below).
- 2.8.6 Instead, B1 units would occupy the employment space on this part of the site because, due to the hours and nature of their use, they are compatible with residential properties. Therefore, the inclusion of modern, fit-for-purpose, office floor space, alongside B2/B8 warehouse and storage space is welcomed.

A1-A5 Uses

- 2.8.7 The proposed development for this outline application also includes small-scale A1-A5 Uses. Policy SP14 of the Core Strategy supports the principle of new shops outside Established Town Centre on the grounds that new facilities are needed to serve the day-to-day needs of existing communities and the planned growth of communities.
- 2.8.8 The inclusion of these A1-A5 uses will not only help existing residents by increasing the range of facilities available to them, it will also help future employees of this development which, when fully occupied, will accommodate up to 2,900 full time jobs and those workers will require a good level of amenities, including a shop and eateries.

- 2.8.9 These uses would be of a scale to support the main employment buildings of the site rather than being destinations in their own right, although there will be external access to these facilities from the adjoining houses on Sudforth Road. The size of the shop is capped at 350sqm, and the other A uses are capped at 50sqm by **condition 10**. The retail unit has been capped because it needs to be of a sufficient size in order to provide a worthwhile amenity use, but equally, it cannot be of a size that impacts on the viability of the shops in the local area. The closest shop in the vicinity of the site inside the Selby District is a farm shop/nursery on Brears Farm, directly opposite the Kellingley Colliery site which serves a much wider market than the proposed retail unit. The other shops are located some distance away in Eggborough, Kellington, Knottingley and Common Lane, which is on the other side of the canal.
- 2.8.10 It is envisaged by the Local Planning Authority and the applicants that the A1- A5 uses will be located in a specific area to create a hub and gateway into the site; discussions with the applicants indicate that this hub could be strategically located close to the main entrance so as to link up with the open space and SuDs pond on the north-eastern part of the site. This concept is shown on the Land-Use Parameter Plan and will allow for there to be a sitting out space for employees. Therefore, it is expected that when a reserved matters application is submitted for plots 15 -17, A1-A5 uses will form part of that application.

D1/Community Facilities

- 2.8.11 The NPPF highlights the major importance of social infrastructure in supporting the Country's expected growth and meeting the needs of its growing and diverse population. Paragraph 17 of the NPPF recognises that community facilities enhance the sustainability and inclusiveness of communities by providing spaces where people and groups can meet and access a range of important local services. This includes day care and nurseries and crèches, and is a view shared the Council, as set out in saved policies CS3 and CS4 of the 2005 Local Plan. It should be noted, however, that policy CS3 only supports the change of use to a nursery if the application site is situated inside the development limits or within existing school or college sites. Therefore, a proposal for D1 use on the Kellingley Colliery is not supported by this policy.
- 2.8.12 Irrespective of planning policies, the requirement for pre-school facilities is normally sought in association with residential development proposals. However, the applicants have recognised that employees of this employment site, who may also be living in close proximity to the site, could benefit from having access to on-site childcare provision. This is also a point that Members raised at the Members presentation on the 15th November 2016. It is for these reasons that the applicants have agreed to include within the description of development 'D1 use for nursery and crèche provision.
- 2.8.13 Officers welcome this approach as it means that the application adequately responds to the potential requirement to provide additional childcare facilities on site should there be a need arising. It will also provide a benefit to the neighbouring residents. Whilst this element of the proposal does not accord with saved policies

CS3 and CS4, it is necessary and will benefit the local community and is in accordance with the NPPF.

2.8.14 Overall the mix of land-uses suggested are considered appropriate for the site and supports the policy aims and objectives of the NPPF /Core Strategy Local Plan. The broad range of resulting uses proposed is expected to significantly increase the variety and type of employment opportunities created for the site, as well as creating improved working conditions and physical and social infrastructure.

2.9 Layout, Landscaping and Visual Impact on the Green Belt

2.9.1 The relevant policies that relate to design and the impacts on the character of the area are Policy ENV1(1) and (4) of the Selby District Local Plan, and Policies SP18 “Protecting and Enhancing the Environment” and SP19 “Design Quality” of the Core Strategy.

Impact on the Green Belt

2.9.2 The character of the surrounding area, which forms part of the West Yorkshire Green Belt, is well-managed farmland with large, open, arable fields. This means large-scale development in this location will be seen over long and short distances: the LVIA has identified a number vantage points (the M62, A645, Sudforth Lane, Calder Grange, Sutton Lane, Leys Lane, the River Aire, Cobcroft Lane, Eggborough, Beale and Birkin, and Kellington Lane). Prior to demolition, there were long distance views of the colliery buildings and the slag heap. All these will be removed as a result of this application.

2.9.3 Therefore, all future development of this site will need to take into account the significance of its location; any new buildings will need to be of an appropriate scale and size, strategically located and use designs and materials to minimise the impact on the West Yorkshire Green Belt and Selby District. The number of vantage points also shows the importance of having robust landscape screening.

2.9.4 With careful, strategic landscape planning, a variety of building heights (which the parameter plans allow for) and sympathetic materials (secured through **condition 8**), the proposal would not result in material harm to the surrounding Green Belt. In fact, it would represent an improvement and have far less of an impact on the Green Belt than the previous use as a big colliery site. As part of the application process, Council officers have achieved this through detailed negotiations.

Layout

2.9.5 The layout, shown indicatively on the three parameter plans, has been informed by the infrastructure already in place on the site. The central spine road, that leads off the main access point to the site from Weeland Road, will continue to be the central road, and will connect to a series of spin roads, creating a grid formation. The existing mine shafts have been filled in and capped, but buildings will need to be set back and not built over them. The exact separation distance will need to be agreed with the Coal Authority. As such, **condition 41**, at the request of the Coal Authority, has been attached.

2.9.6 The landscaping parameters shown on the plans, will be secured through condition and there will be generous separation distances from the buildings and the road. There is also the opportunity to create strong building lines framed by trees and strategic landscaping schemes. This will allow for visual interest, legibility and a well-connected development.

Heights and scale

2.9.7 Parameter Plans show a variety of sites, which will add to the visual interest of the site.

2.9.8 Most of the B2/B8 uses will be accompanied by some form of ancillary office space (B1 Use). It is desirable that if these elements are external to the warehouse/storages spaces (some might be internal), they should be strategically located next to the roads in order to provide breathing space and a variety of designs. The advantage of doing this is that it will create active frontages and provide visual interest

2.9.9 The heights of the buildings are as follows and will be capped through **condition 1**:

- **Plot 9:** 50.55m AOD.
- **Plots 10-14:** 34.5m AOD.
- **Plots 15-17:** 27.50m AOD.
- **Plots 01a -2:** 29.0m AOD.
- **Plots 1b to 8:** 33.55 AOD.
- **Plot 18:** 29.55 AOD.

The variety of heights will also mean that the applicants/future occupiers will have flexibility to create buildings that reflect the market need, whilst also being of a scale that will not dominate the area. They will also be set back in accordance with the distances shown on the parameter plans and **conditions 23, 24, and 25** will require landscaping mitigation measures and an integrated scheme.

2.9.10 During the course of the application, the buildings heights of Plots 1a and 2, which face the residential properties along Weelend Road, have been reduced and capped at a maximum height of 29AOD.

Landscaping

2.9.11 As identified above, a crucial element in delivering a high quality, fully integrated development in a prominent location such as Kellingley Colliery, is having a high quality landscaping scheme in place which complements the buildings and reduces any impact on the surrounding countryside/Green Belt.

2.9.12 Given the maximum heights, widths and depths of buildings across the site, and the proximity and high visibility of the proposed buildings from nearby existing public viewpoints. It is vital that the permission requires a significant commitment to the provision of high quality structural landscaping.

2.9.13 After discussions with officers, the following landscaping measures are being proposed and will be secured through **conditions 23, 24, and 25**.

- Each of the new spine roads will be lined with native trees to create an attractive route through the site
- The existing woodland on the north-west part of the site will be retained
- The existing vegetation across the north-east boundary of the site will be retained. It will also be enhanced with new planting. Bunding will be located along the eastern boundary and part of the southern boundary. It is envisaged that these bunds will also be planted to soften and incorporate the earthworks into a meaningful part of the landscape strategy.
- The car parking areas will be softened by landscaping and each of the buildings will have landscaped boundaries.
- The main entrance to the site, will be enhanced through carefully planted trees, shrubs and flowers to create a gateway.

2.9.14 In addition to the principle elements of the landscaping scheme established here, comprehensive and detailed planting schemes will be required as part of each reserved matters application for the building plots as they come forward for approval. This would further help filter and soften views of the building facades and, their sides, and associated car parking and servicing. A carefully planned and managed landscaping scheme will also help create a strong relationship with the canal.

2.9.15 Therefore, detailed landscape schemes for each of the reserved matters application will be secured by **condition 24**.

Open space provision

2.9.10 Greenspaces provide opportunities for leisure and exercise with a range of associated health benefits and have an important cooling effect in commercial areas.

2.9.11 The indicative layouts on the Masterplan/Layout shows provision for generous amounts of publically accessible open space on the north east and western parts of the site, which, it is expected, will connect up with the existing neighbouring playing fields

2.9.12 The location of the A1-A5 Uses have been positioned to connect up with the north eastern open space, to allow for on-site relief and a focal point for workers.

2.9.13 Conclusion: For the reasons set out above, it is considered that, subject to conditions, the proposal satisfies policies ENV1 (1 & 4) and GB4 of the Selby District Local Plan, and Policy SP19 “Design Quality” of the Core Strategy.

Transport Impacts

- 2.10 A strong, robust and sustainable transport infrastructure is vital to the growth of the economy. The locations of new businesses and residential properties are often determined by the strength of the local transport system and the accessibility of sites. The promotion of more sustainable transport choices and the need to reduce travel by car is set out as a priority in a range of national, regional and local planning policies
- 2.10.1 The NPPF promotes sustainable transport and public realm solutions which support reductions in greenhouse gas emissions, reduce congestion and widen transport choice (paragraphs 29-32), create and maintain a successful, high quality and inclusive urban fabric of streets and squares with a strong sense of place (paragraphs 57, 58, 69) and are designed to be adaptable in the face of climate change (paragraphs 94 and 99). Saved Policies T1 and T2 have the same aims and objectives of the NPPF.
- 2.10.2 The outline application is accompanied by a Transport Assessment prepared by Optima.

Key Transport Links

- 2.10.3 Because the application site has been in continuous active use from the 1950's to the December 2015 there is a significant amount of transport infrastructure already in place on Kellingley Colliery, which comprises:
- Three access points (two from Weeland Road), and one on the eastern boundary connecting with Sudforth Road
 - An internal roundabout
 - A large spine road (210m in length)
 - Train track and sidings -540m in length
- 2.10.4 It is proposed to retain all of the existing transport infrastructure and make the following enhancements to them:
- Widen the main access point (which is the central entrance along Weeland Road) so that it can ease the movement of HGV lorries. The width will be increased from 9.2m to 10.95m wide, which will allow for three lanes. This is seen as an improvement. It will also not impact on the neighbouring residential properties which are over 50m away from this entrance point.
 - Increase the central spine road to a length of 550m
 - Enhance the railway head. There are current restrictions that limit the length of trains to 404m to 500m. It may well be possible to lift these restrictions that allow for trains that are 540m in length, which will allow for more good to be taken to and from the site and reduce the need for lorries on the road.
 - Provide access through the site to the towpath

2.10.5 It should be noted that, whilst there are four access points to the site, the central access point on Weeland Road will be the main entrance. The other two Weeland Road access points will have restrictions on them, limiting them to Southmoor Energy Centre only (see condition). The Sudforth Road entrance will be used in emergencies only and, as such, will be controlled by a barrier (**see condition 29**).

Trip Generation

2.10.6 The transport survey shows that the average daily use of Weeland Road (on an annual basis) is 5,946 vehicles. The trip generation (set out in the Transport Statement) concludes that the proposal (when entirely built out and fully occupied) will result in 4,000 extra vehicles per day. This means that, on average, there will be 333 additional vehicles per hour per, per day. Some hours will have fewer vehicles due to the peaks and troughs of the working day.

2.10.7 The Transport Statement shows that vehicle use will be at its highest level during the morning and evening peak hours. For ease of reference, the projected peak hour use is set out below:

- Weekday AM 07:30 to 08:30 (585 total vehicles two-ways)
- Weekday PM 17:00 to 18:00 (468 total vehicles two-ways)

2.10.8 The vast majority of vehicular trips will be by car. Of the 4,000 additional vehicles on Weeland Road each day, only 600 will be HGVs. This equates to less than 1 HGV per minute over the course of a 12 hour and less than 1 HGV every 2 minute over a 24 hr period. It will be recalled that this site was previously in use as a coal mining site that generated a significant amount of HGV movement. The applicants will provide the precise number of HGVs using the road when the colliery was at its peak, in the update note to Committee.

2.10.9 Whilst the projected forecast shows that the scheme will result in additional vehicles using Weeland Road and the local road network, the County Highways Officer is of the view that the impact is very low. Weeland Road has a capacity for 23000 vehicles per day. As stated above, the current average use is approximately 6,000 vehicles per day. Therefore, an additional 4,000 daily vehicles will raise this figure to 10,000, which is well below the 23,000 capacity of the road.

2.10.10 As part of the transport assessment work, Optima have factored in all the committed developments in the area + a further 15% increase for development proposals not yet consented. This work concludes that by the year 2026, the use of the road will have gone up to 13,000 vehicles per day, which means there will still be capacity for a further 10,000 cars.

2.10.11 Furthermore, given that the speed restriction is 40phm, the County Highways Officer does not believe that the net daily increase in vehicles would result in congestion/impact on the safety of the road, which also has a low accident rate (see the *Highways Safety* section below). It is the view of the County Highways officer that the A645 has been built to a high standard which can accommodate a substantial amount of heavy good vehicles and cars without compromising the safety of the users.

2.10.10 Regarding the distribution of the cars on the local network, it is anticipated that the people driving to site will travel from different parts of the region, as well as from inside the Selby District; therefore, the additional vehicles will be distributed across a number of roads inside the Selby and Wakefield Districts.

2.10.11 There has been Parish Council objections to the continued use of the main entrance on Weeland Road (the A645). Eggborough Parish Council has objected on the grounds that they would like the main entrance to the colliery site to be from Sudforth Lane. However, it should be noted that the advice from the County Highways Officer and Optima (the applicants Transport consultants) is that this proposal would not be practical. Weeland Road, as an A road, is a wider and sturdier road than Sudforth Lane, which would have to be substantially strengthened and improved to cope with an additional 4,000 vehicles per day. Weeland Road is also the main link road, which provides the best access connections to the motorways, ensuring that the future operations can attract businesses, workers and aid the marketing of their respective plots.

Highway and Pedestrian Safety

2.10.12 The applicant has examined the accidents data in the immediate and surrounding area, which does not raise any major concerns. In fact, there have only been 8 accidents in a 5 year period, 7 of which were slight and caused by driver error/loss of control and motorcycles. There was 1 fatality when a tractor pulled out of Poskitts Farm (to the east of the application site) without checking and was hit by a motorcyclist. Therefore, this data confirms that the highways infrastructure around the site is robust and can absorb the additional usage.

2.10.13 Consequently, for the above reasons, the Highway Authority does not consider an increase of 600 vehicles a day at peak times to have a significant impact and, as such, it should not impinge on the operation of the local network.

Rail

2.10.14 In addition to the spare capacity, as the existing railway line and sidings will not only be retained, but also enhanced, there is significant scope to reduce the amount of HGV lorries using the road. The use of the railway track, which connects to Knottingley and Gould, would be welcome.

Car parking & Cycle Parking

2.10.15 **Conditions 37 and 38** have been attached that will require the car parking and cycle storage facilities to be in line with the standards set out in North Yorkshire County Council's 'Interim Guidance on Transport Issues'. The applicants, in their Transport Assessment and Framework Travel Plan which accompanied their application, makes a commitment to provide the appropriate number of cycle storage space and car parking bays, including electric charging points.

Connectivity

2.10.16 Following discussions with the Highway Authority, the applicants have revised the parameter plans so that Plot 18, which faces onto the Knottingley -Goole canal, is

set back to allow for a foot and cycle path. This will be a vital link and provide good opportunities for walking and cycling for the employees of the site.

2.10.17 Revised Land-Use Parameter Plan Rev S makes provision for a pedestrian and cycle path next to Plot 18. This is a key benefit of the scheme as it will formally connect up Kellingley Colliery with the adjoining tow path belonging to the Canals and River Trust, and allow for greater levels of connectivity with Knottingley. This footpath is secured by **condition 39**. In addition to this, the applicants have agreed to make a contribution (secured through the s106) towards the upgrade and capacity improvement works of the towpath that links up the colliery site with Knottingley.

Framework Travel Plan

2.10.17 It is most important that this site, which will ultimately provide 2,900 jobs, is well served by sustainable modes of transport. We have worked with Wakefield Council, North Yorkshire County Council, Highways England and Harworth Estates to secure this. At the moment, the site is served by the Arriva Bus Service, which, from the 10th April will be making cuts to this service, reducing accessibility to residents working in the Selby District. Furthermore, there is no bus service from Knottingley to the site. To help support the public transport service, the applicants have offered a sum of £100k, which will be payable on the

2.10.18 A Framework Travel Plan has been submitted in support of the application which sets a basis for the detailed travel plans of future businesses/organisations occupying this site. This Travel plan has been assessed by and discussed with Highways England, Selby Council officers, Wakefield Council and North Yorkshire County Officers, and we are awaiting the final version.

2.10.19 The objective of the Framework Travel Plan is to ensure a 10% modal shift from single car journeys to alternative mode of travel. This will be achieved by promoting car sharing, walking, cycling and public transport as well as changing the use of the canal towpath into a cycle and pedestrian route. The target is to reduce the number of single occupancy car driver trips from 81.64% to 72%.

The measures that will be put in place to achieve this will include:

- The appointment and funding of a Site Wide Travel Plan Co-ordinator (secured through the S106 Agreement –see the heads of terms)
- High Quality footway connectivity throughout the site
- On site, covered and secure cycle storage space
- Cycle training
- Showering and locker room facilities for staff
- Details of third party walking organisations
- Details of the nearest cycle repair shops.
- Up to date information about bus and train timetables and locations
- Potential for discounted travel tickets
- Contact details of taxi firms
- Electric vehicle charging points
- Car-club options

- Improvements to the bus service and/or provision of a mini-bus service to take people to the site,

Transport Conclusion

2.10.20 The applicants have put forward a draft framework travel plan, which will be formalised through the section 106, and the indicative layout demonstrates that there will be sufficient space for car and cycle parking on site. It has also been demonstrated that there is a significant amount of spare capacity on the A645 which can fully absorb the increase in vehicles brought about by this development without leading to congestion and safety issues. Therefore, officers consider that the application, in transport terms, is acceptable and compliant with Local Plan Policies T1 and T2, and the NPPF.

2.11 Environmental Health

2.11.1 The relevant saved local plan Policies are ENV1(1), ENV2 and paragraph 200 of the Local Plan, 2005.

Noise

2.11.2 Acceptable noise levels are fundamental to the provision of a good quality living environment and for this reason people expect to live in homes where there is no observed adverse effect from noise (see Planning Practice Guidance (Noise)).

2.11.3 This is recognised by Selby District Council and reflected in Policies ENV1(1), ENV2 and paragraphs 200 of the Local Plan. The importance of having good levels of amenity for residential occupiers is also a core planning principle of the NPPF which seeks “good standard of amenity for all existing and future occupants of land and buildings”.

2.11.4 Following the concerns that the Environmental Health and planning officers had about Plots 01a and 2a (which are the closest units to residential properties) being used for B2/B8 employment space, the applicants agreed to restrict the use of these plots to B1 Use. This restriction is seen on Land-Use Parameter Plan. The concern of the officers was that B2 uses could operate for 24hr periods and generate significant noise from the operations use, deliveries and the beepers on fork lift trucks moving around the service yards.

2.11.5 Environmental Health (EH) is generally satisfied with the noise information provided, subject to conditions being attached that limit the hours of construction use to 07:00am to 18:00pm Monday -Friday and 08:00am to 13:00pm on Saturdays and that noise levels not exceed those experienced by existing receptors.

2.11.6 It should also be noted that there are two conditions attached to the Southmoor Energy Centre permission that will ensure that the provision of a 10.5m high acoustic bund and 2m high screening fence will be delivered just to the north of Plots 07a and 07B (shown on the Plot Boundaries Parameter Plan). The purpose of this bund is to mitigate the potential cumulation of noise impacts caused by the Southmoor Energy Centre and the coal storage space on this application site.

Whilst the coal storage space will be replaced by Plots 07A and 07B, it is not yet known what the noise impacts of the Energy Centre will be in combination with this development; they could be significant.

2.11.7 On this basis, it is considered that the proposal accords with Policies are ENV1(1), ENV2 and paragraph 200 of the Local Plan, 2005.

Lighting

2.11.8 The relevant Policies are ENV1(1) and ENV2. These policies seek to ensure that lighting measures provide for public safety and crime prevention whilst also minimising light spillage to avoid impacts on residential amenity, wildlife, and the landscape.

2.11.9 The most sensitive receptors to light pollution will be from the residential properties along Weeland Road and Sudforth Lane, the woodland on the north western part of the site and the canal tow path.

2.11.10 The most significant light pollution is most likely to emanate from the illumination of car parking areas and internally from rooms in buildings that are lit up at night. Whilst the car parking will be partially screened from view by landscaping, it will be necessary to ensure appropriate lighting of the vehicular circulation and parking areas. Officers also consider it necessary to exclude the possibility of any external façade lighting of the north and east facing building facades visible from Welland Road and Sudforth Lane and public vantage points from the south. It is not possible to control the lighting of individual rooms within buildings.

2.11.11 Given the prominent location of the site, and the amount of lighting required, it is necessary to attach a lighting condition to this report in order to ensure that an adequate lighting strategy is agreed in writing with the local planning authority as part each reserved matters application.

2.11.12 Officers are of the view that, subject to the appropriate control over lighting impacts associated with the development of the site through the imposition of conditions, the proposed development accords with Local Plan Policies ENV1(1), ENV2.

Air Quality Dust, Vibration and Construction Noise

2.11.13 The environmental health officer accepts that because the use, shape and size of the individual buildings are not known at this stage, it is difficult for the air consultants (Fichter) to carry out an assessment of the heat emissions from these buildings. Furthermore, the issue of emissions will be addressed through the building regulations process and the quality of the materials used (secured by **condition 8**).

2.11.13 The relevant policies of the Local Plan and the core strategy are ENV 1 and ENV2. This seeks to only allow development that does not lead to significant adverse effects on health, the environment and amenity.

- 2.11.14 The Air Quality Assessment acknowledges that a development of this scale will generate significant amount of construction, which will bring with it operational noise, dust and vibration implications. As such, it recognises that it is important that a **condition (11)** is attached requiring the applicants to submit a Construction Environmental Management Plan to the local planning authority that demonstrates that suitable measures will be put in place to ensure that the construction noise from the site will be within acceptable noise limits.
- 2.11.15 The Construction Environmental Management Plan (CEMP) will also specifically condition the following items: construction times; delivery times for construction purposes; approval of access points and joint use of construction access routes; noise mitigation for construction equipment and vehicles; monitoring of noisy machinery; foundation piling and vibration conditions; noise attenuation for plant; measures to limit dust from construction; and publicity and membership of the considerate contractors scheme.
- 2.11.16 The Air Quality Assessment concludes that the increase in road vehicles will not have a significant impact on local air quality, and neither will the construction phase, if managed through the CEMP.
- 2.11.17 Given that the previous use was for a 24hr a day coal mining site, it is likely that the proposed development will have less of an impact as there will be significant reduction in dust and emissions. Consequently, it is not considered to be necessary for the applicants to pay a s106 contribution to Wakefield District Council (as requested by their science officer) for air quality measures.
- 2.11.18 Officers are of the view that, subject to the imposition of appropriate conditions will ensure the construction and operational impacts from noise, dust, emission and vibrations will be suitably mitigated. For this reason, the proposal will accord with saved Local Plan policies ENV1 and ENV2.

Contaminated Land

- 2.11.19 The Council's contaminated land consultants, WPA Environmental, have not raised any objections to the proposal. However, given the coal mining history of the site, they have recommended that the Council's standard conditions are imposed, one of which requires for any reserved matters application to be accompanied by a contaminated land assessment. This will need to include a desk study (that sets out a detailed history of the site), and a site investigation strategy that will test soils, soil gas, and surface and groundwater sampling. This information will be secured by **conditions 15 and 16**.

Residential Amenity

- 2.12.1 The first set of parameter plans that accompanied the application, if approved, would have resulted in a scheme that would have caused significant harm to the amenities of the neighbouring occupiers on Welland Road, because the heights, size, scale, use (B2) and location (21m away) of Plots 1a and 2 would have had an overbearing impact on, and led to a significant amount of noise pollution, being

suffered by neighbouring occupiers. Although the site was previously used as a colliery, this part of the site was used for car parking, which was less noisy than 24 hr B2 use.

- 2.12.2 In addition, the location of Unit 18 on the southern part of the site would have resulted in an imposing and dominating feel to that part of the tow path and cut it off from the Kellingley Colliery site.
- 2.12.3 It is for this reason that officers requested a revised set of parameter plans that shows the setting back of Plots 1a, 2 and 18. Plots 1a and 2, are now, on a minimum of 27m away from the residential properties of Weeland Road, and have a height capped at 29m AOD. Their usage has also been restricted to B1, which is compatible with residential use.
- 2.12.4 Plot 18, has now been set back 5m from the tow path, and has also been moved 3m to the east to allow for a footpath to connect the site up with the tow path.
- 2.12.5 The other buildings, car parks and service yards are not in the immediate vicinity of residential properties, and the proposal will not have a negative impact on the local amenities.
- 2.12.6 In addition to this, it is recommended that a condition will be imposed that secures the delivery of an acoustic bund and screening fence on the south western part of the site to mitigate the noise of the Energy Waste Centre and protect the amenity of the nearby residents.
- 2.12.7 It is the view of officers that the proposal accords with saved local plan policies ENV1 and ENV2, policies SP1 and SP19 of the Core Strategy and the NPPF.

Flood Risk, Drainage and Climate Change

- 2.13 Paragraphs 94 and 96 of the National Planning Policy Framework (NPPF) require local planning authorities to consider flood risk and use opportunities offered by new development to reduce the cause and impacts of flooding. More efficient use and management of water, such as the use of more efficient water related appliances within buildings and with incorporation of SUDS, should be sought.
- 2.13.1 The Council has a number of policies relating to flood risk, drainage and climate change. They are Policy ENV1 (3) of the Selby District Local Plan, and Policies SP15 “Sustainable Development and Climate Change”, SP16 “Improving Resource Efficiency” and SP19 “Design Quality” of the Core Strategy.
- 2.13.2 Significant weight should be attached to the Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF.
- 2.13.3 The developable area of application site is located within Flood Zone 1 which is at low probability of flooding. Two small areas along the western and eastern boundaries (which will not be built on) are in Flood Zone 2. There are no historical records of the site flooding.

2.13.4 However, the application is supported by a Flood Risk Assessment (FRA) and surface water drainage strategy. The FRA considers the nature of residual flood risk at the site and advises that surface water runoff management strategy will ensure that there is no detrimental increase in downstream flood risk arising from the proposed development site for the design storm return periods to which the new drainage networks will be designed.

2.13.5 The drainage measures that will be put in place are:

- Two attenuation ponds. One will be located to the north east part of the site (close to Sudforth Lane) and the other will be located along the southern part of the site, close to the canal and railway track.
- The on-site spine roads will channel overland flows from exceedance events/blockages towards the northern (Weeland Road), western (Sudforth Lane) and southern boundaries (Beal Drain).
- Retention of the two existing foul water pumping station and their connection to Yorkshire Water's foul water pumping station in Turver's Lane. The two pumps can be discharged separately, which would require a new connection, or they can be linked in a series so that only a single off-site connections is required.
- All the finished floor levels will be a minimum of 150mm above ground level.

2.13.6 All reserved matters applications will need to include detailed surface water strategies which must be in accordance with the Flood Risk Assessment as submitted with this application to ensure that the principles of the strategy are delivered through the detailed design. The strategies will need to include details of the design, location and capacity of the SuDS features and need to include ownership, long-term management, maintenance and monitoring arrangements or responsibilities. Detailed calculations will be required to demonstrate the capacity of receiving surface water management features without the risk of flooding to land or buildings. The strategies should also demonstrate that the exceedance of the designed system has been considered through the provision of overland flow routes. Conditions **19, 20 and 21** are recommended to secure these details.

2.13.7 Subject to these conditions, the Yorkshire Water Board, Drainage Board, the Environment Agency and the County SuDs officer have raised no objections to the proposed drainage strategy. Therefore, it is concluded that the FRA complies with Policy ENV1 (3), Policies SP15 and SP16 of the Core Strategy and the NPPF with respect to drainage, climate change and flood risk.

Ecology

2.14 Protected Species include those protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. The presence of a protected species is a material planning consideration.

2.14.1 Relevant policies in respect to nature conservation include Policy ENV1 (5) of the Selby District Local Plan and Policy SP18 "Protecting and Enhancing the Environment" of the Core Strategy. These Local Plan policies should be afforded substantial weight as they are broadly consistent with the aims of the NPPF.

- 2.14.2 The submitted Extended Habitat Phase 1 Survey and Bat Survey Report demonstrate that, due to the nature of the previous use of the site, the Colliery site does not have a significant amount of wildlife, save for the north western, southern and eastern boundaries. There is a peregrine falcon that uses the site, and provisions will be made for a new area to accommodate platform/'nest box' in the site
- 2.14.3 Both the habitat and survey and the bat survey acknowledge that it is important to provide a coherent strategic and integrated approach to management and maintenance, which protects and enhances nature conservation within the site. Ecological enhancements will be designed to provide habitats for a variety of species throughout the site. This will be achieved through attenuation ponds, and strategically placed bat and bird boxes, enhancements to the woodland on the northern western boundary and the strategic landscape improvements across the site. The Ecology benefits, which will represent a significant improvement on what is on the site now, will be secured by **conditions 17 and 18**. Subject to this condition, none of the consultees have raised any objections over the approach to ecology.
- 2.14.4 The proposed scheme accords with Policy ENV1 (5) of the Local Plan, Policy SP18 of the Core Strategy and the NPPF.

Impact on Archaeology

- 2.15 Point number 11 of the objectives (paragraph 3.5) of the Core Strategy references Archaeology as being one of the historical elements of the district that it would like to protect.
- 2.15.1 *Cotswold Archaeology*, on behalf of the applicants have carried out a Heritage desk-based assessment of the site and, in their initial findings have not identified any heritage constraints, which would preclude the development of this site. Additionally, significant amounts of the site have been mined over a 50-year period and no important artefacts have been unearthed. As such, further archaeological work is not required.

Employment Training

- 2.16.1 Selby District Council is committed to improving job opportunities for local residents, especially those who are disadvantaged in the labour market. This commitment aligns itself with the objectives of the NPPF, which highlights the importance of promoting development that is economically as well as socially and environmentally sustainable.
- 2.16.2 The planning system can play an active role in guiding development to sustainable solutions where economic growth secures higher social and environmental standards (NPPF paragraphs 7-8).
- 2.16.3 Development can help to maximise opportunities for community diversity, inclusion and cohesion, sustaining continued regeneration efforts and redressing persistent concentrations of deprivation.

- 2.16.4 When the colliery site closed in December 2015, 630 employees lost their jobs, some of whom have not found work since and there are residents in the area who are unemployed. Therefore, it is important that a regeneration project of this size and scale helps tackle unemployment through employment and training initiatives, and that the ex-miners, unemployed residents of Selby, the Five Towns of Wakefield, and local people looking for jobs and to up-skill all have access to the job opportunities on this site.
- 2.16.5 Working collaboratively, Harworth Estates, Selby District Council and Selby College have explored the possibility of providing jobs and training during the construction and end-use phases of the development. A series of conditions will ensure that there are employment and training opportunities for the ex-miners, locally unemployed, young people and people looking to upskill. The employment training during the construction phase will involve e contracts, suppliers and secondary schools.
- 2.16.6 Part of the employment training package will include a mechanism which enables people with little or no income, and no access to cars (often a barrier for securing employment) the opportunity to get to the site through increased public transport support.
- 2.16.7 In addition to this contributions, the applicants have agreed to make a contribution of £100k towards supporting the local public transport system to help ensure that people without access to a car are able to get to the site to carry out their training. This will be secured through the s106 contribution, and is set out in the heads of terms in this report.
- 2.16.8 In short, the Local Employment Training Framework will improve the economic activity and wellbeing of unemployed people and bring the scheme in line with the principles of the Council's growth agenda, its Core Strategy, Developer Contribution SPD and the NPPF.

Public Art

- 2.17 Opportunities for the integration of high quality art into the public realm should be considered when making planning decisions, particularly on the large-scale developments.
- 2.17.1 High quality public art provides visual interest, softens the impact of a development site on the local area and presents a further opportunity to engage with the community and involve local artists.
- 2.17.2 In this particular instance, public art presents the opportunity to acknowledge the mining history of the site and celebrate everyone who worked on the colliery by creating an entrance feature that references the previous use of the site.
- 2.17.3 It is anticipated that the contribution towards public art (set out in the Heads of Terms and secured in the S106 Agreement) will fund a noteworthy public art scheme that is incorporated into the main entrance to the site on Weeland Road

and will make reference to the previous use of the site. We will look to attract national funding from other sources.

Section 106 Legal Agreement: Heads of Terms

- 2.18 Given the scale and nature of the proposal, and the characteristics of the surrounding area, it is considered necessary that measures are put in place to ensure that the impacts of development are addressed and that it accords with the principles of sustainable development as set out in national, regional and local planning policies.
- 2.18.1 The heads of terms (which have been agreed between officers and the applicants) which secures £100k towards supporting the local public transport network, will help to deliver vital employment training opportunities for local residents and students of Selby College during the construction of the development and in the resultant end use(s). The necessary heads of terms are set out below:
- A contribution of £100k towards improving the public transport links to the site will be paid to the Council prior to occupation of the first 100,000 sq ft (9290 sqm (GIA)) of employment floorspace. The detail of how this additional money will be spent will be agreed through a Travel Plan Steering Group.
 - Preparation and implementation of a Travel Plan for the Proposed Development which shall include measures to promote sustainable travel to and from the Proposed Development and individual occupiers;
 - Preparation and implementation of a HGV routing strategy, the details of which would be agreed as part of the Travel Plan and will include a monitoring contribution of £50k (£10k per year for a five year period);
 - Appointment of a Travel Plan Co-ordinator to implement the measures necessary to deliver the objectives set out in the Travel Plan;
 - A contribution of £155k to be paid, prior to the commencement of development, to Council for the improvement of the canal towpath as part of the Aire and Calder Navigation Corridor Enhancement Project to improve access by cycle and foot and to promote sustainable transport to the site. If the final amount is less than £155k, then the difference shall be returned to the applicants.
 - A contribution of £30k, to be paid prior to the commencement of development, towards public art that will be used to create an entrance feature.
 - All of the contributions are to be index linked to the date of decision.

General Conformity with National Planning Policy Framework

- 2.18.2 Paragraph 17 of the NPPF sets out 12 core principles that should underpin decision-taking. The current proposal is strong in relation to the principles relating to re-use of land, climate change, and the conservation and enhancement of the natural environment. The scheme is considered to comply with these core principles.
- 2.18.3 In the final balance of planning considerations (set out below) officers have also considered the proposal in the context of the presumption of sustainable development, as set out in paragraph 7 of the NPPF.
- 2.18.4 Paragraph 7 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. Therefore, any planning application must demonstrate good economic, social and environmental credentials.
- 2.18.5 For the reasons set out in this report this proposal will provide significant economic, social and environmental benefits. In short, the scheme satisfies the three dimensions of Paragraph 7 of the NPPF because:

Economic

The proposal would provide a significant amount of jobs for local residents, and for people from outside of the District, during the construction period and at the end-use of the development.

Social

The proposed development would provide a Community Infrastructure Levy (CIL) contribution through the retail element of the scheme, and appropriate s106 monies that will help support local services and the District wide infrastructure.

Environmental

The proposal, if approved, sets in place the mechanism to deliver a high-quality scheme that will substantially improve the environmental credentials of the site by making improvements to the drainage system, the ecology of the area and levels of connectivity.

2.19 Conclusion

- 2.19.1 A key objective of planning is to bring forward development that is appropriate and in the right place. This is made clear in the National Planning Policy Framework (NPPF), which states that there should be a presumption in favour of sustainable development.
- 2.19.2 The site is well-placed for a redevelopment of this scale – it is a sustainable and accessible Brownfield site close to the ‘five towns’ of Wakefield and three villages inside Selby with good public transport connections.
- 2.19.3 The scheme is vital to the regeneration of an ex colliery site and the wider area. The sheer scale of the development means that it will bring with it a significant amount of benefits.

- 2.19.4 In addition to the 2,900 jobs being created, these benefits include considerable amounts of usable open space, a footpath to the canal (bringing with it a better sense of social cohesion and connectivity), local employment training/opportunities, and the potential for high quality design.
- 2.19.5 Therefore, officers support the principle of developing this site for 135,500sqm of mixed-use employment space because it will reinforce the growth objectives of the Council and, in the process, will transform a derelict site into an important and valuable employment site. Consequently, the delivery of this scheme (subject to conditions and the appropriate S106 Agreement being signed) would be consistent with the broad aims of the NPPF and its presumption in favour of sustainable development.

3 Recommendation

This planning application is recommended to be APPROVED subject to:-

- (i) No objections from Highways England, and any other statutory consultee after the advertisement/re-consultation,**
- (ii) Following Referral of the application to the Secretary of State, his confirmation that it is not to be called in for his consideration**
- (iii) The completion of a satisfactory S106 Agreement and following conditions:**

The heads of terms, which form the basis of the S106 Agreement, are set out below:

Heads of Terms

- A contribution of £100k towards improving the public transport links to the site will be paid to the Council prior to occupation of the first 100,000 sq ft (9290 sqm (GIA)) of employment floorspace. The detail of how this additional money will be spent will be agreed through a Travel Plan Steering Group.
- Preparation and implementation of a Travel Plan for the Proposed Development which shall include measures to promote sustainable travel to and from the Proposed Development and individual occupiers;
- Preparation and implementation of a HGV routing strategy, the details of which would be agreed as part of the Travel Plan and will include a monitoring contribution of £50k (£10k per year for a five year period);
- Appointment of a Travel Plan Co-ordinator to implement the measures necessary to deliver the objectives set out in the Travel Plan;
- A contribution of £155k to be paid, prior to the commencement of development, to Council for the improvement of the canal towpath as part of the Aire and Calder Navigation Corridor Enhancement Project to improve access by cycle and foot and to promote sustainable transport to the site. If the final amount is less than £155k, then the difference shall be returned to the applicants.

- A contribution of £30k, to be paid prior to the commencement of development, towards public art that will be used to create an entrance feature.
- All of the contributions are to be index linked to the date of decision.

1. Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans:

- Phasing Parameter Plan 12098-104 Rev F
- Land Use Parameter Plan 12098-105 Rev U
- Building Heights Parameter Plan 12098-106 Rev N
- Illustrative Plot Plan 1098107 Rev B
- Access Drawings 10612-GA-02 Rev A
- Secondary Access/Emergency Access 10612-GA/03 Rev B

2. Restrictions on Use/Height /Landscaping on Plots 1a and 2

The area known as Plots 1a and 2 on the Illustrative Plot Plan are to be used for B1 employment Use only. The heights of these buildings shall be capped at 15m (29mAOD), and they will be set back a minimum of 15m from the boundary line shared with the neighbouring properties along Weeland Road.

Reason: To protect the amenities of nearby residents.

3. The maximum amount of floorspace

The total amount of development floorspace authorised by this permission shall not exceed 135,500sqm (GIA) and any reserved matters application (s) pursuant to condition 1 shall be limited to this maximum in total.

Reason: The impacts of the development on existing infrastructure and the surrounding Green Belt have been assessed on the basis on this maximum in total.

4. Flood Zone 2

No development shall take place within Flood Zone 2 as shown on the on Environmental Agency Flood plan (drawing number RFI:21096) set out in the Flood Risk Assessment.

Reason: To ensure that the proposal is carried out in accordance with the design parameters on which the outline application has been assessed and in the interests of flood risk.

Reserved Matters

5. Approval of Details

Details of the access, appearance, landscaping and scale of each development plot or phase approved pursuant to Condition 1 shall be submitted to and approved in writing by the Local Planning Authority before any development of that plot or phase begins and the development shall be carried out as approved.

Reason: To ensure that all necessary details are acceptable

6. Timing of first Reserved Matters

Applications for the approval of reserved matters on any part of the site referred to in Condition No. 4 herein shall be made within a period of fifteen years from the grant of this outline permission and the development to which this permissions relates, on that part of the site, shall be begun not later than the expiration of two years from the final approval of the reserved matters pertaining to that part of the site, or in the case of approval on different dates, the final approval of the last such matter to be approved. The first application for approval of reserved matters shall be made to the local planning authority no later than three years from the date of permission

Reason: In accordance with the requirements of section 51 of the Planning and Compulsory Purchase Act 2004

7. Design and Access Statement

The Reserved Matters applications to be in accordance with the principles set out in paragraphs 14.1 to 21.9 of the Design and Access Statement Rev G, dated March 2017 and received on the 22 March 2017.

8. Materials

No development shall commence on any individual building until sample panels of the materials to be used in the construction of its external surfaces has been submitted to and approved in writing by the local planning authority. The panels shall show the proposed combination of external materials to be used. The development shall be constructed in accordance with the approved samples.

Reason: In the interests of visual amenity and in order to comply with Policies ENV1 of the Selby District Local Plan.

9. Levels

Prior to the commencement of development of each individual development plot or phase full details of the existing and proposed ground and finished floor levels of the buildings, roads, associated structures within that associated development plot or phase, shall have been submitted to and approved in writing by the local planning authority. The approved development shall be constructed in accordance with the approved levels.

Reason: In order to safeguard the character and appearance of the area

10. Ancillary Land Uses

The total floorspace within Uses Classes A1, A2, A3, A4 and A5 hereby approved shall not exceed 500 sqm (GIA) in total. No individual unit within use classes A2, A3, A4 and A5 shall be larger than 50sqm (GIA). No individual unit in use class A1 should be a maximum of 350 sqm (GIA). Floorspace within Uses Classes D1 hereby approved shall not exceed 50 sqm(GIA) in total.

Reason: To ensure the development carried out does not exceed the maximum approved and to ensure the quantum of floorspace keeps within the parameters assessed in relation to the approved development

Environmental Health

11. Construction Environmental Management Plan

Prior to the commencement of each individual development plot or phase a Construction Environmental Management Plan (CEMP) shall be submitted and approved in writing by the Local Planning Authority. The approved CEMP shall include the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration and dust resulting from the site preparation, groundwork and construction phases of the development. It shall include details of measures to be employed to prevent the egress of mud, water and other detritus onto the public highway. Once approved, the Construction Environmental Management Plan shall be adhered to at all times.

Reason: *To minimise the creation and impact of noise, vibration and dust resulting from the site preparation, groundwork and construction phases of the development and to protect the amenity of local residents*

12. Hours of Construction

Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0700 to 1800 Monday to Friday and 0700 to 1300 on Saturdays and at no time on Sundays or Bank and Public Holidays.

13. Lighting

Prior to the erection or installation of any outdoor lighting associated with the development of an individual building or development plot, a detailed outdoor lighting scheme applicable to that plot and associated building/s shall be submitted to and approved in writing by the local planning authority. The scheme shall specify the method of lighting (including details of the type of lights, orientation/angle of the luminaries, the spacing and height of lighting columns/fixings), the extent/levels of illumination over the site and on adjacent land and measures to be taken to contain light within the curtilage of the site. The scheme shall be implemented in accordance with approved details and shall thereafter be maintained as such.

Reason: In the interests of visual amenity and to ensure that the development will not result in unacceptable light pollution

14. Piling

In the event that the foundations of any building require piling, prior to any piling taking place in association with that building, a method statement shall be submitted to and approved in writing by the local planning authority detailing the type of piling to be used, potential noise and vibration levels at the nearest noise sensitive locations in accordance with British Standard 5228 – Part 4 and mitigation measures to be undertaken in order to safeguard the amenity of adjacent residents. The piling mitigation shall be carried out in accordance with the approved details.

Reason: To protect the amenity of nearby residents/occupiers

15. Contaminated Land

Prior to the commencement of development of each individual development or phase approved by this planning permission a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

The specification needs to reflect the specifics set out in the WPA Contaminated Land Assessment.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

- 16.** Prior to the occupation of each individual development plot, building or phase a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Biodiversity

17. Site Wide Nature Plan

Prior to the commencement of development a site wide Nature Conservation Management Plan shall be submitted to and approved in writing by the local planning authority.

The plan shall include the following details:

Specific provision of measures to promote Biodiversity and Bio-Diversity Action Plan targets including: the provision of accommodation for the Peregrine Falcon, the provision of bat and bird boxes on buildings and on trees around the site; the provision of other nesting features for bird species such as bird ledges; reptile hibernacula including small log and rubble piles; the creation of new aquatic habitats where possible within permanent areas of open water of minimum depth 0.5m; the provision of wetland margins and habitat islands; the management of grassland that reflects the principles set out in the Habitat Survey Report (Phase 1), the Design and Access Statement and Planning Statement.

The plan should set out the timing of provision in relation to the phasing of development on the site.

Reason: To ensure that the development of the site conserves and enhances ecology.

18. Ecology –Reserved Matters

Any reserved matters application shall demonstrate how it accords with the aims and objectives of the Nature Conservation Management Plan and shall detail which specific ecological measures are proposed and the timing for their delivery. The ecological measures shall be carried out in accordance with the approved details and timing of delivery.

Reason: To ensure that the development of the site conserves and enhances ecology

Drainage

19. Drainage (Site Wide Strategy)

Prior to commencement of each development plot or phase, a detailed design and associated management and maintenance plan of surface water drainage for those respective plots or phases based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage design should demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development.

The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document).

Reason: To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.

20. Surface Water Drainage (Yorkshire Water)

Prior to the commencement of development of each development plot or building, details relating to the disposal of surface water shall be submitted to and approved in writing by the Local Planning Authority. Once agreed, no piped discharge of surface water from the development plot or building shall take place until the works to provide a satisfy outfall, other than the local public sewerage, for surface water have been completed.

21. Foul Drainage (Yorkshire Water)

Prior to the commencement of development of each development plot or building details of the proposed means of disposal of foul water drainage for the respective development plot or building, including but not inclusive to details of any balancing works (to include the peak pumped discharge rate), off-site works and phasing of the necessary infrastructure, shall have been submitted to and approved by the local planning authority. No development plot or buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

22. Electric Charging Points

Provision for Electric vehicle charging points is required for each phase commensurate with the size of parking facilities. Prior to their installation, details of the charging points shall be submitted to and approved in writing by the local planning authority, and thereafter shall be provided in accordance with the approved details before occupation of the buildings and subsequently retained for that purpose

Reason: To ensure that provision is made for the parking and charging of powered cars and mobility scooters.

Landscaping

23. Structural Landscape Scheme (including earthworks/bunds)

A structural landscaping framework for the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The framework shall be implemented in phases and not otherwise varied except with the written consent of the Local Planning Authority. The scheme shall include the long term treatment, including landscaping, boundary treatment, management responsibilities and maintenance schedules for all common areas within that phase of development situated outside of the defined development plots (as shown on the illustrative Plot Plan). The scheme shall also include grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed grading and mounding to existing vegetation and surrounding landform. The scheme shall include a programme for implementation and should be implemented in accordance with the approved details.

full details of planting plans and written specifications, including cultivation proposals for maintenance and management associated with plant and grass establishment, details of the mix, size, distribution, density, levels and types of all trees/hedges/shrubs to be planted and the proposed time of planting. The scheme shall include following:

- a) Details of the entrance feature/public art and landscaping enhancements along the main entrance on Weeland Road.
- b) Internal Spine Roads, as shown on plans listed under condition 1.

- c) Landscape strip connecting to the tow path as shown on plans listed under condition 1.
- d) structural perimeter landscaping
- e) identified publically accessible areas on plan number 12098-105 Rev U(dated 31st March 2017)
- f) Main Access Roads shown on parameter plan 12098-105 Rev U (dated 31st March 2017) – will be planted with Standard Trees at a minimum of 7.5m intervals.

The scheme shall be carried out in accordance with the approved details and in accordance with the approved implementation programme unless otherwise agreed in writing by the local planning authority.

Reason: In order to mitigate the visual impact of the proposed development on the setting and of the area, the Green Belt, and surrounding open countryside

24. Landscaping on Individual Plots

Any reserved matters application for the erection of a building shall include an accompanying landscaping scheme for the associated development plot. The landscaping scheme shall include full details of planting plans and written specifications, including cultivation proposals for maintenance and management associated with plant and grass establishment, details of the mix, size, distribution, density and levels of all trees/hedges/shrubs to be planted and the proposed time of planting. No development within the development plot for which reserved matters approval is sought shall commence until the landscaping scheme has been approved in writing by the local planning authority. The scheme shall be carried out in accordance with the approved details.

Reason: In order to mitigate the visual impact of the proposed development on the setting

25. Planting Seasons

All planting, seeding or turfing comprised in the approved structural landscaping scheme shall be fully carried out in the first planting and seeding seasons following the commencement of development of any building, or in accordance with a landscaping phasing plan that is submitted to and approved in writing by the local planning authority. Any trees or plants shall be maintained for a period of 2 years from implementation and any trees, shrubs or plants that are removed or become seriously damaged or diseased, shall be replaced within the 5 year period thereafter during the next planting season with others of similar size and species as those originally planted, unless the local planning authority gives written consent to any variation.

Reason: In order to mitigate the visual impact of the proposed development on the setting and of the area, the retained Green Belt, and surrounding open countryside

26. Hard landscaping

Reserved matters applications for each individual development plot or building shall include full details of hard landscape works associated with that respective plot or building. These works shall be carried out as approved prior to the occupation of any part of the building hereby approved. These details shall include: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures; furniture; refuse and on-site storage facilities for trade waste or other storage units; signs; any proposed public art.

Reason: In the interests of visual amenity and to ensure that suitable hard landscape is provided as part of the development.

Highways

27. Detailed Plans of Road and Footway

There shall be no excavation or other groundworks associated with each individual development plot, except for investigative works or the depositing of material on the site, until the following drawings and details relating to that particular development plot(s) have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

- a. Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
 - the proposed highway layout including the highway boundary
 - dimensions of any carriageway, cycleway, footway, and verges
 - visibility splays
 - the proposed buildings and site layout, including levels
 - accesses and driveways
 - drainage and sewerage system
 - lining and signing
 - traffic calming measures
 - all types of surfacing (including tactiles), kerbing and edging.
- b. Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
 - the existing ground level
 - the proposed road channel and centre line levels
 - full details of surface water drainage proposals.
- c. Full highway construction details including:
 - typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
 - when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
 - kerb and edging construction details
 - typical drainage construction details.
- d. Details of the method and means of surface water disposal.
- c. Full highway construction details including:
 - typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths

- when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
- kerb and edging construction details
- typical drainage construction details.

e. Details of all proposed street lighting

f. Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.

g. Full working drawings for any structures which affect or form part of the highway network.

h. A programme for completing the works. The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

28. Construction of Roads and Footway

No part of the development to which this permission relates shall be brought into use until the carriageway and any footway/footpath from which it gains access shall be constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.

The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before any part of the development is brought into use.

REASON: In accordance with policy xx and to ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of prospective users of the highway.

29. Use of Existing Access

There shall be no access or egress between the highway and the application site associated with the development hereby permitted by any vehicles other than via the main access with the public highway at Weeland Road as identified on plans listed in condition 1.

The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway occurring during construction. The entrance point along Sudforth Lane is only to be used in the case of emergency only, and will be controlled by a barrier. The entrance points of Weeland Road which connect up with Southmoor Energy Centre are to be used for this purpose only.

REASON: In accordance with policy # and in the interests of both vehicle and pedestrian safety and the visual amenity of the area.

30. Visibility Splays

There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 70m measured along both channel lines of the major road Weeland Road from a point measured 2.4m down the centre line of the access road. The eye height will be 1.05 and the object height shall be 0.60m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

REASON: In accordance with policy number and in the interests of road safety.

31. Private Access/Verge Crossings: Construction Requirements

Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements

a. The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority

32. Construction Traffic

During construction works there shall be no:

a. Light Goods Vehicles exceeding 3.5 tonnes

b. Medium Goods Vehicles up to 7.5 tonnes

c. Heavy Goods Vehicles exceeding 7.5 tonnes

permitted to arrive, depart, be loaded or unloaded on Sunday or a Bank Holiday nor at any time, except between the hours of 7:30am 17:30pm on Mondays to Fridays and 8:30am and 12:30pm on Saturdays.

REASON: In accordance with policy # and to avoid conflict with vulnerable road users.

33. Highway Condition Survey

There shall be no HGVs brought onto the site until a survey recording the condition of the existing highway has been carried out in a manner approved in writing by the Local Planning Authority in consultation with the Highway Authority.

REASON: In accordance with policy # and in the interests of highway safety and the general amenity of the area

34. On Site Parking, Storage and Construction Traffic

There shall be no establishment of a site compound, site clearance, excavation or depositing of material in connection with the construction of each development plot or building until on proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway

b. on-site materials storage area capable of accommodating all materials required for the operation of the site.

c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

REASON: In accordance with policy # and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

35. Routing of Construction Traffic

There shall be no establishment of a site compound, site clearance, excavation or depositing of material in connection with the construction on the site until details of the routes to be used by HGV construction traffic have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. Thereafter the approved routes shall be used by all vehicles connected with construction on the site.

REASON: In accordance with policy # and in the interests of highway safety and the general amenity of the area.

36. Transport Construction Management Plan

No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase:

- a. the parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
- e. wheel washing facilities
- f. measures to control the emission of dust and dirt during construction
- g. a scheme for recycling/disposing of waste resulting from construction works
- h. HGV routing to avoid Whitefield Lane

REASON: In accordance with policy # and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

37. Cycle Parking

The cycle provision should be agreed with the local planning authority. The cycle provision should be in line with the cycle parking standards set out in North Yorkshire County Council's 'Interim Guidance on Transport Issues, 2015' or the adopted standards at the time of submission of the reserved matter application. Details of the storage facilities will be agreed as part of any reserved matters application.

Reason: To ensure that the proposed level of cycling provision is appropriate to the nature of the proposed building and its use

38. Car Parking

The submission of any reserved matters application for approval of any building shall include an estimation of the total number of staff and visitors that will visit the building in a typical day. The on-plot car parking provision should be in line with the

parking standards set out in set out in North Yorkshire County Council's 'Interim Guidance on Transport Issues, 2015' or the adopted standards at the time of submission of the reserved matter application'

Reason: To ensure that the proposed level of cycling provision is appropriate to the nature of the proposed building and its use.

39. Pedestrian Cycle Link to the Tow Path

Prior to the occupation of the first building constructed as part of the development hereby approved, the temporary cycle path as shown on the Land Use Parameter Plan listed in condition 1, shall be laid out in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Once laid, the temporary cycle route shall be retained and maintained until such time that the reserved matters application (s) associated with plots 07A and 18 (shown on illustrative plan 1098 107 Rev B) are submitted for approval. At which point, a scheme for the final alignment and specification of the permanent route shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be installed prior to the occupation of and buildings on plots 07A and 18 and shall remain throughout the lifetime of the development.

Reason: To ensure that the transport improvements are delivered.

40. Travel Plan

The hereby approved Travel Plan prepared by Optima Highways (dated December 2016) shall be implemented in accordance with an implementation strategy to be submitted and approved in writing by the Local Planning Authority prior to the occupation of each unit or building of the development hereby permitted.

Coal Authority

41. Set back distances from Mine Shafts

As part of any relevant reserved matters application, a plan specifying the exact location and appropriate 'no-build' zones of influences for the recorded mine entries on site must be submitted to and approved in writing by the Local Planning Authority.

Signage

42. Signage

A strategy for the branding and signing of the site to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

43. Employment Training Plan

Any application for the approval of Reserved Matters for any development plot or phase within the development hereby approved shall be accompanied by a Local

Employment Statement for that development plot or phase. The statement shall be developed in accordance with the principles set out in the agreed Local Employment Framework, dated 27 March 2017. No part of the development should be occupied until the statement and the process of implementation has been agreed in writing with the local planning authority.

Reason: To ensure that Local employment benefits are addressed as part of the submission and ensure compliance with the Developer Contributions SPD and the NPPF

3.1 Legal Issues

3.1.1 Planning Acts

This application has been determined in accordance with the relevant planning acts.

3.1.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

3.1.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However, it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

3.2 Financial Issues

3.2.1 Financial issues are not material to the determination of this application.

4. Conclusion

4.1 The proposal complies with national and local planning policies and, subject to the conditions and a satisfactory s106 agreement, represents a sustainable development.

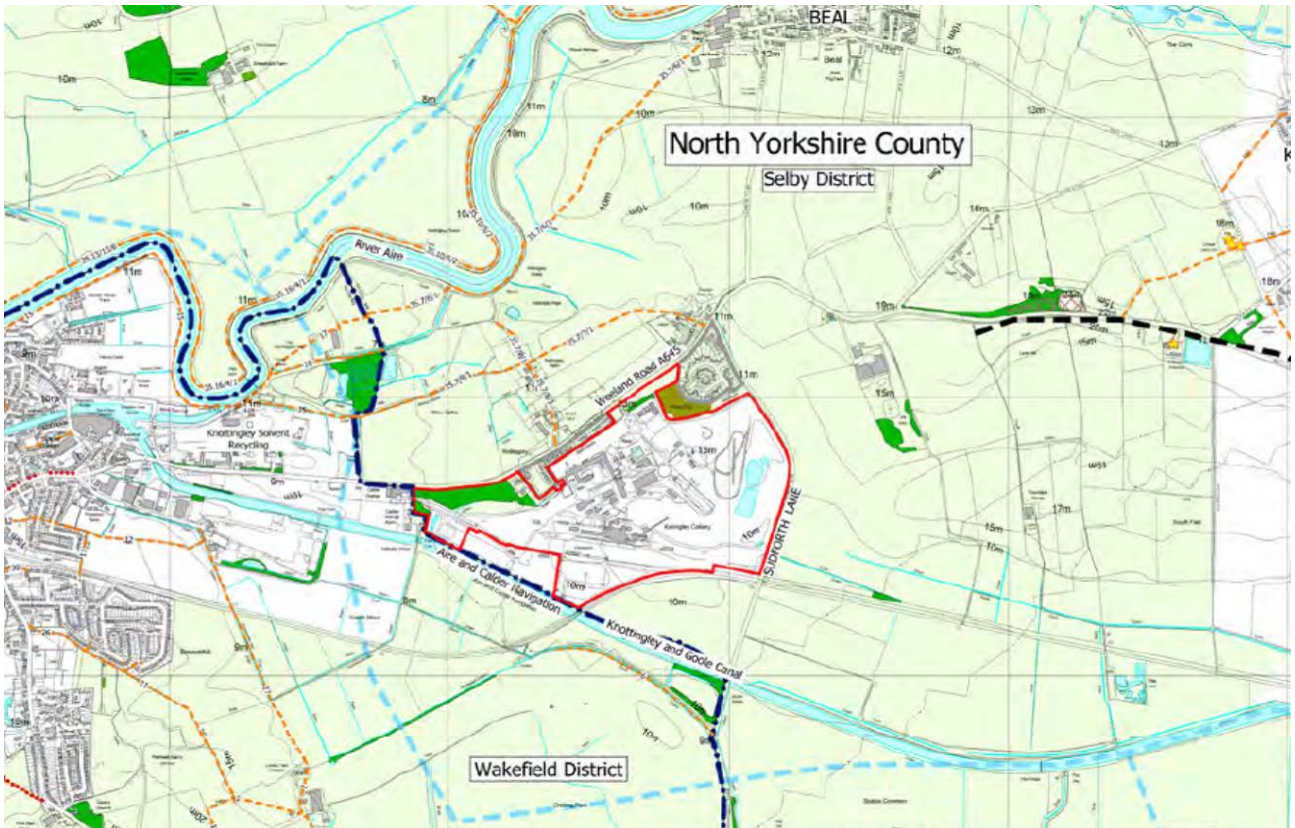
5. Background Documents

5.1 Planning Application file referenced 2016/1343/OUTM and associated documents.

Contact Officer: Tom Webster, Principal Planning Officer

Appendices: A, B and C

Appendix A – Site Context



Appendix B – Local Bus time-tables

TO KELLINGLEY	
Leaves Selby Bus Station	Passes Former Kellingley Colliery
0625	0704
0715	0756
0731	0811
0950	1024
1150	1224
1350	1431
1655	1741

TO SELBY	
Passes Former Kellingley Colliery	Arrives Selby – Park Street
0755	0845
0920	0957
1114	1141
1314	1341
1559	1626
1558	1626
1824	1903

Wakefield - Pontefract - Knottingley

via New Sharlston & Featherstone

145 148

via Sharlston & Featherstone

149

Wakefield - Pontefract - Knottingley - Selby

150

Service 145: From Wakefield Bus Stn via Union St, Bull Ring, Westmorland St, The Springs, Kirkgate, Doncaster Rd, A638, Black Rd, Crossley St, High St, Whinney Ln, Wakefield Rd, Wentworth Rd, Priory Rd, Girnhill Ln, Pontefract Rd, Wakefield Rd, Southgate, Broad Ln, Horsefair, Pontefract Bus Stn, Northgate, North Baileygate, Mill Dam Ln, Ferrybridge Rd, Mill Ln, Orchard Head Ln, Pontefract Rd, Wordsworth Dr, Arncliffe Dr, Pontefract Rd, Castleford Ln, Stranglands Ln, Ferrybridge Square, Fishergate, Ferrybridge Rd, Hill Top, Weeland Rd to Knottingley Common Ln.

From Knottingley Common Ln via Weeland Rd, Hill Top, Ferrybridge Rd, Fishergate, Ferrybridge Square then as reverse of route to Wakefield Bus Stn.

Service 148: From Wakefield Bus Stn via service 145 to Whinney Ln, Wakefield Rd, Pontefract Rd then via service 145 to Hill Top then Headlands Ln, Hazel Rd to Knottingley Simpsons Lane Estate.

From Knottingley Simpsons Lane Estate via Windermere Dr, Sycamore Ave, Hazel Rd then as reverse of route to Wakefield Bus Stn.

Service 149: From Wakefield Bus Stn via service 145 to Doncaster Rd, A638, A645, Sharlston Church, Weeland Rd, Wentworth Rd, Priory Rd, Girnhill Ln, Pontefract Rd, Wakefield Rd, Southgate, Broad Ln, Horsefair, Pontefract Bus Stn, Horsefair, Broad Ln, Knottingley Rd, Weeland Rd, Chapel St, Womersley Rd, Spawd Bone Ln, England Ln, Southfield Rd, Ridgeway, Spawd Bone Ln, Hazel Rd to Knottingley Simpsons Lane Estate.

From Knottingley Windermere Dr via Sycamore Ave, Hazel Rd then as reverse of route to Wakefield Bus Stn.

Service 150: From Wakefield Bus Stn via service 149 to Sharlston Church, Weeland Rd, Wakefield Rd, Pontefract Rd, Wakefield Rd, Southgate then via service 145 to Orchard Head Ln, Pontefract Rd, Castleford Ln, Stranglands Ln, Ferrybridge Square, Fishergate, Ferrybridge Rd, Hill Top, Weeland Rd, Womersley Rd to Knottingley Broomhill Ave.

From Knottingley Broomhill Ave via reverse of route to Ferrybridge Rd, Argyle Rd, High St, Ferrybridge Square then as reverse of route to Wakefield Bus St.

Some journeys operate to Simpsons Ln from Hill Top via Headlands Ln.

Journeys to Selby: Run normal route to Weeland Rd, Common Ln, then Beal Main St, Beal Ln, Lunn Ln, Low Rd, Kellington Main St, Broach Ln, Weeland Rd, Kellington Ln, Selby Rd, Weeland Rd, New Rd, Hensall Main St, Wand Rd, A19, Burn, Doncaster Rd, Brayton, Barff Ln, Moat Way, Greenacres Dr, Greenacres Cres, Barff Ln, Doncaster Rd, Baffam Ln, Parkways, Westbourne Rd, Ferndale Rd, Brook St, Gowthorpe, Market Pl, The Crescent, Park St to Selby Bus Stn.

From Selby via Barwick Parade, Parkin Ave, D'arcy Rd, Denison Rd, Abbot's Rd, Bawtry Rd, Selby Bus Stn, Park St then via reverse of route to Wakefield Bus Stn.

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Monday to Friday

To Knottingley & Selby

148 149 150

<i>Service Number</i>	<i>148</i>	<i>148</i>	<i>148</i>	<i>149</i>	<i>148</i>	<i>150</i>	<i>150</i>	<i>148</i>	<i>149</i>	<i>148</i>
Wakefield Bus Station	0525	0555	0610	0625	0645	0700	0715	0725	0735	0750
Sharlston, The Sharlston				0638		0713	0728		0748	
New Sharlston High St	0540	0610	0625		0700			0740		0805
New Priory, Wentworth Rd				0643					0753	
Featherstone Brookway	0547	0617	0632	0647	0707	0721	0736	0747	0757	0817
Pontefract Bus Station (arr)	0558	0628	0643	0658	0718	0732	0748	0758	0808	0828
Pontefract Bus Station (dep)	0603	0633	0648	0703	0723	0738	0753	0803	0813	0833
Ferrybridge Wencliffe Est	0612	0642	0657		0732			0812		0842
Ferrybridge Square	0617	0647	0702		0737	0748	0803	0817		0847
Knottingley Common Lane				0718					0828	
Knottingley Broomhill Ave						0755				
Knottingley Simpson Ln Est	0626	0656	0711	0729	0746			0826	0839	0856
Kellingley Sudforth Lane							0812			
Beal							0814			
Kellington Cross Roads							0818			
Whitley Bridge Station							0822			
Hensall Methodist Church							0830			
Brayton Moat Way							0843			
Ferndale Road							0849			
Selby Bus Station							0900			

Monday to Friday

To Knottingley & Selby

148 149 150

<i>Service Number</i>	<i>150</i>	<i>148</i>	<i>149</i>	<i>150</i>	<i>148</i>	<i>150</i>	<i>149</i>	<i>150</i>	<i>148</i>	<i>149</i>
Wakefield Bus Station	0815	0825	0835	0845	0855		0905	0915	0925	0935
Sharlston, The Sharlston	0828		0848	0858			0918	0928		0948
New Sharlston High St		0840			0910				0940	
New Priory, Wentworth Rd			0853				0923			0953
Featherstone Brookway	0836	0847	0857	0906	0917		0927	0936	0947	0957
Pontefract Bus Station (arr)	0847	0858	0908	0918	0928		0938	0947	0958	1008
Pontefract Bus Station (dep)	0853	0903	0913	0923	0933		0943	0953	1003	1013
Ferrybridge Wencliffe Est		0912			0942				1012	
Ferrybridge Square	0903	0917		0933	0947			1003	1017	
Knottingley Common Lane			0928				0958			1028
Knottingley Broomhill Ave	0910							1010		
Knottingley Simpson Ln Est		0926	0939		0956		1009		1026	1039
Kellingley Sudforth Lane				0942						
Beal				0944						
Kellington Cross Roads				0948						
Whitley Bridge Station				0952		0902				
Hensall Methodist Church				1000						
Brayton Moat Way				1013		0913				
Ferndale Road				1019		0919				
Selby Bus Station				1030		0930				

476 - Selby - Pontefract

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Wednesday 15 March 2017

Selby - Pontefract

Show all stops

							16:40
	06:25	07:15	07:31	09:50	11:50	13:50	16:50
							17:03
		07:21					
							17:10
	06:35	07:26	07:42	10:02	12:03	14:03	17:13
	06:43	07:33	07:50			14:10	17:22
	06:51	07:41	07:58	10:10	12:10	14:18	17:29
	06:57	07:48	08:04	10:17	12:17	14:25	17:35
	07:00	07:51	08:07	10:20	12:20	14:28	17:38
		07:54					
	07:03	07:55	08:10	10:23	12:23	14:31	17:41
	07:11	08:06	08:19	10:33	12:32	14:41	17:49
		08:20					
		08:40					
	07:24		08:32	10:46	12:45	14:54	18:02
		Runs Schooldays only					
			Runs School Holiday s only				

Pontefract - Selby

Show all stops

	15:15							
	07:3 3	09:0 0	10:5 3	12:5 3	15:35	15:35	18:0 5	
	07:4 4	09:1 0	11:0 3	13:0 3	15:47	15:47	18:1 5	
	07:5 3	09:1 8	11:1 2	13:1 2	15:56	15:56	18:2 3	
	15:58							
	07:5 6	09:2 1	11:1 5	13:1 5	16:02	16:02	18:2 6	
	08:0 0	09:2 5	11:1 9	13:1 9	16:06	16:06	18:3 0	
	08:0 4	09:0 2	09:2 9	11:2 3	13:2 3	16:10	16:10	18:3 4
	08:1 2	09:3 7					18:4 1	
	08:2 6	09:1 6						
	08:3 4	09:2 4						
	08:4 5	09:3 5	09:5 7	11:4 1	13:4 1	16:26	16:26	19:0 3
						Runs Schooldays only		
							Runs School Holidays only	

Appendix C –Minutes of the Members Briefing Presentation



Minutes

Planning Committee

Venue:	Council Chamber
Date:	Wednesday 9 November 2016
Time:	2.00 pm
Present:	Councillors Cattnach (Chair), D Peart, I Chilvers, J Deans, Mrs S Duckett (substitute for B Marshall) D White (substitute for C Pearson), and D Mackay.
Apologies for Absence:	Councillors B Marshall and C Pearson.
Officers Present:	Kelly Dawson, Senior Solicitor, Jonathan Carr, Lead Officer – Planning, Fiona Ellwood, Principal Planning Officer, Keith Thompson, Senior Planning Officer, Calum Rowley, Senior Planning Officer and Janine Jenkinson, Democratic Services Officer.
Public:	18
Press:	1

37. KELLINGLEY COLLIERY REDEVELOPMENT

The Committee was provided with a presentation by Barton Wilmore that outlined a forthcoming application which sought to re-develop the site of the former Kellingley Colliery. Members were informed that amendments to the briefing note had been made and were set out in the Officer Update Note.

Councillors were invited to ask questions in relation to the proposed re-development.

Questions in relation to the following issues were raised:

- The approach to slurry ponds.
- Recruitment / training opportunities for local residents.

- How methane would be managed.
- Details of how the consultation had been undertaken with neighbouring local authorities, including Wakefield Council and North Yorkshire County Council.
- Section 106 / Community Infrastructure Levy (CIL) contributions.
- Pedestrian, cycle and public transport access arrangements.
- Provision of retail units and other facilities.
- Traffic / Highway impact.

RESOLVED: To note the presentation provided.

The Chair closed the meeting at 3.15 p.m.



The scaling of this drawing cannot be assured

Revision	Date	Drn	Chk
-	-	-	-

RECEIVED
20.10.2016
BUSINESS SUPPORT

Project
 Land off Hodgsons
 Sherburn In Elmet
 Drawing Title

Indicative Masterplan

Date	Scale	Drawn by	Check by
30.06.15	N.T.S.	MW	LT

Project No	Drawing No	Revision
24466	psd01- aerial	A

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Offices at Reading London Bristol Cambridge Cardiff Ebbsfleet Edinburgh Leeds Solihull

To: Planning Committee
Date: 12th April 2017
Author: Tom Webster (Principal Planner)
Lead Officer: Johnathan Carr (Lead Officer – Planning)

APPLICATION NUMBER:	8/58/1049A/PA 2016/1256/OUTM	PARISH:	Sherburn in Elmet Parish
APPLICANT:	Mr John Harrison, Mr David Harrison and Mr Bernard Harrison	VALID DATE:	20 October 2016
		EXPIRY DATE:	13 April 2017
PROPOSAL:	Outline application for residential development comprising up to 60 dwellings, areas of open space, landscaping and associated infrastructure with all matters reserved except access on land to north.		
LOCATION:	Land at Hodgsons Lane Sherburn In Elmet		

This application has been brought before Planning Committee due to it being a departure from the Development Plan and more than 10 letters of objection being received. In addition, Councillor Buckle requested that the item be heard by committee on the following grounds:

- It is the lowest part of the village and could be susceptible to flooding.
- Sherburn needs more facilities before any more housing.
- Traffic congestion.

Summary:

The application proposes outline planning consent for the erection of up to 60 dwellings with associated vehicular access (all other matters are reserved).

The site is located in an area of open countryside immediately adjacent to the defined development limits of Sherburn and is on an area of land designated as safeguarded land. Just over half of the site lies in Flood Zone 2.

The scheme, if approved, will see the development of safeguarded land that has long been identified as being suitable for much needed housing (including a significant amount of affordable properties) at a time when the Council does not have a 5-year land supply. It will also make provision for open space.

The site is very well placed for access to shops, restaurants, entertainment and leisure facilities. Public transport links are many and easily reached (bus stops are within 5 minutes walking distance and the train station, with links to York, Hull and Sheffield, is within a 10 minute walking distance). The site is well-placed for redevelopment – it is a sustainable and accessible site that has been safeguarded for future development and is close to Sherburn town centre.

Developing this parcel of land for housing is important because new houses, in sustainable locations such as this, can support local town centres like Sherburn; they add to the vitality of town centres.

The benefits, which weigh in its favour are that the applicants have demonstrated that appropriate flood mitigation measures can be delivered, the land has already been safeguarded for development, the Council does not currently have a 5 year land supply and it is a sustainable location that has excellent access to regular public transport, employment, education and health facilities as well as shops and other every day amenities.

The proposal is, therefore, considered to be acceptable when assessed against the policies in the NPPF, in particular Paragraph 14, the Selby District Local Plan and the Core Strategy. It is on this basis that permission is recommended to be granted subject to the conditions and Section 106 agreement.

Recommendation:

This planning application is recommended to be APPROVED subject to delegation being given to Officers to complete the Section 106 agreement to secure 40% on site provision for affordable housing, on-site recreational open space provision and maintenance, a contribution of £20,000 towards traffic lights in the village centre, a Travel Plan and a £5,000 monitoring fee, and a waste and recycling contribution and subject to the conditions detailed below:

1. Introduction and background

1.1 The Site

1.1.1 The application site is located outside the defined development limits of Sherburn in Elmet, being located to the north east of the existing settlement boundary. The whole of the application site is designated as safeguarded land within the Selby District Local Plan (2005).

1.1.2 The site is designated as agricultural use, although is currently been left unattended. The boundaries of the site are existing residential properties to the south and west, mature hedging to the north and Hodgson's Lane to the east. The surrounding residential properties are predominantly two storey, although a small number of them have loft conversions. A public right of way runs along the site's western boundary.

1.1.3 The site straddles Flood Zones 1 and 2, as contained in the Environment Agency's Flood Risk mapping.

1.2. The Proposal

1.2.1 The application is for outline consent and the indicative scheme submitted with the application shows 60 dwellings.

1.2.2 The development would be accessed via a gap between 57 and 59 Pinfold Garth.

1.2.3 The submitted indicative layout shows a mixture of dwellings including detached, semi-detached and terraced units framing a long, central road, and 5 side roads. It also demonstrates how recreational open space could be provided on the south east part of the site.

1.3 Planning History

1.3.2 An application (2015/0848/OUT) seeking outline consent for up to 60 dwellings was refused on the 30th June 2015.

1.3.3 Also relevant to this application are the following proposal:

1.3.4 An application (2015/0544/OUT) seeking outline consent for up to 270 dwellings on Land at Hodgson's Gate, East of Hodgson's Lane, Sherburn was refused in June 2015. However, following an appeal by the applicant, it was granted planning permission by the Planning Inspector on the 6th December 2016. This land sits to the east of this site, and is physically separated by Hodgson's Lane.

1.3.4 An application (2016/1409/OUTM) for Outline Consent for 150 dwellings on Hodgson's Lane, which immediately abuts the northern boundary of this site, was approved at planning committee on the 29th March 2017, subject to a satisfactory s106 agreement being agreed.

1.4 Consultations

1.4.1 Sherburn in Elmet Parish Council
To be provided on the update note

1.4.2 i) Lead Officer – Policy (October 2015)
To be provided on the update note

1.4.3 North Yorkshire County Council Highways
The Highways Authority has raised no objections, although they have requested £20,000 towards the village centre traffic lights and recommended conditions be imposed.

1.4.4 Environment Agency
The Environmental Agency have stated that the applicant should carry out a Sequential Test and, in the event that there is 'reasonably available' lower risk sites to which the development could be steered, the scheme should be refused.

In the event of an approval, the Environmental Agency has recommended that a condition be imposed that requires the following mitigation measure.

- The finished floor levels of properties within flood zone 2 are set no lower than 8.5m above Ordnance Datum (AOD), which is 600mm above the modelled 1% annual probability flood accommodating for climate change.

1.4.6 North Yorkshire County Council – Flood Risk Management

Previously, the SuDS and Development Control officer confirmed that, having initially objected to the proposal, they were satisfied that flood risk can be managed at the site with the detailed design of proposals, which will need to be secured by **condition**.

1.4.7 Selby Area Internal Drainage Board

No objections raised, but have recommended conditions, including that the rate of water runoff is restricted to 1.4litres per second per hectare.

1.4.8 Environmental Health – Lead Officer

The proposed development is of a fairly large scale and, as such, will entail an extended construction phase. Accordingly, the Environmental Health officer recommends that **conditions** relating to construction management and noise control (through maximum noise levels and hours of construction) be imposed.

1.4.9 Northern Gas Network

Committee will be updated on the response at the meeting

1.4.10 NYCC Heritage

NYCC Heritage advise that they “would advise that a scheme of archaeological mitigation is recording is undertaken in response to the ground disturbing works associated with the development proposals”. This should comprise an archaeological strip, map and record to be undertaken in advance of development. Including site preparation works, top soil stripping, to be following by appropriate analyses, reporting and active preparation. NYCC Heritage notes that in order to secure this a **condition** should be placed on any consent.

1.4.11 Natural England

No comments received.

1.4.12 Yorkshire Wildlife Trust

The Yorkshire Wildlife Trust have raised no objection because the Ecological Management and Enhancement Plan (prepared by Wold Ecology) addresses the issues that they had raised previously. However, it is recommended that stringent conditions are imposed to ensure that the ecological management measures are in compliance with the Ecological Management and Enhancement Plan.

1.4.13 North Yorkshire Bat Group

No response received.

1.4.14 North Yorkshire Education

Based on the proposed 60 2+ bedroom properties a developer contribution of £203,940 would be sought for primary education facilities at Hungate Community

Primary School as a result of this development. A developer contribution would not be sought for secondary school facilities at this time. Should the density of the site change we would be required to recalculate this based on pupil numbers available at the time of recalculation.

Officer comment: The Community Infrastructure Levy (CIL) is a source of funding from new development which will help support the delivery of local infrastructure. The council has adopted a CIL to fund infrastructure that will support the development of the area and to ensure that future housing and employment growth envisaged in its Local Plan can be accommodated sustainably. Funding raised through the levy can be used to pay for improvements such as parks, playspaces, education, health facilities and the transport network.

1.4.15 North Yorkshire Police

No response received on the application within the statutory time period.

1.4.16 North Yorkshire and York Primary Care Trust

The Sherburn Group Practice anticipates that 60 dwellings will equate to 144 new patients using their practice, and a cost of £19,200 towards a new consulting room would be appropriate to help absorb additional patients.

Officer comment: The Community Infrastructure Levy (CIL) is a source of funding from new development which will help support the delivery of local infrastructure. The council has adopted a CIL to fund infrastructure that will support the development of the area and to ensure that future housing and employment growth envisaged in its Local Plan can be accommodated sustainably. Funding raised through the levy can be used to pay for improvements such as parks, playspaces, education, health facilities and the transport network.

1.4.17 North Yorkshire Fire and Rescue Service

No response received.

1.4.18 North Yorkshire Public Rights of Way

Request informative on consent to note that the existing public right of way should be protected until a new route can be agreed.

1.4.19 Contaminated Land Consultant (WPA)

While a 'contamination focused site investigation' is not recommended, the report states; 'However a ground investigation will be required to confirm conditions and inform foundation design, particularly given the nature of the superficial deposits and potential for compressible materials. It would be prudent at this time to test near surface topsoil to confirm its suitability for use in residential gardens and if peat deposits are identified, confirm the gas regime.' This recommendation seems appropriate to the findings of the report. The only error found in the report was that the definitions of risk were back to front in the 'Risk Description' table. This is however an obvious editing/formatting error and does not affect the following risk analysis. Other than that, the report is compact and thorough; with all potential linkages considered and appropriate conclusions and recommendations. WPA would advise that the recommended geo-environmental investigations be allowed to commence, with conditions CL1 and CL5 in place.

1.5 **Publicity**

- 1.5.1 The application was advertised as a departure by site notice, neighbour notification letter and advertisement in the local newspaper resulting in comments from 16 objections. The issues raised can be summarised as follows:

Principle of Development

- Question the need for the housing
- Understand that Housing applications should be considered in the context of the presumption in favour of sustainable development; however I do not believe that this particular planning application is sustainable and acceptable, bearing in mind that Sherburn In Elmet already has approved housing development of an estimated 1,000 houses, which are currently undergoing development.

Highways

- Inward and outward access to this proposed housing development is unsafe due to the high volume of traffic already on the roads around Springfield Road, North Drive and Moor Road on to Moor Lane.
- There is very little off street parking already around the area and the proposed access is on a bend and very near a blind bend on Springfield Road.
- Access should be off the bypass
- Safe and sensible option would be to use one or both of two existing access points from the bypass or modify Hodgson's Lane as part of the Hodgson's Gate development (which is even more houses) to give access into the proposed sites.
- Concerns over the lack of an emergency access.

Ecology

- It has been identified that there are bats within the site area, that use the field area for roosting and feeding. (The Wildlife and Countryside Act 1981 (WCA) protects bats and their roosts in England, Scotland and Wales).
- The Bishop Dyke that runs to the East of the site is also the habitat of water voles (fully protected under Schedule 5 of the Wildlife and Countryside Act 1981 and is a priority conservation species).
- This greenbelt safeguarded land is the habitat of much flora and fauna and this should be considered when making the planning decision.
- Wildlife lives in the perimeter hedges
- The Ecology reports carried out have not been made at dusk to support this and needs to be carried out before hibernation.

Flood Risk and Drainage

- Would like reassurance that the effect of this development on the water table in the area has been thoroughly investigated. The field on which these houses are to be built already has standing water that takes a very long time to drain away when we have a lot of rain.
- The site floods -surface water moves at high velocity in this area.

Infrastructure

- How will the village infrastructure be developed to support the extra people who will live in these houses?
- Schools have no capacity to take extra children.

- An example given of a child having to go to South Milford Primary School because of the lack of capacity at the two Sherburn schools.
- Doctors has no capacity
- The infrastructure is not here in Sherburn in Elmet to support the volume of additional homes that are being proposed.
- Overloaded pumping station on Moor Lane.

Other Matters

- It is assumed that the land in question for the proposed access on to Springfield Road is owned by Selby District Council and was previously allocated for local housing association houses.
- Areas with Japanese Knotweed, which can be found in and around the boundary hedges.
- Parking in the centre of Sherburn is chock a block.
- With access off the bypass building materials as well as plant and machinery can be easily delivered to the site without having to negotiate existing road networks which are not suitable and dangerous.

2. Report

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and 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.

2.2 Selby District Core Strategy Local Plan

- 2.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and 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.

The relevant Core Strategy Policies are as follows:

- SP1 Presumption in Favour of Sustainable Development
- SP2 Spatial Development Strategy
- SP5 Scale and Distribution of Housing

- SP8 Housing Mix
- SP9 Affordable Housing
- SP15 Sustainable Development and Climate Change
- SP16 Improving Resource Efficiency
- SP18 Protecting and Enhancing the Environment
- SP19 Design Quality

2.3 Selby District Local Plan

Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework. As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, the guidance in paragraph 214 of the NPPF does not apply and therefore applications should be determined in accordance with the guidance in Paragraph 215 of the NPPF which states " In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

The relevant Selby District Local Plan Policies are:

- SL1: Safeguarded Land
- ENV1: Control of Development
- ENV2: Environmental Pollution and Contaminated Land
- T1: Development in Relation to Highway
- T2: Access to Roads
- RT2: Recreational Open Space
- CS6: Community facilities

2.4 National Policy

The National Planning Policy Framework introduces, in paragraph 14, a presumption in favour of sustainable development. It states "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking".

This report is made in light of the guidance of the NPPF.

Other Policies/Guidance

Affordable Housing Supplementary Planning Document, 2013
 Developer Contributions Supplementary Planning Document March 2007
 Sherburn in Elmet Village Design Statement, December 2009
 North Yorkshire County Council SuDs Design Guidance, 2015

2.5 Key Issues and the decision making process

2.6 The main issues to be taken into account when assessing this application are:

1. The appropriateness of the location of the application site for residential development in respect of current housing policy and guidance on sustainability contained within the Development Plan and the NPPF.
2. Whether any policies in the NPPF indicate the development should be restricted:
 - i) Safeguarded Land
 - ii) Flood Risk
3. Identifying the potential impacts of the proposal:
 1. Design and impact on the character of the area
 2. Flood risk, drainage and climate change
 3. Impact on highways
 4. Residential amenity
 5. Nature conservation and protected species
 6. Affordable housing
 7. Recreational open space
 8. Education, healthcare, waste and recycling
 9. Contamination
 10. Impact on heritage assets
 11. Education, healthcare, waste and recycling
 12. Other issues
- 4) Benefits of the Proposal

2.7 The Appropriateness of the Location of the Application Site for Residential Development in Respect of Current Housing Policy and Guidance on Sustainability Contained within the Development Plan and the NPPF.

- 2.7.1 Policy SP1 of the Selby District Core Strategy Local Plan (2013) 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.
- 2.7.2 Policy SP1 is therefore consistent with the guidance in Paragraph 14 of the NPPF and should be afforded significant weight.
- 2.7.3 The application site is situated outside the defined development limits of Sherburn which is a Local Service Centre. Policy SP2A(c) of the Core Strategy 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.”

- 2.7.4 The proposal does not meet Policy SP2A(c) as it is not purely for rural affordable housing need and there are no special circumstances. The application should therefore be refused unless material circumstances indicate otherwise. One such material circumstance is the NPPF.
- 2.7.5 The Local Planning Authority, by reason of paragraph 47 of the NPPF, is however required to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of housing against its policy requirements.
- 2.7.6 Given the above, the principle of residential development on the site must be assessed against paragraph 49 of the NPPF which states that "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."
- 2.7.6 Paragraph 14 of the NPPF states that "at the heart of the framework is a presumption in favour of sustainable development", and for decision taking this means, unless material considerations indicate otherwise, approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- “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; or*
- Specific policies in this framework indicate development should be restricted.”*
- 2.7.8 The examples given of specific policies in the footnote to paragraph 14 include those policies relating to land designated as Green Belt, Local Green Space and locations at risk of flooding or coastal erosion. In this case the application site falls within two of the specific policies listed. The application site is partly located within Flood Zone 2 and is designated as Safeguarded Land. Therefore, the proposal is subject to a range of policies within the NPPF which indicate that development should be restricted. This report will first look at the implications of flood risk and Safeguarded Land policies.

Sustainability of the Development

Access to Public Transport and amenities

- 2.7.9 In respect of sustainability, the application site is in close proximity to the defined development limits of the Sherburn. Sherburn is a Local Service Centre, as identified in the Core Strategy, and somewhere where there is scope for additional residential growth to support rural sustainability. The village contains services such as two primary schools, a secondary school, two GP surgeries, a library, numerous convenience stores, a pharmacy, a dentist, a post office and a regular bus service to Leeds, Tadcaster, Pontefract and Selby, and a train service to York, Hull and Sheffield.

2.7.10 On consideration of the above information, it is considered that the proposal is acceptable in regards to the appropriateness of the location of the application site for residential development in respect of current housing policy and guidance on sustainability from both local and national policies.

2.8 Specific policies of the NPPF which indicate development should be restricted.

Safeguarded Land

2.8.1 The site is designated as “Safeguarded Land” within the Selby District Local Plan 2005 meaning that it was identified as an area suitable for housing to provide for the long term housing need within the District. The Local Plan states that land excluded from the Green Belt outside Development Limits, but not allocated for development, will be safeguarded as part of a potential long-term reserve beyond 2006, in accordance with Policy SL1. The release of the “safeguarded land”, if required to meet long-term development needs, would only be made in a controlled and phased manner through future Local Plan or land supply reviews, possibly extending over successive review periods.

2.8.2 The Inspector for the appeal decision on land to the east of the application site at Hodgson’s Gate (which is also part of the same area of safeguarded land as the application site) noted that “the site was safeguarded some 11 years ago as a resource for accommodating residential growth beyond 2006. It has been kept free of permanent development all of this time and its release now reflects the changed circumstances in the District with regard to the slow delivery of new residential development to meet a new housing requirement.” The Inspector concluded that in the specific circumstances, that being a lack of five year housing land supply, given its status as a parcel of a larger area of safeguarded land, it would not be necessary for the appeal site to be kept free of permanent development at the present time in order to maintain its availability for development in the longer term. Officers note that the proposals would seek to develop a further portion of the safeguarded land around Sherburn in Elmet and there is potentially further loss by virtue of a pending application to the north of the application site for further residential development of 150 dwellings. Notwithstanding this it is noted that there are areas of safeguarded land to the west and north of the settlement and a significant proportion of safeguarded land to the south which would still be retained for longer term development. It is therefore considered that, on balance having had regard to the need for housing, the loss of this safeguarded land, whilst contrary to Policy SL1 should be given limited weight.

Flood Risk

2.8.3 Policies SP15, SP16 and SP19 of the Core Strategy require proposals to take account of flood risk, drainage, climate change and energy efficiency within the design.

2.8.4 The application site is located partly within Flood Zone 2 and partly in Flood Zone 1. With regards to category Flood Zone 2, the NPPF considers this to be an area of medium probability to flooding and defines it as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding, or a 1 in 200 and 1 in 1,1000 annual probability of flooding from the sea.

2.8.5 The PPG identifies dwelling houses as falling within the “more vulnerable” category and as such the proposals would need to pass the sequential test. In addition all applications in Flood Zones 2 and 3 must be accompanied by a Flood Risk Assessment. These are discussed in turn below.

Sequential Test

2.8.6 The purpose of carrying out a Sequential Test is made clear in Paragraph 101 of the NPP, which states that:

“The aim of the Sequential Test is to steer new development to areas with the lowest possibility of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.”

2.8.7 There is an exception to this, which is that, according to Paragraph 104 of the NPPF *“individual developments on sites allocated in development plans through the Sequential Test, applicants need not apply the Sequential Test”*. However, in this particular instance, this piece of land, which has been safeguarded through the Local Plan.

2.8.8 Therefore, in accordance with the NPPF, the applicants have to carry out a Sequential Test and demonstrate that there are no alternative sites in the District, available for housing development, and not within Flood Zones 2 and 3. Furthermore the PPG states that:

“For individual planning applications where there has been no sequential testing of the allocations in the development plan, or where the use of the site being proposed is not in accordance with the development plan, the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed.”

2.8.9 The Council has discussed the scope of the Sequential Test for this application site with the Environment Agency and it was agreed that a pragmatic approach should be taken in defining the area of search, when applying the Sequential Test. It is considered that, as the site is designated “Safeguarded Land” within the Local Plan, has strong sustainability credentials (as listed in paragraph 2.7.9 of the report) and is located on the edge of a town identified in the Core Strategy as a Local Service Centre with scope for additional residential growth, the list of alternative sites should be limited to Sherburn Urban Area.

2.8.10 The applicants have submitted a Sequential Test as part of their submission documents which make the case that there are no available sites within the Sherburn Urban Area that are able to accommodate the proposed development. Looking at the sites available, officers are of the view that is a fair assessment. It is on this basis that the applicant’s proposal passes the Sequential Test and is in accordance with Policy SP15 of the SDCS and paragraph 101 of the NPPF.

Flood Risk Assessment

2.8.11 The applicants have submitted a Flood Risk and Surface Water Assessment (FRA) and a separate Sequential Test Report (STR). The FRA assesses the site

characteristics, flood sources, considers the flood classification, and details mitigation measures. The proposed mitigation includes acknowledgement that floor levels to properties will need to be set above surrounding flood plain levels. That above ground surface water management methods will be required and that such surface water management features would need to be managed.

- 2.8.12 Residents have raised concerns that a large part of the application site is within Flood Zone 2 and that the drainage needs to be considered.
- 2.8.13 NYCC Flood Risk Management Team has been consulted on the proposals and they have recommended that a condition is attached if planning permission is given. The Environment Agency has been consulted and they have raised no objections, however have requested that a condition be imposed regarding progression in accordance with the submitted FRA and site levels.
- 2.8.14 With respect to surface water run-off this should be managed using sustainable drainage techniques to ensure that flood risk is not increased either on-site or elsewhere and the Internal Drainage Board would need to agree any discharge rates. Having consulted the Internal Drainage Board they have raised no objections to the scheme.
- 2.8.15 Yorkshire Water have confirmed that they have no objections in principle to the proposals subject to conditions and the discharge of all surface water to watercourses.
- 2.8.16 Having taken the above into account it is considered that the proposed scheme can adequately address flood risk and drainage subject to appropriate conditions in accordance with Policies SP15, SP16 and SP19 of the Core Strategy and the NPPF.

2.9 Identifying the potential impacts of the proposal

- 2.9.1 This section will look at the potential impacts arising from the proposals

2.10 Design and Impact on the Character of the Area

- 2.10.1 Relevant policies in respect to design and the impacts on the character of the area include Policy ENV1 (1) and (4) of the Selby District Local Plan, and Policy SP19 "Design Quality" of the Core Strategy. In addition Policy SP8 of the Core Strategy requires an appropriate housing mix to be achieved.
- 2.10.2 Significant weight should be attached to the Local Plan policy ENV1 as it is broadly consistent with the aims of the NPPF.
- 2.10.3 Relevant policies within the NPPF, which relate to design include paragraphs 56, 60, 61, 65 and 200.
- 2.10.4 The application proposes outline consent with all matters reserved. An indicative illustrative masterplan has been submitted which demonstrates how the site could accommodate 60 dwellings, allowing for internal road networks, drainage areas and an area of recreational open space. The application site has a site area of 6.05 hectares which would achieve a density of approximately 22.3 dwellings per hectare

which is considered to be low to medium density and as such would appear to be a reasonable density having had regard to the surrounding context.

- 2.10.5 With respect to the appearance of the proposals the submitted Planning Support Statement which includes the Design and Access Statement notes that the design and appearance of the scheme would be considered at the Reserved Matters stage but reference is made to the Village Design Statement and the context to the site. Taking into account the surrounding context of the site there is nothing to suggest that an appropriate appearance could not be achieved at reserved matters stage. The Indicative Layout notes a mix of properties which appear to be largely two storey. Providing that the scale of the properties proposed takes account of the surrounding context and in particular the inter-relationship with existing properties along the southern boundaries there is nothing to suggest that an appropriate scale cannot be achieved at reserved matters stage.
- 2.10.6 In terms of landscaping, this is reserved for future consideration, however it is noted that the site is generally open in character with trees and hedgerows located on the site boundaries. The submitted Planning Support Statement (Planning) notes that there are no trees or hedgerows within the site itself although it acknowledges that there are mature hedgerows on the boundaries which would be retained unless removal is required for creation of an access into the site.
- 2.10.7 Policy ENV3 of the Local Plan requires consideration be given to external lighting and it is considered, that an appropriate lighting scheme can be achieved at reserved matters stage.
- 2.10.8 Policy SP8 states that proposals must ensure that the types and sizes of dwellings reflect the demand and profile of households evidenced from the most recent Strategic Housing Market Assessment. As this is an outline scheme there is no detail as to the proposed housing mix, however an appropriate mix could be achieved at reserved matters stage taking into account the housing needs identified in the Strategic Housing Market Assessment.

2.11 Impacts on Highway Safety

- 2.11.1 Policy in respect of highway safety and capacity is provided by Policies ENV1(2), T1 and T2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and paragraphs 34, 35 and 39 of the NPPF. In addition Policies T7 and T8 of the Local Plan set out requirements for cycling and public rights of way.
- 2.11.2 The application is accompanied by a Transport Assessment together with updated technical notes which examine the existing highway network, traffic flows and accident levels and presents the anticipated traffic generation and highway impacts as a result of the development having also taken into account other permissions within Sherburn in Elmet.
- 2.11.3 North Yorkshire County Council Highways conclude that the application is acceptable in highways terms and would not have a severe detrimental impact on the network
- 2.11.4 It is accepted by officers that Sherburn-in-Elmet is designated as a Local Service Centre in the adopted Core Strategy and that the settlement represents a generally

sustainable location in terms of access to jobs, local schools and services by a choice of transport modes. As with many settlements within the District there will be some reliance on the private motor vehicle to access employment and wider services and facilities. .

2.11.5 It is therefore considered that the scheme is acceptable and in accordance with policies ENV1(2), T1, T2, T7 and T8 of the Local Plan, Policy SP19 of the Core Strategy and Paragraph 39 of the NPPF with respect to the impacts on the highway network subject to conditions.

2.12 Residential Amenity

2.12.1 Policy in respect to impacts on residential amenity and securing a good standard of residential amenity is provided by ENV1(1) of the Local Plan, as part of the Core Principles of the NPPF and within Paragraph 200 of the NPPF.

2.12.2 The detailed design of the properties, orientation, boundary treatments and relationship of windows to other properties would be fully established at reserved matters stage so as to ensure that no significant detriment is caused through overlooking, overshadowing or creating an oppressive outlook.

2.12.3 The Lead Officer for Environmental Health has recommended conditions to minimise the impact on nearby residents of construction noise and disturbance to a minimum. A condition is also recommended to minimise the impact of noise within the new dwellings from the bypass.

2.12.4 Having taken into account the matters discussed above it is considered that an appropriate scheme could be designed at reserved matters stage which should not cause significant detrimental impact on the residential amenities of either existing or future occupants in accordance with policy ENV1(1) of the Local Plan and the NPPF.

2.13 Impact on Nature Conservation and Protected Species

2.13.1 Policy in respect to impacts on nature conservation interests and protected species is provided by Policy ENV1(5) of the Local Plan, Policy SP18 of the Core Strategy and paragraphs 109 to 125 of the NPPF.

2.13.2 With respect to impacts of development proposals on protected species planning policy and guidance is provided by the NPPF and accompanying PPG in addition to the Habitat Regulations and Bat/ Great Crested Newt Mitigation Guidelines published by Natural England.

2.13.3 The application is accompanied by a Ecological Enhancement Management Plan (October 2015), prepared by Wold Ecology.

Nature Conservation Sites

2.13.4 There are no international sites of nature conservation interest within 5km of the site. One statutorily designated site, Sherburn Willows Site of Scientific Interest (SSSI) is within 2km of the site to the south west. The desktop data indicates the presence of 4 non-statutorily designated sites within 2km, these are Local Wildlife

Sites and include 1 SSSI and 4 SINCs. Due to the separation distances involved it is not considered that the proposals would result in any significant adverse impacts on these sites.

Protected Species

2.13.5 The submitted Ecological Enhancement Management Plan considers the habitat on the site including the watercourses to the boundaries and ponds within the site, alongside hedgerows and trees in terms of bats, amphibians reptiles, terrestrial mammals and invasive species. Mitigation is noted in terms of limiting illumination in the vicinity of the dyke to limit impact on bats, limiting clearance of the site in the bird breeding season, a 6m buffer to the dyke to protect terrestrials mammals, enhancement of the hedges on the northern boundary for habitat purposes and the introduction of bat boxes within the site, nesting boxes within the site and provision of deadwood / rubble piles on the site periphery.

Habitats

2.13.6 The reports confirm that the site comprises agricultural land. The survey has not identified any habitats or plans species considered to be rare in the UK and therefore development of the site would have a negligible impact on the biodiversity value of the local area. The hedgerows noted as being are dominated by native species and the report advises that the hedgerows are cleared outside the bird breeding season and some enhancement of these hedgerows is also noted accordingly. A stand off to the Dyke which although not classified as BAP habitat could support such species is also noted. In the context of the submitted Report then there are a series of recommendations to protect the habitats of ecological value.

2.13.7 Natural England has raised no objection to the proposal. Yorkshire Wildlife Trust have written to confirm that, subject to conditions, they are happy with the details and management details set on in Ecological Enhancement Management Plan.

2.13.8 Therefore, in the absence of any evidence to suggest contrary to the findings of the information submitted by the Applicants, and having had regard to advice from Yorkshire Wildlife Trust, the findings of the submitted Reports are accepted.

2.13.9 Consequently, it is considered that the proposal would accord with Policy ENV1(5) of the Local Plan, Policy SP18 of the Core Strategy and the NPPF with respect to nature conservation subject to a condition that the proposals be carried out in accordance with the recommendations set out in the submitted Report and conditions on provision of a Ecological Enhancement Management Plan.

2.14 Energy Efficiency and Climate Change

2.14.1 With respect to energy efficiency, in order to comply with the specific requirements of Policy SP16 which requires that 10% of total predicted energy should be from renewal, low carbon or decentralised energy sources a condition should be imposed on permission granted in order to ensure compliance with Policies SP15 and SP16 of the Core Strategy.

2.14.2 Having taken the above into account it is considered the proposed scheme can adequately address drainage subject to appropriate conditions. In addition, climate change and energy efficiency measures can be secured via condition to ensure that these are incorporated at reserved matters stage in accordance with Policies SP15, SP16 and SP19 of the Core Strategy and the NPPF.

2.15 Affordable Housing

2.15.1 Policy SP9 of the Core Strategy states that the Council will seek to achieve a 40/60% affordable/general market housing ratio within overall housing delivery. In pursuit of this aim, the Council will negotiate for on-site provision of affordable housing up to a maximum of 40% of the total new dwellings on all market housing sites at or above the threshold of 10 dwellings.

2.15.2 The applicant has confirmed that they are prepared to provide 40% affordable units on site and that this could be secured via a Section 106 agreement.

2.16 Recreational Open Space

2.16.1 Policy in respect of the provision of recreational open space is provided by Policy RT2 of the Local Plan which should be afforded significant weight, the Developer Contributions Supplementary Planning Document, Policy SP19 of the Core Strategy and paragraphs 70 and 73 of the NPPF.

2.16.2 The indicative layout plan demonstrates that the site could incorporate on-site recreational open space and this would need at the reserved matters stage accord with policy requirements set out in Policy RT2 and be maintained and managed by a management company. Using the standard formula of 60sqm of open space per dwelling, 3,600sqm would need to be provided.

2.16.3 Whilst the indicative layout suggests that there would be publically accessible open space on the south eastern part of the site, the final amount will need to comply with the amount of housing provision. To date, no justification has been provided to demonstrate that this level of provision cannot be provided on site. The amount of open space, in sqm, will be provided in an update note to Members.

2.17 Education, Healthcare, Waste and Recycling

2.17.1 ENV1 and CS6 of the Local Plan and the Developer Contributions Supplementary Planning Document set out the criteria for when contributions towards education, healthcare and waste and recycling are required. These policies should be afforded significant weight.

2.17.2 Having consulted North Yorkshire County Council Education and the Primary Care Trust, a contribution towards education facilities and for an additional consultation room at the Sherburn-in-Elmet medical practice has been requested. However, these monies are not now secured from the developer via a Section 106 agreement. Instead the developer would make the required payment to the Council based on the Community Infrastructure Levy Charge.

2.17.3 With respect to Waste and Recycling, a contribution of £65 per dwelling would be required and this would therefore be secured via Section 106 agreement.

2.18 Contamination

- 2.18.1 Policies ENV2 of the Local Plan and SP19 of the Core Strategy relate to contamination.
- 2.18.2 The application is accompanied by a Preliminary Investigation prepared by Dunelm Geotechnical and Environmental dated August 2015. The report does identify and area of “possibly infilled land” within the site (north east corner) and recommendations are made on gas testing in this area. The report outlines further investigations due to the size of the development and the Council’s Contaminated Land Consultant has advised that this conclusion and recommendations are appropriate.
- 2.18.3 The Council’s Contaminated Land Consultant has also advised that should consent be granted for the scheme then standard conditions CL1 to CL5 should be utilised.
- 2.18.4 In this context the scheme is considered to accord with Policy ENV2 of the Local Plan and SP19 of the Core Strategy.

2.19 Impact on Heritage Assets

- 2.19.1 Policies ENV1 and ENV28 of the Local Plan, Policies SP18 and SP19 of the Core Strategy and the NPPF require proposals to take account of their impacts on heritage assets and in particular in relation to this site, archaeology.
- 2.19.2 The NPPF paragraph 128 states Local Planning Authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 2.19.3 The applicants have not provided any specific information in relation to Archaeology and the site does not lie within an Archaeological Consultation Zone for consultation with the County Council. However, in the context of comments from residents a consultation request was sent to NYCC Heritage Officers.
- 2.19.4 They have advised that the proposed development lies within an area of archaeological potential and that a scheme of archaeological mitigation recording should be undertaken in response to the ground-disturbing works associated with this development proposal which can be secured via condition on any consent.
- 2.19.5 The proposals are therefore considered acceptable with respect to archaeology in accordance with Policies ENV1 and ENV28, of the Local Plan, Policies SP18 and SP19 of the Core Strategy and the NPPF.

2.20 Other Issues

- 2.20.1 Local residents have stated that there is no need for open market housing in Sherburn. Selby District has under delivered with respect to housing for a number of years and as a result of this, and as set out above, does not have a five year housing supply of land which means that the Council's housing policies are out of date. This clearly demonstrates that there is a need for open market housing and it is also noted that the figures within the Core Strategy are minimum requirements.
- 2.20.2 Objectors have noted the presence of Japanese knotweed within the application site. This would need to be dealt with via a specialised contractor if present on site and the requirement to deal with this is covered by legislation outside planning to ensure its removal from the site.
- 2.20.4 Objectors have raised concerns at the lack of parking for future occupiers from the development to park in the town centre to access services. However, the indicative layout demonstrates that the appropriate level of on-site car parking can be delivered as part of the layout.
- 2.20.5 Objectors have raised concerns at the impact of the development on the boundaries of the site including the existing hedgerows. As noted earlier in the report the submitted ecology reports consider the impact on hedgerows and outline a series of mitigation measures to ensure these hedgerows are protected / managed appropriately. The mitigation and methods outlined in these reports can be controlled via conditions on any consent as such it is considered that the hedgerows have been appropriately assessed. In terms any boundary treatments other than hedges then the developer of the site would need to confirm the approaches to boundaries as part of the reserved matters submission or via condition discharge.
- 2.20.6 Objectors have made numerous comments regarding the impact of the proposals on the local infrastructure such as schools and the doctor's surgery. With respect to the leisure facilities, shopping facilities, and public toilets there is no policy requirement for these elements to be secured as part of the application, however it should be noted that development often leads to improved services by virtue of the increased number of users. In terms of schools and healthcare infrastructure the site would be liable for payment of a CIL contribution which would be calculated in line with the schedule at the appropriate time.
- 2.20.7 In addition, I should draw the objectors attention to the comments made by the Inspector who, when granting planning permission for Outline consent for up to 270 dwellings at Land at Hodgson's Gate, East of Hodgson's Lane, considered there to be adequate amenities and infrastructure in place in Sherburn. In paragraph 33 of his report, he wrote:

"It is not, however, clear from the report which 'key services' are absent from the town. It has two primary schools, a secondary school, two GP surgeries, a library, numerous convenience stores (including the presence of four national multiple retailers) a pharmacy, a dentist, a post office and a reasonable bus service. In addition, there is a significant employment zone to the east of the town."

2.21 Benefits of the Proposal

2.21.1 Paragraph 7 of the NPPF, states that there are three dimensions to sustainable development, these being of an economic, social and environmental nature. These dimensions give rise to the need for the planning system to perform a number of roles.

2.21.2 Economic

The proposal would generate employment opportunities in both the construction and other sectors linked to the construction market. The proposals would bring additional residents to the area who in turn would contribute to the local economy through supporting local facilities.

2.21.3 Social

The proposal would deliver much needed open market and affordable housing in Sherburn in Elmet and hence would promote sustainable and balanced communities. It would also assist the Council meeting the objectively assessed need for housing in the district. In addition the scheme would include provision for recreational open space and would improve existing community facilities as well as provide a contribution, via the Community Infrastructure Levy, towards education facilities at the local Schools.

2.21.4 Environmental

The proposal would deliver high quality homes for local people and take into account environmental issues such as flooding and impacts on climate change, biodiversity and results in the loss of agricultural land which is of a moderate value. The proposal will also deliver environmental benefits in the form of public open space provision.

2.22 Conclusion

2.22.1 A key objective of planning is to bring forward development that is appropriate and in the right place. This is made clear in the National Planning Policy Framework (NPPF), which states that there should be a presumption in favour of sustainable development.

2.22.2 The site is well-placed for redevelopment – it is a sustainable and accessible site that has been safeguarded for future development and is close to Sherburn town centre.

2.22.3 Developing this parcel of land for housing is important because new houses, in sustainable locations such as this, can support local town centres like Sherburn; they add to the vitality of town centres.

2.22.4 The proposal would also achieve a social role in that it would deliver both open market and affordable housing in Sherburn, promoting sustainable and balanced communities and would assist the Council in meeting the objectively assessed housing needs of the District. It would also contribute to achieving a 5-year supply of housing land.

2.22.5 The benefits, which weigh in its favour are that the applicants have demonstrated that appropriate flood mitigation measures can be delivered, the land has already been safeguarded for development, the Council does not currently have a 5 year land supply and it is a sustainable location that has excellent access to regular

public transport, employment, education and health facilities as well as shops and other every day amenities.

2.22.6 The proposal is, therefore, considered to be acceptable when assessed against the policies in the NPPF, in particular Paragraph 14, the Selby District Local Plan and the Core Strategy. It is on this basis that permission is recommended to be granted subject to the conditions and Section 106 agreement.

3.0 Recommendation

This planning application is recommended to be APPROVED subject to delegation being given to Officers to complete the Section 106 agreement to secure 40% on site provision for affordable housing, on-site recreational open space provision and maintenance, a contribution of £20,000 towards traffic lights in the village centre, a Travel Plan and a £5,000 monitoring fee, and a waste and recycling contribution and subject to the conditions detailed below:

1. Approval of the details of the (a) appearance, b) landscaping, c) layout, d) scale and e) access (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 permission and these matters have been reserved for the subsequent approval of the Local Planning Authority.

2. Applications for the approval of the reserved matters referred to in No.1 herein 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.

3. The total number of dwellings authorised by this permission shall not exceed 60 and any reserved matters application (s) submitted pursuant to Conditions 1 and 2 shall be limited to this maximum in total.

Reason:

The impacts of the development on existing infrastructure have been assessed on the basis of this number of units.

4. No dwelling on any phase shall be occupied until at least 10% of the energy supply of the development has been secured from decentralised and renewable or low-carbon energy sources, unless otherwise agreed in writing. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the approved timetable and

retained, maintained and operated thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interest of sustainability, to minimise the development's impact.

5. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason:

In the interest of satisfactory and sustainable drainage.

6. No building or other obstruction including landscape features shall be located over or within 3.5 (three point five) metres either side of the centre line of the sewer i.e a protected strip width of 7 metres, that transverses the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker.

Reason:

In order to allow sufficient access for maintenance and repair work at all times.

7. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage, for surface water have been completed in accordance with details to be submitted to and approved by the Local Planning Authority before development commences.

Reason:

To ensure that the site is properly drained and in order to prevent overloading surface water is not discharged to the foul sewer network.

8. No development shall take place until details of the proposed means of disposal of foul water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority.

Reason:

To ensure that the development can be properly drained.

9. No buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason:

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

10. No development on any phase shall take place until a detailed design and associated management and maintenance plan for surface water drainage for that phase, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design should demonstrate that the surface water runoff generated during rainfall

events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development.

The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document), unless otherwise approved in writing by the Local Planning Authority.

Reason:

To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.

11. The development permitted by this planning permission shall only be carried out in accordance with the submitted Flood Risk Assessment (FRA) referenced 800/377r1 dated June 2015 and the following mitigation measure in the FRA:

i) Finished floor levels are set no lower than 8.5m above Ordnance Datum (AOD), which is 600mm above the modelled 1% annual probability flood accommodating for climate change.

Reason:

In the interest of protecting future residents from impacts of flooding.

12. No development shall commence until an Ecological Management Plan (EMP) for the site has been submitted to and approved in writing by the Local Planning Authority. The EMP shall be produced in accordance with the enhancement recommendations set out in the Preliminary Ecological Appraisal by Brooks Ecological dated 22 February 2017, with particular regard to the protection and enhancement of the watercourse along the eastern edge of the site, the retention of a buffer strip from this watercourse and planting of a native hedgerow, enhancing existing hedgerow and provision for wildlife habitat. Development and maintenance shall thereafter be carried out in accordance with the approved EMP.

Reason:

In the interests of ensuring that the scheme avoids potential impacts on nesting birds and to ensure the enhancement of the site for wildlife purposes.

13. No development shall commence until a Written Scheme of Archaeological Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and the following:

- a. The programme and methodology of site investigation and recording
- b. Community involvement and/or outreach proposals
- c. The programme for post investigation assessment

- d. Provision to be made for analysis of the site investigation and recording
- e. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- f. Provision to be made for archive deposition of the analysis and records of the site investigation
- g. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the Written Scheme of Archaeological Investigation approved. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason:

This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.

14. There shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority:
- a. Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
 - i. the proposed highway layout including the highway boundary
 - ii. dimensions of any carriageway, cycleway, footway, and verges
 - iii. visibility splays
 - iv. the proposed buildings and site layout, including levels
 - v. accesses and driveways
 - vi. drainage and sewerage system
 - vii. lining and signing
 - viii. traffic calming measures
 - ix. all types of surfacing (including tactiles), kerbing and edging.
 - b. Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
 - i. the existing ground level
 - ii. the proposed road channel and centre line levels
 - iii. full details of surface water drainage proposals.
 - c. Full highway construction details including:
 - i. typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
 - ii. when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
 - iii. kerb and edging construction details
 - iv. typical drainage construction details.
 - d. Details of the method and means of surface water disposal.

- e. Details of all proposed street lighting.
- f. Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- g. Full working drawings for any structures which affect or form part of the highway network.
- h. A programme for completing the works.
- i. The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority.

INFORMATIVE:

In imposing the condition above it is recommended that before a detailed planning submission is made a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

Reason:

In accordance with Policies ENV1, T1 and T2 of the Local Plan and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

15. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.

The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority before the first dwelling of the development is occupied.

Reason:

In accordance with Policies ENV1, T1 and T2 of the Local Plan and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

16. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of materials on the site in connection with the construction of the access road or buildings(s) or other works until:

The details of the required highway improvement works listed below, have been submitted to and approved in writing by the Local Planning Authority.

An independent Stage 2 Safety Audit has been carried out in accordance with HD19/03 – Road Safety Audit or any superseding regulations and the issues identified addressed in the design.

A programme for the completion of the proposed works has been submitted.

The required highway improvements shall include:

- i) Dropped kerb crossings/tactile pavements in the vicinity of Hodgsons Lane/Moor Lane.
- ii) Improvements to the A162/A63 roundabout.

Reason:

In accordance with Policies ENV1, T1 and T2 of the Local Plan and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

17. Unless otherwise approved in writing by the Local Planning Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number 16:

- i) Dropped kerb crossings/tactile pavements in the vicinity of Hodgsons Lane/Moor Lane.
- ii) Improvements to the A162/A63 roundabout.

Reason:

In accordance with Policies ENV1, T1 and T2 of the Local Plan and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

18. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the details which have been approved in writing by the Local Planning Authority. Once created these parking areas shall be maintained clear of obstruction and retained for their intended purpose at all times.

Reason:

In accordance with Policies ENV1, T1 and T2 of the Local Plan and to provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

19. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason:

In accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.

20. All doors and windows on elevations of the building(s) adjacent to the existing and/or proposed highway shall be constructed and installed such that from the level of the adjacent highway for a height of 2.4 metres they do not open over the public highway and above 2.4 metres no part of an open door or window shall come within

0.5 metres of the carriageway. Any future replacement doors and windows shall also comply with this requirement.

Reason:

In accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan and to protect pedestrians and other highway users.

21. Unless otherwise approved in writing by the Local Planning Authority there shall be no HCVs brought onto the site until a survey recording the condition of the existing highway has been carried out in a manner approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason:

In accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan and in the interests of highway safety and the general amenity of the area.

22. There shall be no access or egress by any vehicle between the highway and the application site until vehicle wheel washing facilities have been installed on the access road to the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These facilities shall be kept in full working order at all times.

Reason:

In accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan and in the interests of highway safety and the general amenity of the area.

23. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site until the details of the construction access have been approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the approved details for a minimum distance of 30 metres into the site. Once created no vehicles shall access the site, except via the approved construction access.

Reason:

In the accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan and in the interests of both vehicle and pedestrian safety and the visual amenity of the area.

24. There shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until details of measures to maintain the free flow of traffic on the highway network have been approved in writing by the Local Planning Authority and the development shall thereafter be carried out and operated in accordance with the Construction Traffic Management Plan. The measures shall include but not be limited to:

- i. Details of the routes to be used by HGV construction traffic;
- ii. Traffic Management Plan;
- iii. Management and control of HGV construction traffic;
- iv. Measures to prevent mud/dirt being deposited on the highway;
- v. Parking/storage areas.

Reason:

In accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan and to avoid interference with the free flow of traffic and to secure safe and appropriate access and egress to the site in the interests of safety and convenience of highway users and the amenity of the area.

25. No dwelling shall be brought into use until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include:
- a. The appointment of a travel co-ordinator;
 - b. A partnership approach to influence travel behaviour;
 - c. Measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site;
 - d. Provision of up to date details of public transport services;
 - e. Continual appraisal of travel patterns and measures provided through the travel plan;
 - f. Improved safety for vulnerable road users;
 - g. A reduction in all vehicle trips and mileage;
 - h. A programme for the implementation of such measures and any proposed physical works;
 - i. Procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.
- i. The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.

Reason:

In accordance with Policies ENV1, T1 and T2 of the Selby District Local Plan and to establish measures to encourage more sustainable non-car modes of transport.

26. There shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction of the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
- i) On-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
 - ii) On site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for their intended use at all times that construction works are in operation unless otherwise approved in writing by the Local Planning Authority. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

Reason:

In accordance with Policies ENV1, T1 and T2 of the Local Plan and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

27. The applicant should submit a Construction Environmental Management Plan (CEMP). The Plan shall include details of how noise, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated. The construction of the Development shall be completed in accordance with the approved Plan unless any variation has been approved in writing by the Local Planning Authority. The plan shall include details of monitoring to be undertaken to demonstrate that the mitigation measures are sufficient and being employed as detailed.

Reason:

To protect the amenity of the area, the environment and local residents from noise, dust and other airborne pollutants, vibration, smoke, and odour during construction in accordance with Selby District Council's Policy SP19.

28. Prior to any works commencing the applicant shall arrange for an appropriate noise survey and report, to be undertaken by a suitably qualified person. If necessary a written scheme for protecting the proposed noise sensitive development must be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the noise level in the garden areas of the proposed development shall not exceed 50dB (16 hour) between 0700 hours and 2300 hours and all works which form part of this scheme shall be completed before any part of the development is occupied. The works provided as part of this scheme shall be permanently retained and maintained throughout the life of the development. The scheme must also ensure the internal environment of each dwelling is protected from noise. The scheme shall ensure that the building envelope of each dwelling is constructed so as to provide sound attenuation against external noise. The internal noise levels achieved should not exceed 35dB LAeq (16 hour) inside each dwelling between 0700 hours and 2300 hours and 30dB LAeq (8 hour) and 45dB LAm_{ax} in the bedrooms between 2300 and 0700 hours. This standard of insulation shall be achieved with adequate ventilation provided. All works which form part of the scheme shall be completed before any part of the development is occupied. The works provided as part of the approved scheme shall be permanently retained and maintained throughout the life of the development. The aforementioned written scheme shall demonstrate that the noise levels specified will be achieved.

Reason:

To protect the residential amenity of the development from noise in accordance with Policy SP19 of the Core Strategy, paragraph 123 of the NPPF, the PPG in relation to noise and the policy aims of the Noise Policy Statement for England (NPSE)

29. Should any of the proposed foundations be piled then no development shall commence until a schedule of works to identify those plots affected, and setting out mitigation measures to protect residents from noise, dust and vibration shall be submitted to and approved in writing by the Local Planning Authority. The proposals shall thereafter be carried out in accordance with the approved scheme.

Reason:

In the interest of protecting residential amenity in accordance with Policies ENV1 and ENV2 of the Local Plan.

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

(to be inserted when the decision is issued).

HIGHWAYS INFORMATIVE

You are advised that any activity on the development site that results in the deposit of soil, mud or other debris onto the highway will leave you liable for a range of offences under the Highways Act 1980 and Road Traffic Act 1988. Precautions should be taken to prevent such occurrences.

INTERNAL DRAINAGE BOARD INFORMATIVE

Consent from the IDB would be required should surface water be discharged to any watercourse. The surface water run off would be restricted to 1.4 litres per second per hectare or greenfield runoff.

PUBLIC RIGHT OF WAY

The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990.

Applicants are advised to contact the County Council's Access and Public Rights of Way team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

3.1 Legal Issues

3.1.1 Planning Acts

This application has been determined in accordance with the relevant planning acts.

3.1.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

3.1.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

3.2 Financial Issues

3.2.1 See paragraph 2.21.10 regarding site viability.

4. Conclusion

4.1 As stated in sections 2.20, 2.21 and 2.22 of the report.

5. Background Documents

5.1 Planning Application file reference 2015/0895/OUT and associated documents.

Contact Officer: Thomas Webster (Principal Planning Officer)

Appendix 1: Application Site Context.

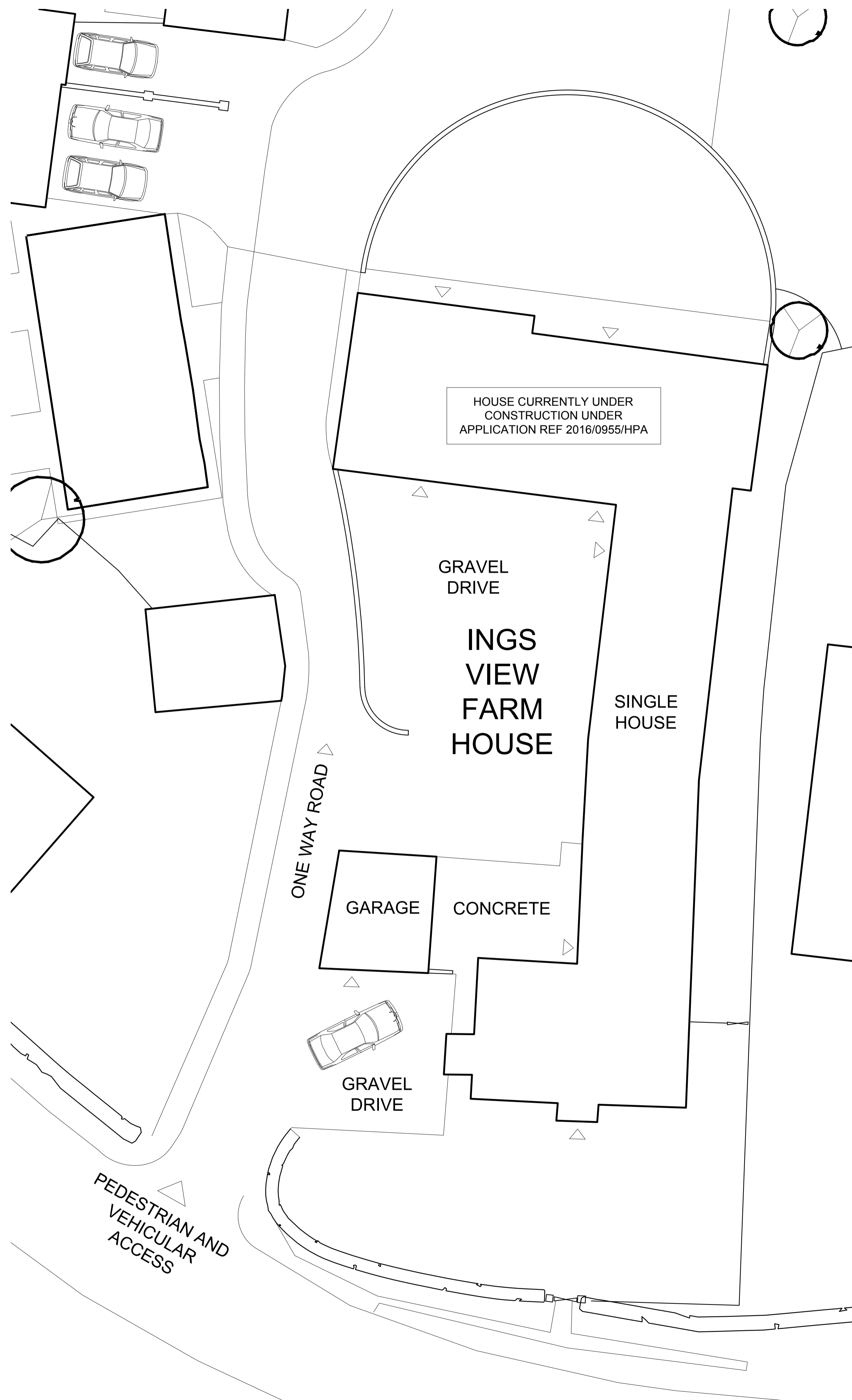


APPLICATION SITE

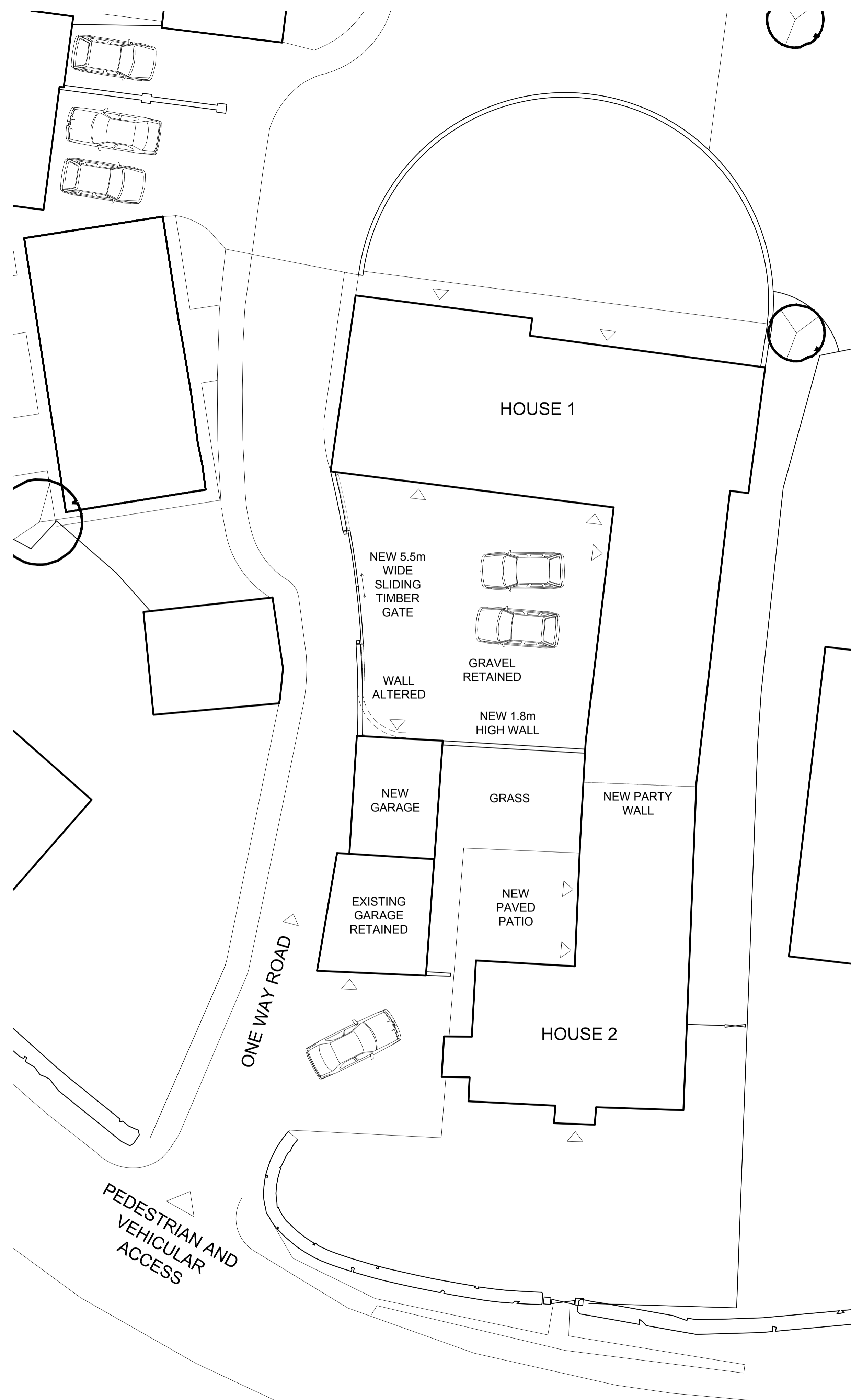
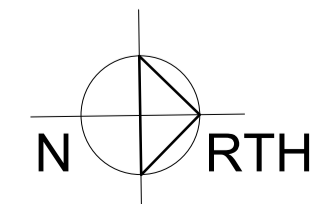
Item No: 2017/0113/FUL

Address: Ings View Farm, Main Street, Thorganby

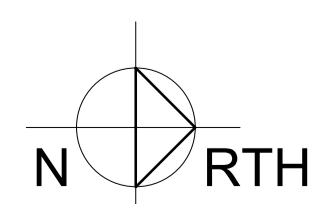
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SITE PLAN AS EXISTING



SITE PLAN AS PROPOSED



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Buyers are warned that this is a working drawing and is not intended to be treated as descriptive material describing, in relation to any particular property or development, any of the specified matters prescribed by order made under the above act. The contents of this drawing may be subject to change at any time and alterations and variations can occur during the progress of the works without revision of the drawing. Consequently the layout, form, content and dimensions of the finished construction may differ materially from those shown. Nor do the contents of this drawing constitute a contract, part of a contract or a warranty.

THE PARTY WALL ACT 1996
The Party Wall Act does not affect any requirement for Planning Permission or Building Regulation Approval for any work undertaken. Likewise, having Planning Permission and/or Building Regulation Approval does not negate the requirements under the Party Wall Act. The Party Wall Act 1996 gives you rights and responsibilities whichever side of the 'wall' you are on i.e. whether you are planning/doing work on a relevant structure or if your neighbour is.

The Party Wall Act comes into effect if someone is planning to do work on a relevant structure, for the purposes of the Act 'party wall' does not just mean the wall between two semi-detached properties, it covers:

- * A wall forming part of only one building but which is on the boundary line between two (or more) properties.
- * A wall which is common to two (or more) properties, this includes where someone built a wall and a neighbour subsequently built something butting up to it.
- * A garden wall, where the wall is beside the boundary line (or butts up against it) and is used to separate the properties but is not part of any building.
- * Floors and ceilings of flats etc.
- * Excavation near to a neighbouring property.

As with all work affecting neighbours, it is always better to reach a friendly agreement rather than resort to any law. Even where the work requires a notice to be served, it is better to informally discuss the intended work, consider the neighbours comments, and amend your plans (if appropriate) before serving the notice. If there is any doubt please consult planning & design partnership or a party wall surveyor.



AMENDED DRAWING

A NOTE ADDED REFERRING TO BARN RECONSTRUCTION PLANNING APPLICATION 17/03/2017 NAS

The Planning & Design Partnership
PLANNING.ARCHITECTURE.INTERIORS.LANDSCAPE

The Chicory Barn Studio,
The Old Brickyards, Moor Lane, Stamford Bridge,
York, The East Riding Of Yorkshire, YO41 1HU.

Telephone 01759 373656 Fax 01759 371810
E-mail: chicorybarn@the-pdp.co.uk
website: www.the-pdp.co.uk

Client
MR AND MRS D HOPKINS

Project
SPLIT UP HOUSE, INGS VIEW FARM
MAIN STREET, THORGANBY

Drawing
SITE LAYOUTS

Date JAN 2017 Drawn NAS

Scale 1:125 @ A1 Rev.

Status PLANNING

Dwg. No. YEW / 277 / 37 / 11 A



Report Reference Number 2017/0113/FUL (8/12/47R/PA)

Agenda Item No: 6.3

To: Planning Committee
Date: 12 April 2017
Author: Jenny Tyreman (Planning Officer)
Lead Officer: Jonathan Carr (Interim Lead Officer – Planning)

APPLICATION NUMBER:	2017/0113/FUL	PARISH:	Thorganby Parish Council
APPLICANT:	Mr Daniel Hopkins	VALID DATE:	2nd February 2017
		EXPIRY DATE:	30th March 2017
PROPOSAL:	Conversion of single dwelling into two separate dwellings by way of a new party wall construction, construction of a new garage, new gate and wall to driveway, replacement of existing window with new double door		
LOCATION:	Ings View Farm Main Street Thorganby York North Yorkshire YO19 6DA		

This matter has been brought to Planning Committee in the context of the recent Court of Appeal Judgement in relation to the West Berkshire Case. Prior to this judgement the Council was able to seek a contribution for Affordable Housing under Policy SP9 of the Core Strategy and the Affordable Housing Supplementary Planning Document (SPD) for development under 10 units. However, following the recent Court Judgement the proposal is contrary to the provisions of the Development Plan, but there are material considerations which would justify approving the application. In addition, more than 10 letters of representation have been received, which raise material planning considerations and officers would otherwise determine the application contrary to these representations.

Summary:

The application seeks planning permission for the conversion of a single dwelling into two separate dwellings, with the construction of a new garage, wall and gate.

Relevant policies in respect of the principle of this proposal include Policy SP2 "Spatial Development Strategy" and Policy SP4 "Management of Residential Development in Settlements" of the Core Strategy. The principle of the proposed development is considered to be acceptable having regard to Policy SP2A (b) and SP4 (a) of the Core Strategy given that the proposal is for the conversion of an existing building located within

the defined development limits of Thorganby, which is a Secondary Village as identified in the Core Strategy. However, these policies are considered to be out of date in so far as they relate to housing supply as the Council acknowledges that it does not have a 5 year housing land supply.

As such the proposals for residential development on this site should be considered in the context of the presumption in favour of sustainable development and paragraphs 14 and 49 of the NPPF. In assessing the proposal against the three dimensions of sustainable development set out within the NPPF, the development would bring economic, social and environmental benefits which weigh in favour of the proposal.

Having assessed the proposals against the relevant policies, it is considered that the proposal is acceptable in respect of its impact on heritage assets, design and impact on the character and appearance of the area, impact on residential amenity, impact on highway safety, climate change, flood risk and drainage and nature conservation and protected species.

The scheme is considered contrary to Policy SP9 of the Core Strategy. However, in the context of the Court of Appeal decision it is considered that this is a material consideration of substantial weight which outweighs the policy requirement for the commuted sum. Officers therefore recommend that, having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.

Having regard to all of the above, it is considered that there would be no adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole. The proposal is therefore considered acceptable when assessed against the policies in the NPPF.

Recommendation

This planning application is recommended to be APPROVED subject to conditions detailed in Paragraph 2.14 of the Report.

1. Introduction and Background

1.1 The Site

1.1.1 The development limit boundary runs through the application site, such that the majority of the application site including the existing dwelling to be converted and the proposed garage, wall and gate would be located within the defined development limits of Thorganby, which is a Secondary Village, as identified in the Core Strategy, while part of the proposed access would be located outside the defined development limits of Thorganby and would therefore be located within the open countryside.

1.1.2 The application site currently comprises a detached dwelling, which benefits from a detached garage. The existing dwelling is currently being extended under application reference 2016/0955/HPA.

1.1.3 The application site fronts Main Street to the east, with residential development to the north, south, east and west.

1.1.4 The application site is located within Flood Zone 1.

1.2 The Proposal

1.2.1 The application seeks planning permission for the conversion of a single dwelling into two separate dwellings, with the construction of a new garage, wall and gate.

1.2.2 The proposed scheme involves no material external alterations to the existing building. However, the proposal involves changing an existing window in the south elevation to a door.

1.2.3 The proposed garage would be attached to the west elevation of the existing garage and would measure a maximum of 4.2 metres in width by 5.7 metres in depth and would have a pitched roof to a maximum height of 3.4 metres above ground floor level.

1.2.4 The proposed wall and gate would have a maximum height of 1.8 metres above ground floor level.

1.2.5 The proposed dwellings would each benefit from a vehicular access onto Main Street. House 1 would benefit from an area of hardstanding to the south of the dwelling and amenity areas to the south and west. House 2 would benefit from an area of hardstanding to the south of the dwelling and amenity areas to the south and east.

1.3 Planning History

1.3.1 The following historical applications are considered to be relevant to the determination of this application.

1.3.2 An application (reference: 2007/1502/FUL) for the proposed conversion of outbuildings into 2 dwellings and the erection of a detached dwelling in the garden area was withdrawn on 14.02.2008.

1.3.3 An application (reference: 2008/0286/FUL) for the conversion of outbuildings into 2 dwellings and the erection of a detached dwelling in the garden area was permitted on 13.05.2008.

1.3.4 An application (reference: 2012/0889/FUL) for the erection of a dwelling was permitted on 25.01.2013.

1.3.5 An application (reference: 2013/0574/HPA) for a barn conversion and alterations and conservation area consent for partial demolition was permitted on 13.08.2013.

1.3.6 An application (reference: 2013/0585/FUL) for the erection of a detached dwelling (amendment to previously approved application 2012/0889/FUL) was permitted on 24.07.2013.

1.3.7 An application (reference: 2015/0684/FUL) for the erection of 7 dwellings and garages was permitted on 02.12.2015.

- 1.3.8 An application (reference: 2016/0951/FUL) for the proposed demolition of existing single storey outbuildings and erection of two storey dwelling and double garage in the conservation area was permitted on 08.12.2016.
- 1.3.9 A Section 73 application (reference: 2016/0955/HPA) to amend condition 06 (drawings) of approval 2013/0574/HPA (8/12/47E/PA) for barn conversion and alterations and conservation area consent for partial demolition was permitted on 17.10.2016.
- 1.3.10 A retrospective application (reference: 2016/1184/ADV) for advertisement consent to display of 1 No. hoarding sign was refused on 01.12.2016.

1.4 Consultations

1.4.1 Parish Council

No response within statutory consultation period.

1.4.2 NYCC Highways

No objections, subject to two conditions relating to the provision of approved access, turning and parking areas and the conversion of the garage into habitable accommodation.

1.4.3 Yorkshire Water

Members to be updated at planning committee.

1.4.4 The Ouse & Derwent Internal Drainage Board

Members to be updated at planning committee.

1.5 Publicity

- 1.5.1 All immediate neighbours were informed by letter, a site notice was erected and an advert placed in the local press.
- 1.5.2 Ten letters of objection have been received as a result of this advertisement, with concerns raised in respect of: (1) highway safety in relation to the number of dwellings using the one way system and the use of the proposed sliding gate serving house no. 1; (2) when the application for the extension to the existing dwelling came in, it was raised by objectors that a subsequent application would come in for the subdivision of the dwelling into two dwellings, this was planned from the outset and makes a mockery of the planning system; (3) overdevelopment of the site; (4) the window overlooking The Paddocks and Rose Cottage has been enlarged from what was permitted under application reference 2016/0955/HPA; (5) the capacity of the drainage system; (6) the provision of storage for bins; (7) limited provision of amenities within Thorganby to support the proposed development; and (8) Historic England have not been consulted.

2 Report

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and 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.

2.1.1 Selby District Core Strategy Local Plan

The relevant Core Strategy Policies are:

SP1:	Presumption in Favour of Sustainable Development
SP2:	Spatial Development Strategy
SP4:	Management of Residential Development in Settlements
SP5:	The Scale and Distribution of Housing
SP9:	Affordable Housing
SP15:	Sustainable Development and Climate Change
SP16:	Improving Resource Efficiency
SP18:	Protecting and Enhancing the Environment
SP19:	Design Quality

2.1.2 Selby District Local Plan

Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework. As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, the guidance in paragraph 214 of the NPPF does not apply and therefore applications should be determined in accordance with the guidance in Paragraph 215 of the NPPF which states " In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

The relevant Selby District Local Plan Policies are:

ENV1:	Control of Development
ENV25:	Control of Development in Conservation Areas
T1:	Development in Relation to the Highway Network
T2:	Access to Roads

2.1.3 National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (NPPG)

The National Planning Policy Framework (NPPF) introduces, in paragraph 14, a presumption in favour of sustainable development. It states "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable

development, which should be seen as a golden thread running through both plan-making and decision-taking".

This report is made in light of the guidance of the NPPF.

2.1.4 Other Policies and Guidance

Affordable Housing Supplementary Planning Document

2.2 Key Issues

The main issues to be taken into account when assessing this application are:

- 1) The appropriateness of the location of the application site for residential development in respect of current housing policy and guidance on sustainability contained within the Development Plan and the NPPF
- 2) Policies in the NPPF which require development should be restricted
 - (i) Heritage Assets
- 3) The Impacts of the Proposal:
 - a) Design and Impact on the Character and Appearance of the Area
 - b) Impact on Residential Amenity
 - c) Impact on Highway Safety
 - d) Flood Risk, Drainage and Climate Change
 - e) Nature Conservation and Protected Species
 - f) Affordable Housing
 - g) Other Issues
- 4) Benefits of the Proposal

2.3 The appropriateness of the location of the application site for residential development in respect of current housing policy and guidance on sustainability contained within the Development Plan and the NPPF

- 2.3.1 Policy SP1 of the Selby District Core Strategy Local Plan (2013) 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.
- 2.3.2 Policy SP1 is therefore consistent with the guidance in Paragraph 14 of the NPPF.
- 2.3.3 Relevant policies in respect of the principle of this proposal include Policy SP2 "Spatial Development Strategy", Policy SP4 "Management of Residential Development in Settlements" and Policy SP5 "The Scale and Distribution of Housing" of the Core Strategy.
- 2.3.4 The development limit boundary runs through the application site, such that the majority of the application site including the existing dwelling to be converted and the proposed garage, wall and gate would be located within the defined

development limits of Thorganby, which is a Secondary Village, as identified in the Core Strategy, while part of the proposed access would be located outside the defined development limits of Thorganby and would therefore be located within the open countryside.

- 2.3.5 Policy SP2A (b) of the Core Strategy states that “Limited amounts of residential development may be absorbed inside Development Limits of Secondary Villages where it will enhance or maintain the vitality of rural communities and which conform to the provisions of Policy SP4 and Policy SP10”.
- 2.3.6 Policy SP4 (a) of the Core Strategy states that, in Secondary Villages, “conversions, replacement dwellings, redevelopment of previously developed land, filling of small linear gaps in otherwise built up residential frontages, and conversion/redevelopment of farmsteads” will be acceptable in principle.
- 2.3.7 The proposal is considered to fall within one of the types of development identified within SP4 (a) of the Core Strategy and is therefore acceptable in principle. In respect to the above, it is noted that Policy SP4 (c) of the Core Strategy states “in all cases proposals will be expected to protect local amenity, to preserve and enhance the character of the local area, and to comply with normal planning considerations, with full regard taken of the principles contained in Design Codes (e.g. Village Design Statements), where available”. The proposal should therefore be approved unless material considerations indicate otherwise. One such material consideration is the National Planning Policy Framework.
- 2.3.8 Paragraph 47 of the NPPF states that Local Planning Authorities should “identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”. Having regard to the above, the Council conceded in the appeal APP/N2739/W/16/3144900 of October 2016, that it does not have a 5 year supply of deliverable housing land as required by paragraph 47 of the NPPF, and that Policies SP2, SP4 and SP5 of the Development Plan are out of date in respect of housing supply.
- 2.3.9 Given the above, the principle of residential development on the site must be assessed against paragraph 49 of the NPPF which states that “Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.
- 2.3.10 Paragraph 14 of the NPPF states that “At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development” and “for decision making this means, unless material considerations indicate otherwise:
- approving development proposals that accord with the development plan without delay; and

- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
 - 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; or
 - specific policies in this Framework indicate development should be restricted.”

2.3.11 The examples given of specific policies in the footnote to paragraph 14 indicate that the reference to specific policies is a reference to area specific designations, including those policies relating to; land designated as Green Belt, Local Green Space, and locations at risk of flooding. The application site is located within the Thorganby Conservation Area. Conservation areas fall within the definition of designated heritage assets. Therefore, the proposal is subject to a range of policies within Section 12 of the NPPF which also indicate that development should be restricted.

2.3.12 This report will first look at the implications of Heritage policies in respect of the impacts on the designated heritage asset.

2.3.13 In respect of sustainability, it is noted that the village of Thorganby has been designated as a Secondary Village with a defined Development Limit, both within the Selby District Local Plan and within the Core Strategy, which demonstrates that the Council has considered the village a sustainable location for some quantum of development.

2.3.14 Paragraph 7 of the NPPF, states that there are three dimensions to sustainable development, these being of an economic, social and environmental nature. These dimensions give rise to the need for the planning system to perform a number of roles which are as follows: -

Economic

The proposal would provide jobs in the conversion of the existing single dwelling into two dwellings and the construction of a detached garage, wall and gate. The construction workers may also use the local services within the village. The proposals would bring additional residents to the area who in turn would contribute to the local economy through supporting local facilities.

Social

The proposal would assist in the Council meeting the objectively assessed need for housing in the district.

Environmental

The proposal would deliver a high quality home for local people and take into account environmental issues such as flood risk, climate change, nature conservation and protected species.

The above factors weigh in favour of the development.

2.3.15 On consideration of the above information, it is considered that the proposal is acceptable in regards to the appropriateness of the location of the application site for residential development in respect of current housing policy and guidance on

sustainability from both local and national policies. The impacts of the proposal are considered in the next section of the report.

2.4 Impact on Heritage Assets

- 2.4.1 The application site lies within the Thorganby Conservation Area. Whilst considering proposals which affect Conservation Areas a regard is to be made to S72 (1) of the Planning (Listed Building and Conservation Area Act) 1990 which states that with respect to any buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 2.4.2 Policy ENV25 of the Local Plan refers to development within or affecting a conservation area and states that development will be permitted provided the proposal would preserve or enhance the character or appearance of the conservation area. Limited weight should be afforded to Policy ENV25 as it conflicts with the approach taken within the NPPF.
- 2.4.3 Relevant policies within the NPPF which relate to development within a Conservation Area include paragraphs 128, 131, 132 and 134.
- 2.4.4 Paragraph 128 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. The application is supported by a Design and Access Statement, which incorporates a Heritage Statement, which acknowledges that the heritage asset is located within Thorganby Conservation Area and assesses the potential impact of the proposed conversion of the existing dwelling into two separate dwellings, with the construction of a new garage, wall and gate on the heritage asset.
- 2.4.5 Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 2.4.6 Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 2.4.7 Paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

- 2.4.8 The application site is located within the southern part of Thorganby Conservation Area, adjacent to its western boundary. A Heritage Statement has been submitted with the application, which acknowledges that the heritage asset is Thorganby Conservation Area. The Heritage Statement sets out that “the alterations will be carried out in traditional materials to match the existing fabric of the development in accordance with the principles of the conservation area and have been designed to have minimal impact on the existing heritage assets of the village”.
- 2.4.9 The proposed garage would be attached to the west elevation of the existing garage and would respect the size and scale of both the existing and proposed dwellings and the existing garage. The supporting information states that the materials to be used in the external construction of the proposed garage would match those of the existing development, which is considered acceptable and can be secured by way of condition.
- 2.4.10 The proposed wall and gate would be located to the north and east of the proposed garage and would have a maximum height of 1.8 metres above ground floor level. The supporting information and drawing no. YEW/277/37/11A state that the materials to be used in the construction of the wall would be bricks to match the existing development and the gate would be close boarded timber, which is considered acceptable and can be secured by way of condition.
- 2.4.11 Having regard to the above, it is considered the proposal would preserve the character, appearance and significance of the Thorganby Conservation Area. It is considered that the proposal accords with Policy ENV25 of the Selby District Local Plan and the advice contained within the NPPF.
- 2.4.12 Therefore, having had regard to Section 12 of the NPPF it is considered that the policy framework contained within this section does not indicate that this particular development should be restricted or refused.

Impacts of the Proposal

2.5 Design and Impact on the Character and Appearance of the Area

- 2.5.1 Relevant policies in respect to design and impact on the character and appearance of the area include Policy ENV1 (1) and (4) of the Selby District Local Plan and Policies SP18 and SP19 of the Core Strategy.
- 2.5.2 Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF. Relevant policies within the NPPF which relate to design include paragraphs 56 to 64.
- 2.5.3 The proposed scheme involves no material external alterations to the existing building. However, the proposal involves changing an existing window in the south elevation to a door.
- 2.5.4 The proposed garage would be attached to the west elevation of the existing garage and would measure a maximum of 4.2 metres in width by 5.7 metres in depth and would have a pitched roof to a maximum height of 3.4 metres above ground floor level. The proposed garage would be subordinate in size and scale to

the existing garage to which it would be attached and would have an acceptable appearance. The supporting information states that the materials to be used in the external construction of the proposed garage would match those of the existing development, which is considered acceptable and can be secured by way of condition.

- 2.5.5 The proposed wall and gate would have a maximum height of 1.8 metres above ground floor level. The supporting information and drawing no. YEW/277/37/11A state that the materials to be used in the construction of the wall would be bricks to match the existing development and the gate would be close boarded timber, which is considered acceptable and can be secured by way of condition.
- 2.5.6 Despite comments from local residents it is not considered that the proposals would result in overdevelopment of the site and achieve an appropriate layout having had regard to the context of the site and the character of the area.
- 2.5.7 Having regard to the above, it is therefore considered that the proposal is acceptable and would not have a significant or detrimental impact on the character and appearance of the area. The proposal is therefore considered acceptable in accordance with Policy ENV1 (1) and (4) of the Selby District Local Plan, Policies SP18 and SP19 of Core Strategy and the advice contained within the NPPF.

2.6 Impact on Residential Amenity

- 2.6.1 Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1 (1) of the Selby District Local Plan.
- 2.6.2 Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved.
- 2.6.3 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.
- 2.6.4 The proposed scheme would not involve any external changes to the existing dwelling and as such, the proposal would not have an oppressive appearance when viewed from any neighbouring residential properties and would not result in overshadowing of neighbouring properties. Furthermore, the proposal would not introduce any additional windows and as such, the proposal would not result in any adverse effects of overlooking by comparison to the situation. It is noted that a neighbouring property has raised concerns regarding the enlargement of an existing window in the north elevation of the barn conversion and alterations permitted under reference 2016/0995/HPA. The existing plans, approved under application reference 2016/0995/HPA and proposed plans do not show any alteration in the size of the window, therefore no alterations to this window are proposed under the current application. This matter has been referred to planning enforcement for further investigation as to whether any breach of planning control has occurred in relation to application reference 2016/0995/HPA.

2.6.5 The proposed garage, wall and gate would be of an appropriate size, scale and design and given their relationship to neighbouring residential properties it is considered that they would not result in overshadowing of neighbouring properties.

2.6.6 Having regard to the above, it is considered that the proposal is acceptable in terms of residential amenity in accordance with Policy ENV1 (1) of the Selby District Local Plan and the advice contained within the NPPF.

2.7 Impact on Highway Safety

2.7.1 Relevant policies in respect of highway safety include Policies ENV1 (2), T1 and T2 of the Selby District Local Plan.

2.7.2 Significant weight should be attached to Local Plan Policies ENV1, T1 and T2 as they are broadly consistent with the aims of the NPPF.

2.7.3 The proposed dwellings would benefit from a vehicular access onto Main Street, via an existing one-way system. The proposed dwellings would each benefit from an area of hardstanding and garage to the south of the respective dwellings. The comments of the neighbouring properties are noted. However, North Yorkshire County Council Highways raise no objections to the proposal subject to two conditions relating to the provision of approved access, turning and parking areas and restricting the conversion of the garage into habitable accommodation.

2.7.4 Having regard to the above, it is considered that the proposal is acceptable in terms of highway safety in accordance with Policies ENV1 (2), T1 and T2 of the Local Plan and the advice contained within the NPPF.

2.8 Flood Risk, Drainage and Climate Change

2.8.1 Relevant policies in respect to climate change, flood risk and drainage include Policy ENV1(3) of the Local Plan and Policies SP15 and SP16 of the Core Strategy. Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF. Relevant paragraphs within the NPPF which relate to climate change, flood risk and drainage include paragraphs 94 and 95.

2.8.2 Policy SP15 (B) states that to ensure development contributes toward reducing carbon emissions and are resilient to the effect of climate change schemes should where necessary or appropriate meet 8 criteria set out within the policy.

2.8.3 Whether it is necessary or appropriate to ensure that schemes comply with Policy SP15 (B) is a matter of fact and degree depending largely on the nature and scale of the proposed development. It is noted that in complying with the 2013 Building Regulations standards, the development will achieve compliance with criteria (a) to (b) of Policy SP15(B) and criterion (c) of Policy SP16 of the Core Strategy.

2.8.4 The NPPF, paragraph 94, states that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations. The NPPF, paragraph 95, states that to support the move to a low carbon future, local planning authorities should plan for new development in locations and ways which reduce greenhouse gas emissions and which actively support energy efficiency improvements to existing buildings.

- 2.8.5 The application site is located within Flood Zone 1, which has a low probability of flooding.
- 2.8.6 The application form and supporting information states that no additional foul drainage is required for this proposal as there are existing arrangements in place and surface water would be disposed of via soakaway. Yorkshire Water and the Selby Area Internal Drainage Board have been consulted regarding the proposals and members will be updated of any comments received at committee.
- 2.8.8 Having regard to the above, it is considered that the proposal is acceptable in terms of flood risk, drainage and climate change in accordance with Policy ENV1 (3) of the Selby District Local Plan, Policies SP15 and SP16 of the Core Strategy and the advice contained within the NPPF.

2.9 Nature Conservation and Protected Species

- 2.9.1 Relevant policies in respect of nature conservation and protected species include Policy ENV1 (5) of the Selby District Local Plan and Policy SP18 “Protecting and Enhancing the Environment” of the Core Strategy.
- 2.9.2 Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF.
- 2.9.3 Protected species include those protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. The presence of protected species is a material planning consideration.
- 2.9.4 It is noted that developments are ongoing within the application site for a barn conversion and alterations permitted under reference 2016/0995/HPA and to the west and south of the application site for the erection of 7 dwellings and garages permitted under reference 2015/0684/FUL and the demolition of existing single storey outbuildings and erection of two storey dwelling and double garage permitted under reference 2016/0951/FUL. An ecology survey was submitted with the aforementioned applications which set out that “the site has low ecological value and the proposed work will not impact on any protected species or habitats”. Notwithstanding this, the assessments recommended that reasonable avoidance measures, as set out within the statements, should be followed, and that to ensure that the site remains free from great crested newts while the development is taking place, newt fencing should be placed around the entire perimeter of the site and the two access routes on to the site should have newt gates in place, which will be kept closed at all times. From a site, visit, it is noted that these measures are in place.
- 2.9.5 Given the nature of the proposal, for the conversion of an existing dwelling into two separate dwellings and the erection of a garage, wall and gate, along with the fact that newt protection fencing is already in place surrounding the wider application site at Ings View Farm, it is considered that the proposal would not harm any acknowledged nature conservation interests. However, it would be considered reasonable and necessary to attach a condition to any planning permission granted to ensure the newt protection fencing already in place, remains there until the development has been completed, in the interests of nature conservation.

2.9.6 Subject to the aforementioned condition, it is considered that the proposal would not harm any acknowledged nature conservation interests and is therefore in accordance with Policy ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and the advice contained within the NPPF.

2.10 Affordable Housing

2.10.1 Core Strategy Policy SP9 and the accompanying Affordable Housing SPD sets out the affordable housing policy context for the District.

2.10.2 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. The Policy notes that the target contribution will be equivalent to the provision of up to 10% affordable units. The calculation of the extent of this contribution is set out within the Affordable Housing Supplementary Planning Document which was adopted on 25 February 2014.

2.10.3 However, in the context of the West Berkshire decision it is considered that there is a material consideration of substantial weight which outweighs the policy requirement for the commuted sum. It is therefore considered that having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.

2.11 Other Issues

2.11.1 Residents have stated that they had previously commented that when the application for the extension was submitted this would lead to the subdivision of the dwelling. Although this may now be the case, as set out above this application has been assessed on its own merits and it is concluded to be an appropriate form of development in this location.

2.11.2 Concern has been expressed in relation to bin storage and it is noted that each of the properties provides sufficient residential curtilage in which to store bins which can then be wheeled to the site entrance for collection. It is therefore considered that appropriate provision is in place.

2.11.3 Residents have stated that Thorganby has limited provision of amenities to support the development. Although Thorganby is a Secondary Village with limited facilities it should be noted that Policy SP2(b) supports in principle limited amounts of residential development and as such the proposals are acceptable.

2.11.4 It has been stated that Historic England should have been consulted. It should be noted that the proposals would not require such a consultation to be undertaken.

2.12 Benefits of the Proposal

2.12.1 Paragraph 7 of the NPPF, states that there are three dimensions to sustainable development, these being of an economic, social and environmental nature. These dimensions give rise to the need for the planning system to perform a number of roles.

2.12.2 Economic

The proposal would provide jobs in the conversion of the existing single dwelling into two dwellings and the construction of a detached garage, wall and gate. The construction workers may also use the local services within the village. The proposals would bring additional residents to the area who in turn would contribute to the local economy through supporting local facilities.

2.12.3 Social

The proposal would assist in the Council meeting the objectively assessed need for housing in the district.

2.12.4 Environmental

The proposal would deliver a high quality home for local people and take into account environmental issues such as flood risk, climate change, nature conservation and protected species.

2.13 Conclusion

2.13.1 The application seeks planning permission for the conversion of a single dwelling into two separate dwellings, with the construction of a new garage, wall and gate.

2.13.2 The principle of the proposed development is considered to be acceptable having regard to Policy SP2A (b) and SP4 (a) of the Core Strategy given that the proposal is for the conversion of an existing building located within the defined development limits of Thorganby, which is a Secondary Village as identified in the Core Strategy. However, these policies are considered to be out of date in so far as they relate to housing supply as the Council acknowledges that it does not have a 5 year housing land supply.

2.13.3 As such the proposals for residential development on this site should be considered in the context of the presumption in favour of sustainable development and paragraphs 14 and 49 of the NPPF. In assessing the proposal against the three dimensions of sustainable development set out within the NPPF, the development would bring economic, social and environmental benefits which weigh in favour of the proposal.

2.13.4 Having assessed the proposals against the relevant policies, it is considered that the proposal is acceptable in respect of its impact on heritage assets, design and impact on the character and appearance of the area, impact on residential amenity, impact on highway safety, climate change, flood risk and drainage and nature conservation and protected species.

2.13.5 The scheme is considered contrary to Policy SP9 of the Core Strategy. However, in the context of the Court of Appeal decision it is considered that this is a material consideration of substantial weight which outweighs the policy requirement for the commuted sum. Officers therefore recommend that, having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.

2.13.6 Having regard to all of the above, it is considered that there would be no adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole. The

proposal is therefore considered acceptable when assessed against the policies in the NPPF.

2.14 Recommendation

This application is recommended to be APPROVED subject to the following conditions:

01. 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.

02. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as stated on the application form, received by the Local Planning Authority on 31 January 2017 and drawing no. YEW/277/37/11A (materials to match the existing development for the proposed garage, brick to match the existing development for the proposed wall and close boarded timber for the proposed gate). Only the approved materials shall be utilised.

Reason:

In the interests of visual amenity and in order to comply with Policy ENV1 of the Selby District Local Plan.

03. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas are available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

Reason:

In accordance with Policies ENV1 and T1 of the Selby District Local Plan and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

04. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order (2015) (or any order revoking or re-enacting that Order), the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason:

In accordance with Policies ENV1 and T1 of the Selby District Local Plan and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.

05. The newt protection fencing already in place surrounding the development site at Ings View Farm shall remain in place until the completion of the development hereby approved.

Reason:

In the interests of nature conservation and the protection of protected species and in order to comply with Policy ENV1 (5) of the Selby District Local Plan and Policy SP18 of the Selby District Core Strategy Local Plan.

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

Location Plan, Drawing No. YEW/277/37/10, received 31 January 2017.
Site Layouts, Drawing No. YEW/277/37/11A, received 17 March 2017.
Existing Plans, Drawing No. YEW/277/37/12A, received 17 March 2017.
Proposed Plans, Drawing No. YEW/277/37/13, received 31 January 2017.
Existing Elevations, Drawing No. YEW/277/37/14A, received 17 March 2017.
Proposed Elevations, Drawing No. YEW/277/37/15, received 31 January 2017.

Reason:

For the avoidance of doubt.

3.1 Legal Issues

3.1.1 Planning Acts

This application has been determined in accordance with the relevant planning acts.

3.1.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

3.1.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

3.2 Financial Issues

- 3.2.1 Financial issues are not material to the determination of this application.

4. Conclusion

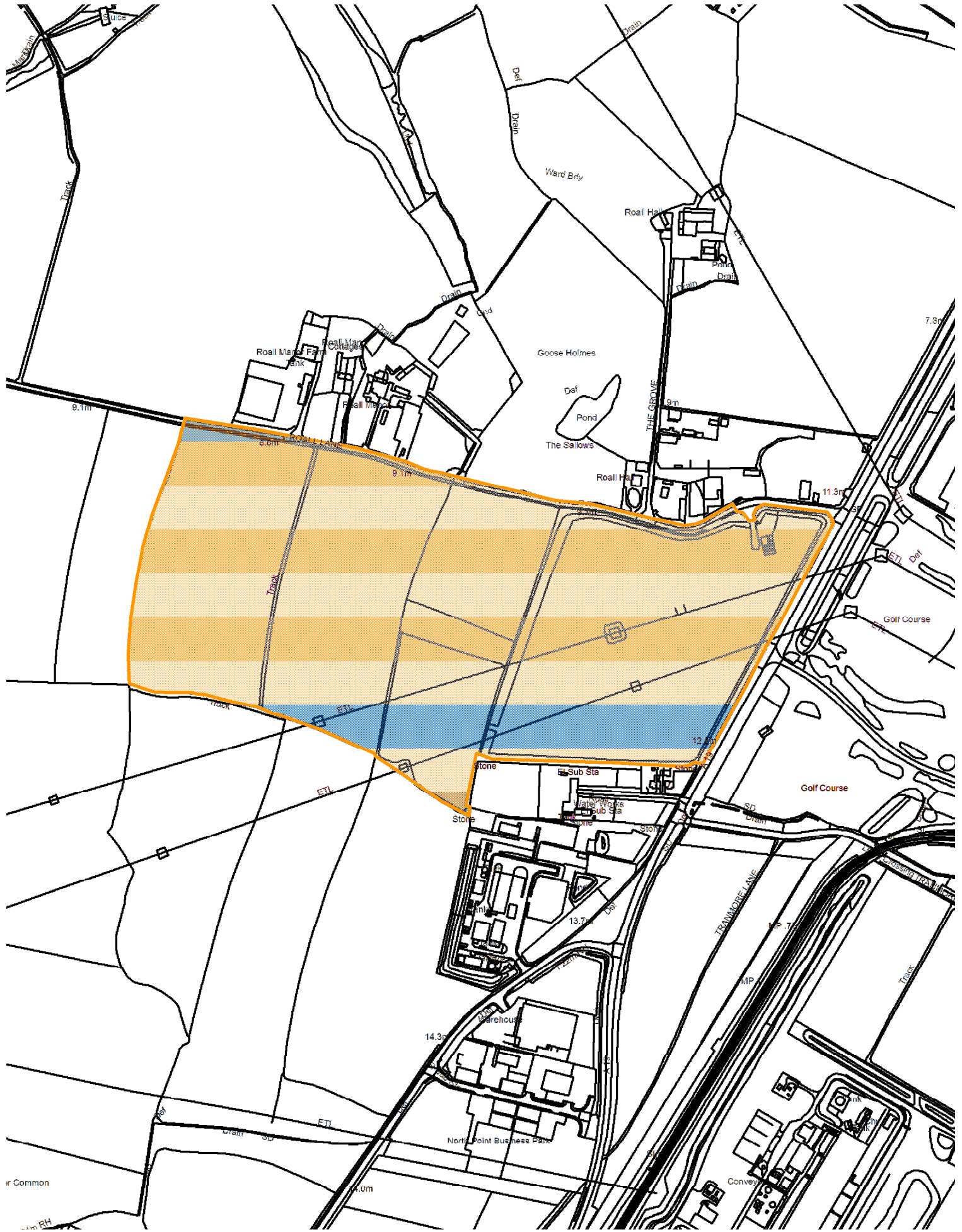
- 4.1 As stated in the main body of the report.

5. Background Documents

- 5.1 Planning Application file reference 2017/0113/FUL and associated documents.

Contact Officer: Jenny Tyreman, Planning Officer

Appendices: None



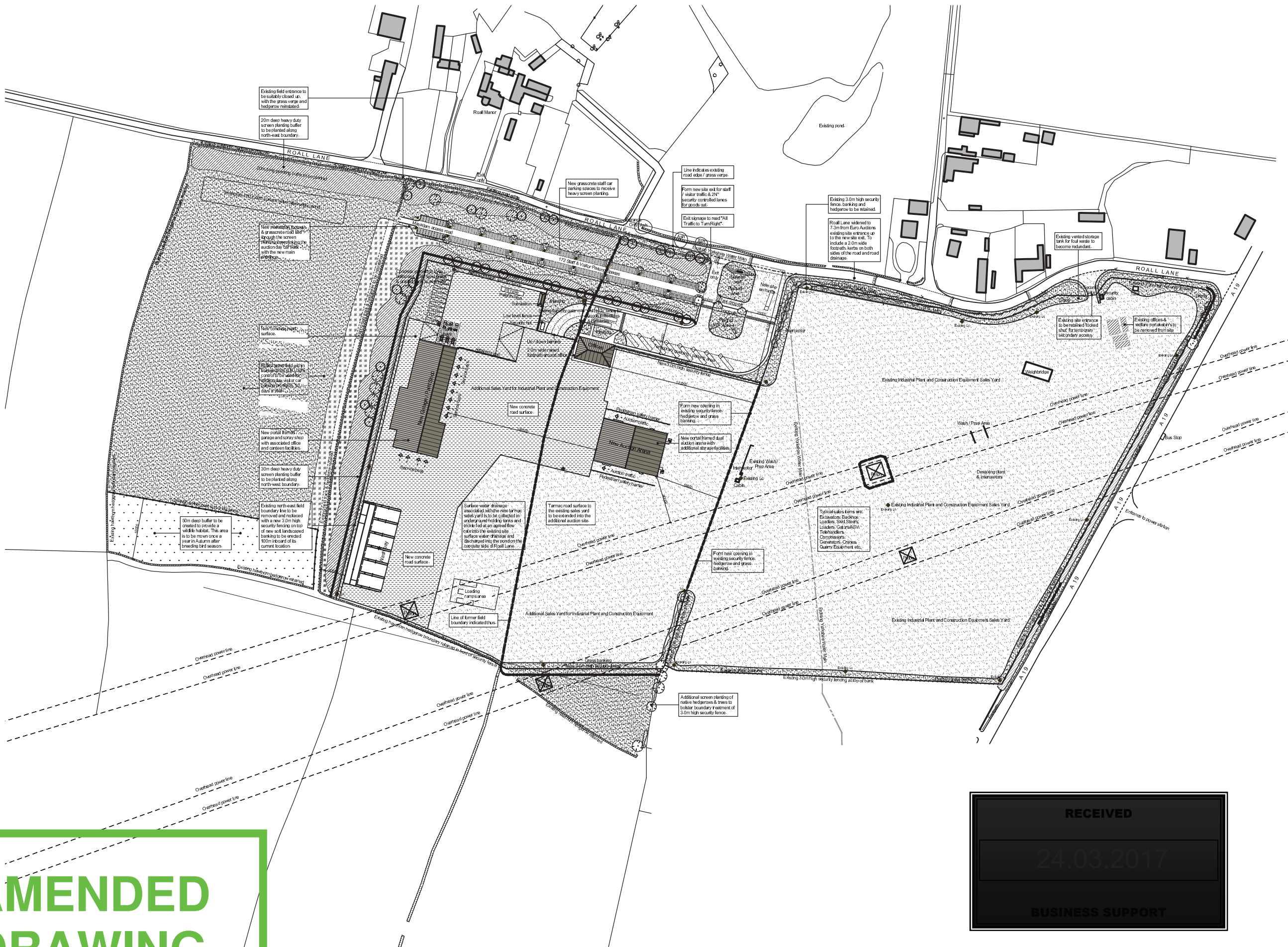
APPLICATION SITE

Item No: 2016/1441/FULM

Address: Euro Auctions Ltd, Roall Lane, Kellington

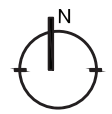
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AMENDED DRAWING



Key:

- Macadam
- Concrete paving
- Turf
- Native buffer mix
- Wetflower grass, seeded with Emontgate seed mix EM2
- 10m deep wildlife buffer zone seeded with Emontgate seed mix EM1
- 3.0m high base hinged service yard light columns
- 0.9m high light bollard
- Existing tree
- Selected standard root balled 10-12cm girth, 3.0-3.5m high planted with double short stakes, see detailed landscape proposals for specific details.
- Native hedgerow planting species: Crataegus monogyna
- Surface Water Drainage
- Foul Drainage
- Denotes 3.0m high powder coated palisade security fence enclosure
- Denotes 1.8m high retaining wall
- Denotes 1.2m high timber post and rail fence



1	Consultation sheet	01/10/15	10/15
2	Final design sheet	01/10/15	10/15
3	Final design sheet	01/10/15	10/15
4	Final design sheet	01/10/15	10/15
5	Final design sheet	01/10/15	10/15
6	Final design sheet	01/10/15	10/15
7	Final design sheet	01/10/15	10/15
8	Final design sheet	01/10/15	10/15
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46	Final design sheet	01/10/15	10/15
47	Final design sheet	01/10/15	10/15
48	Final design sheet	01/10/15	10/15
49	Final design sheet	01/10/15	10/15
50	Final design sheet	01/10/15	10/15

damtonegs
BUILT ENVIRONMENT CONSULTANCY
LONDON MANCHESTER

RECEIVED

BUSINESS SUPPORT

CLIENT: Euro Auctions (UK) Ltd
PROJECT: Expansion to Euro Auctions Site & Facilities at Roall Lane, Kiblington, Leeds
DATE: 11/10/15 @ A0
DATE: August 2016
SCALE: 1:1000
DATE: 08/16
PROJECT: K01
SCALE: R1
DATE: 08/16



Report Reference Number 2016/1441/FULM (8/53/53T/PA)

Agenda Item No: 6.4

To: Planning Committee
Date: 12 April 2017
Author: Fiona Ellwood (Planning Officer)
Lead Officer: Jonathan Carr (interim Lead Officer – Planning)

APPLICATION NUMBER:	2016/1441/FULM	PARISH:	Kellington
APPLICANT:	Euro Auctions (UK) Ltd	VALID DATE:	19th January 2017
		EXPIRY DATE:	20th April 2017
PROPOSAL:	Extension to Euro Auctions site including development of office building, workshop, auction arena, access arrangements, car parking, hardstanding and associated landscaping.		
LOCATION:	Euro Auctions Ltd Roall Lane Kellington Goole East Yorkshire DN14 0NY		

This application has been brought before Planning Committee due the level of representations received contrary to the officer recommendation.

Summary:

The proposed development relates to revisions to a previous approval granted in 2012 for the extension to Euro Auctions site and includes revised details for the scale and position for an office building, workshop, auction arena, access arrangements, car parking, hardstanding and associated landscaping. Although not included in the description the submitted scheme indicated in the Design and Access Statement that an increase the number of auction days from 15 to 36 days in a calendar year was being sought. However, this element of the proposals has now been withdrawn.

In assessing the proposal, the development would be consistent with the aims of both the Core Strategy and the Local Plan. In terms of the revised scheme, the scale of the land use will not change. This has previously been assessed by the LPA and been found to be acceptable. The proposed development would allow for improvements to layout and arrangement of the permitted expansion. Given the established use of the site the works are considered to be acceptable in principle.

The key issues in the determination of this planning application are in relation to the principle of the development; highway safety conditions, residential amenity, impact on the character and appearance of the locality; flood risk, drainage and climate change, and any other material considerations.

It is considered that any harms arising from the development would be outweighed by the benefits of the proposal when assessed against the policies in the Core Strategy, Local Plan and the NPPF taken as a whole. Having regard to all relevant policies of the development plan and other material considerations the proposed development is therefore considered to be acceptable subject to the imposition of conditions.

Recommendation

This planning application is recommended to be APPROVED (subject to no materially adverse comments from the Highway Engineer or the Environmental Health Officer) and subject to the conditions and reasons detailed in Paragraph 3 of the Report.

1. Introduction and background

1.1 The Site

- 1.1.1 The application site relates to the existing Euro Auctions site which is a 10 hectare site located on the corner of Roall Lane and the A19 approximately 1.5 km east of the village of Kellington and 1 km from the village of Eggborough. The existing premises occupy an area of approximately 10 hectares and the current proposal relates to the development of the further 10 hectares of land adjoining the site to the west which was previously granted permission for an extension to the use.
- 1.1.2 The Site lies in the open countryside, but is flanked by Eggborough Power Station to the east, a number of businesses to the north, a number of residential properties are located to the southeast and northwest of the site and an agricultural business is located to the northwest. There are also however open fields located to the west, south and north.
- 1.1.3 Access to the site is currently from the eastern end of Roall Lane approximately 100m from the junction with the A19. The closest existing residential properties are located to the south of the Euro Auctions site at Roall Waterworks. Roall Manor and the Roall Manor Cottages are located approximately 70m to the north of the application site on the opposite side of Roall Lane.
- 1.1.4 The site lies above a Groundwater Source Protection Zone within its Total Catchment (Zone 3).
- 1.1.5 The Applicant specialises in the sale by auction of industrial plant and construction equipment such as cranes, excavators, and quarry equipment. The existing yard is used for the storage of the plant and machinery offered for sale through auctions and has a hardened surface throughout. The existing yard also contains existing offices and welfare portable buildings with a small car parking area located close to the main entrance, with a weighbridge, a wash prep area, and an auction stand marquee located further into the site. The site is bounded by a metal rail security fence, and gated. The remaining area of application site was used as farm land but levelling works have been commenced and equipment placed on the land for sale in relation to the implementation of the extant permission.

1.2 The proposal

- 1.2.1 The Site has been the subject of a number of previous planning applications as set out in the planning history section below. The key application is 2012/0415/FUL (“the 2012 Permission”) and this granted planning permission to extend the existing business on to land to the west of the original yard. The permission included the erection of purpose built offices, workshop and auction area along with the provision of a new vehicular access, car

parking and landscaping. The road improvement works to Roall Lane and the junction with the A19 have now been completed. The new vehicular access into the Site has been constructed and works to provide the required visibility splay are on-going.

- 1.2.2 The permission has therefore commenced but only partially executed in that the site has been extended but the office buildings; auction arena, car parking and workshop have not yet been constructed. Permission is now sought for variations to the built elements of the approved scheme which are not of a sufficiently minor nature to be dealt with under a S73 application.

The changes are as set out below;-

- Enlarged office Block increased to two storey and repositioned (west of previous office approved) adjacent to the main new entrance with additional off- road lorry parking bays off-road before the secure site compound.
- Provision of a small security site cabin to provide designated facilities for security staff adjacent to existing east vehicular entrance.
- Enlarged and Re-located Auction Arena building. Moved to a more central position.
- Enlarged and Re-located Garage/Paint workshop for preparation of all equipment and machinery for sale within a building and to accommodate additional staff welfare facilities. This has been moved northwards within the extended site area
- Provision of Designated Washing Bays. Located to the south of the workshop.
- Amended Layout for Machinery and Equipment Storage
- Provision of additional landscaping and increased width to landscape buffers.
- Provision of surface water drainage pond to increase biodiversity through provision of additional wildlife habitat and to comply with sustainable drainage (SuDS).
- Provision of designated pedestrian routes through the site and segregation of vehicles and pedestrians throughout the Site
- Provision of taxi drop-off/pick-up point.

1.3 Planning History

- 1.3.1 The following historical applications are considered to be relevant to the determination of this application.

CO/2002/0529- (PER-06.12.2002) – Retention of use of site for auction and storage area for the retail of plant machinery and B8 (Storage and Distribution) on land off Roall Lane, Kellington, Goole. This was subject to a condition (No.1) that the use be discontinued before 26 November 2003.

CO/2003/1387 –(PER – 09.01.2004) -Removal of planning condition No 1 on previously approved planning application CO/2002/0529 relating to discontinuance of use of land at Roall Lane, Eggborough.

2012/0415/FUL (PER - 11.03.2013) Extension to Euro Auctions site including development of office building, workshop, auction area, new access arrangements, car parking, hardstanding and associated landscaping.

2013/1236/FUL (PER - 14.03.2014) Section 73 application for the variation of condition 2(approved drawings) of approval 2012/0415/FUL extension to Euro Auctions site including development of office building, workshop, auction area, new access arrangements, car parking, hardstanding and associated landscaping.

2016- Various applications to discharge pre-commencement conditions 3 (materials), 7 (drainage), 9 (highway improvement works), 10 (visibility splays), 12 (construction), 14 (landscaping) and 15 (lighting).

2016/1219/FUL (PER - 02.02.2017) Section 73 application to vary condition 11 (staff parking, manoeuvring, turning) of planning approval 2013/1236/FUL. This changed the wording so that the parking provision, manoeuvring and turning areas need to have been constructed before any of the buildings the subject of the permission are brought in to use. (The condition previously excluded any part of the development from being used).

1.4 Consultations

1.4.1 Summarised as follows

1.4.2 NYCC Highways- re-consulted following withdrawal of proposal for increased number of auction days. An update will be given at the meeting.

1.4.3 NYCC Highways comments made in responses to local objections

The problem of congestion caused on auction days has been recognised for some time and during the development of the extension scheme NYCC has had extensive discussions with Euro Auctions to devise proposals which would reduce the disruption on the highway network. The new entrance to the site will be set back from Roall Lane so that vehicles waiting to enter the site can park off the highway. The latest planning application which is for an amended internal site layout includes a larger off-road parking area before vehicles reach the entrance gates. This will increase the number of vehicles which can queue at the gates while off Roall Lane.

The issue of sand washing from the site onto Roall Lane has been previously noted. Euro Auctions have been taking measures to prevent flooding and to keep the drains clear of silt following our instruction. In addition to extra road sweeping to remove the sand, interim measures including a drainage ditch within the site, fencing, and straw bales have been put in place to intercept surface water and prevent the sand leaving the site. The development proposals include measures to prevent this problem when the site has been completed.

The weight limit boundary on Roall Lane has been relocated to immediately west of the new site access and the weight of prohibited vehicles has been reduced to 7.5T. The Traffic Regulation Order for the new weight limit has been completed following public consultation and the work to install the new signs is in hand. It is intended that this amended weight limit will be in place before the construction work begins.

1.4.4 Planning Yorkshire Water

Recommends conditions-(see section 3 of this report). Recommends the EA are consulted about the Private treatment Plant.

1.4.5 Environment Agency

Comments waited regarding the above and the Ground Water Protection Zone.

1.4.6 Environmental Health (EHO)

Comments are based on original submission raising issues and concerns relating to impacts of noise, air quality from the increased number of auction days, queries about lighting, noise data. Queries and concerns are also in relation to the garage workshop which is positioned closer to residential properties.

Requests:-

- Noise assessment is reviewed.
- Full understanding of the operations proposed on site given in relation to the days of the week and time of day.

- Mitigation to be provided such as the insulation to the garage building and the impact on the noise level at the residential properties.

Lighting- Conditions are suggested with details given re maximum illuminance

Air Quality: Air Quality Assessment – needed due to additional traffic movements. consideration should be given to emissions from traffic especially HGV's on site but also accessing the site, the emissions from the plant rooms on site in the garage/workshop, office and auction buildings and emissions from the paint booths.

It is noted on Drawing Number 7866(20) 01 Rev B that there are two stacks on the garage building serving the 4 paint booths and there is a paint room. The applicant is advised that the operation of the paint booths may require a permit to be issued under The Environmental Permitting Regulation's 2016 before the booths can be used.

Conclusion: once the additional information has been provided I would request that I re-consulted on this application.

N.B.Additional information awaited from the applicant and an update will be given on this and the EHO comments at the meeting.

1.4.7 Yorkshire Wildlife Trust
No comments received

1.4.8 Designing Out Crime Officer
No additional comments to make regarding this application.

1.4.9 National Grid
National Grid has no objections to the above proposal which is in close proximity to a High Voltage Transmission Overhead Line. Detailed informatives are suggested.

1.4.10 Drainage Commissioners Shire Group Of IDBs

The application will increase the impermeable area to the site and the applicant will therefore need to ensure that any surface water systems installed have the capacity to accommodate any increase in surface water discharge from the site. Comments made and conditions recommended.

1.4.11 Kellington Parish Council

- The comments below are also supported by Cllr Mary McCartney
- Constant complaints about HGVs heading for the Euro Auctions site coming through the village. many miss the entrance, ending up in Kellington village where they have to make a dangerous turn then come back through the village.
- PC ask for signage should be erected as part of the planning permission: Details given
- The other problem is the lack of coherent delivery notes- wrong post codes- satnav sent him to Kellington Corner shop as that was the post code on the post-it note
- Flooding-Since they started the construction, every time it rains Roall Lane is flooded. Residents were concerned that the proposed drainage was going to be inadequate and so far their concerns have proved correct. The proposals in this application again look inadequate.

- Sand on the road regularly Every time it is windy Roall Lane looks like Bridlington Beach. This sand will block the drains.
- when we have had a fair amount of rain there is a puddle of water near the field/vehicle park which stretches from the right hand verge all the way to the left hand verge. It's massive and really quite dangerous. -an accident waiting to happen.
- large lorries especially low loader types, parking waiting to go into the site. This causes and obstruction near the end of the road and again could easily lead to an accident-causing chaos for cars travelling towards Selby and those attempting to exit onto the A19.

1.4.12 Eggborough Parish Council

No objection to the above planning application but raise concerns that the work already appears to have been started.

Point out traffic jams on the A19 due to the number of HGVs wanting to turn into Roall Lane. Ask for advice how many auctions are held on site at the current time?

1.5 **Publicity**

The application was publicised by press and site notice resulting in 11 letters of objection and one letter of support. The comments made are summarized as follows;

Grounds of Objection

- Huge traffic problems on this approach to the village from the A19 due to the traffic. Many accounts of different problems occurring in association with this site.
- HGV's parked on road awaiting entrance often on both sides of the road- cars are put at risk making dangerous manoeuvres forced to overtake them blind and on the bend.
- HGV's coming more frequently into the village either because they have missed the site or its too congested to get in.
- Sand drifts constantly on the road either in windy conditions or when it has rained.
- Sand is also damaging paintwork on local residents cars
- Site drainage is very bad and the road floods with only a small amount of rain (a number of photos provided and detailed comments on the severity of the problem).
- Kellington residents are now forced to use alternative routes
- Metal fencing is an eyesore- There should be hedgerow screening
- House shakes from the HGV's and plaster is cracking
- Many incidents reported of problems with HGV's
- Stripping field of soil down to sand and parking industrial vehicles constantly is not appropriate. a more substantial surface would result in problems with runoff and drainage
- Better signage needed
- Scheme doesn't address the problems of large numbers of HGV's queueing. Traffic management system is needed
- Since the response from NYCC Highways on the sand and drainage, the problem has moved to a different part of the road.
- HGV's now using the area to park up overnight
- Lights in the compound are deceptive and appear from oncoming traffic to road users
- Putrid black smoke often coming from the site as if tyres are being burnt.
- The area has been irretrievably damaged.
- Site very badly planned with no research or proper consultation
- No consideration to visual impact or wildlife
- Complaints are ineffective- no one realises what is going on. Perception is that this problem only occurs on auction days.- its chaos!

Grounds of Support

- Facility is of worldwide importance and should be supported.
- The business should be given the LPA's full backing and approval as many businesses and jobs will be lost if the improvements are not given.

2 Report

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and 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.

2.1.1 Selby District Core Strategy Local Plan

The relevant Core Strategy Policies are:

SP1 - Presumption in Favour of Sustainable Development
SP2 - Spatial Development Strategy
SP13 - Scale and Distribution of Economic Growth
SP19 - Design Quality

2.1.2 Selby District Local Plan

Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework. As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, the guidance in paragraph 214 of the NPPF does not apply and therefore applications should be determined in accordance with the guidance in Paragraph 215 of the NPPF which states " In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development
ENV2 - Environmental Pollution and Contaminated Land
ENV3 – Light Pollution
EMP2- New Employment development
EMP3 - Renewal of Industrial and Business Commitments
EMP5 –Non conforming uses.
EMP9 - Expansion of Existing Employment Uses
EMP10- New Industrial development at or close to Drax/Eggborough Power Stations
EMP11 - Major Industrial/Business Development
T1 - Development in Relation to Highway
T2 - Access to Roads

2.1.3 National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (NPPG)

Paragraph 14 of the NPPF states "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking".

The NPPF and the accompanying PPG provides guidance on wide variety of planning issues the following report is made in light of the guidance of the NPPF.

2.2 Key Issues

The main issues to be taken into account when assessing this application are:

1. The Principle of Development
2. Transport and Highway Safety Conditions
3. Impact on Residential and Local Amenity
4. Impact on the character and appearance of the locality
5. Flood Risk, Drainage, Climate Change and Energy Efficiency
6. Hydrology, Geology and Soil and Ground conditions and Contamination
8. Other Matters

2.3 The Principle of the Development

- 2.3.1 Policy SP1 of the Core Strategy (CS) outlines that 'when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF' and sets out how this will be undertaken.
- 2.3.2 Policy SP2 of the CS sets out the Spatial Development Strategy for the District with SP2 A (a) establishing the settlement hierarchy. Eggborough is a designated service village which is considered to have some scope for additional residential and small scale employment growth. The Euro Auction site lies outside the development limits of Eggborough village where Policy SP2A(c) 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 other special circumstances. However, Policy SP13C of the CS seeks relates to rural areas and sets out that sustainable development (on both Greenfield and previously developed land) which brings sustainable economic growth through local employment opportunities or expansion of businesses will be supported. Taken together these policies would be to support the expansion of this site in principle.
- 2.3.3 Saved Policy EMP 2 of the SDLP concentrated new employment development around Eggborough (amongst other settlements). Although this is not an allocated site, it lies in close proximity to allocated land to the south and Eggborough power station to the south east. The site is therefore considered to be in a sustainable location in relation to the settlement hierarchy, the surrounding land uses. This site is an established business with an extant planning permission to extend onto the adjacent land. The proposals are a re-working of a previously approved scheme. As such the development is consistent with the aims of the above policies.
- 2.3.4 In addition the NPPF (para 17) contains the core principle to pro-actively drive and support economic development in sustainable locations. Paragraph 18-22 of the NPPF further advises of the need to build a strong economic competitive economy. Paragraph 21 recommends Policies should be flexible enough to accommodate needs not anticipated in

the plan and to allow a rapid response to changes in economic circumstances. This is a material consideration.

- 2.3.5 Overall, with the existing planning permission covering the site, the majority of the policies of the Core Strategy, the saved Policies of the SDLP as described above and the NPPF, when taken as a whole, put the balance firmly in favour of the development due to the sustainable location, the presence of surrounding compatible uses and the need to take a flexible policy approach to help build a strong economy and the presumption in favour of sustainable development.
- 2.3.6 Therefore, provided that there are no adverse impacts from the proposed development that would outweigh the benefits, planning permission for the revised scheme should be approved. The impacts are discussed in the following sections of the report.

2.4 Transport and Highway Safety Conditions

- 2.4.1 Policy in respect to highway safety and capacity is provided by Policies ENV1(2), T1 and T2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and Paragraphs 34, 35 and 39 of the NPPF. Significant weight should be attached to the Local Plan Policy as it is broadly consistent with the aims of the NPPF.
- 2.4.2 Policy T1 & T2 require development to ensure that there is no detrimental impact on the existing highway network or parking arrangements. Policy EMP5 sets out that the creation or expansion of non-conforming uses which are likely to create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity will not be permitted.
- 2.4.3 The overall proposals repeat the previous approval in terms of the new access point off Roall Lane with the existing main site access being closed and only used as a secondary temporary type emergency / access, plus carriageway widening to Roall Lane. Internally the site layout is a re-working of the scheme but includes additional staff and visitor parking spaces, a taxi drop off facility and a large stacking area within the site to ensure that HGV's are not waiting on the public highway during busy times. There will also be the provision of a 3-lane system from the stacking area to ensure adequate access and egress for large vehicles to the main site. It is stated that adequate signage will be provided within the site to direct customers / visitors to the available parking areas. The Proposed Site Layout makes provision for segregated pedestrian routes through the site in order that customers can be kept away from moving machinery and equipment.
- 2.4.4 There is an overall increase to the size of the offices. Auction arena and garage and paint shop plus improved wash bays. The increase in overall floor space is stated will not increase capacity of the operation of the site operations particularly on auction days. The access arrangements are considered to be acceptable to accommodate the small increase in staff vehicles associated with the overall development proposals. The capacity of the auction arena will not change due to the increase in floor space.
- 2.4.5 Given the improvements implemented as part of the planning approval ref: 2012/0415/FUL and that the development will only see additional trips associated with a maximum increase in staff numbers by an additional 20 it is considered that the scheme represents further improvements over the previous approval.
- 2.4.6 In relation to requests from Kellington PC and residents for some additional signage to restrict HGV's going to the village, the applicants have been informed of this request and a response is awaited. Such a request would need the endorsement of the Highway Authority. The comments of the Highway Engineer are awaited on this scheme and an update will be given at the meeting. However, whilst the concerns of the residents are

noted about the problems on Roall Lane and impact on the village it is anticipated that these will largely be addressed once the scheme has been fully implemented and the new access, parking and holding areas are implemented. New signage clear signage is also proposed at the site entrance and it is anticipated that once this is in place together with HGV space in the site, the instances of HGV's missing the site due to poor signage and backing up on the road will be resolved or significantly reduced.

- 2.4.7 In relation to comments made about the problems of sand drifts constantly on the road either in windy conditions or when it has rained and the comments about the flooding, the Highway Engineer has been responding to residents directly. The response given is that Euro Auctions have been taking measures to prevent flooding and to keep the drains clear of silt following Highways instruction. In addition to extra road sweeping to remove the sand, interim measures including a drainage ditch within the site, fencing, and straw bales have been put in place to intercept surface water and prevent the sand leaving the site. The development proposals include drainage measures to prevent this problem when the site has been completed.
- 2.4.8 Subject to no adverse comments from the Highway Engineer in the awaited response, it is considered that the scheme is acceptable and subject to the conditions set out in section 3 of the report they would not harm road safety conditions in accordance with policies ENV1(2), T1, T2 and T7 of the Local Plan and Paragraphs 34, 35 and 39 of the NPPF.

2.5 Impact on Residential and Local Amenity

- 2.5.1 Relevant policies in respect to impacts on residential amenity include Policy ENV1 (1) of the Local Plan. Policy ENV1(1) should be afforded significant weight given that it does not conflict with the NPPF.
- 2.5.2 One of the twelve core planning principles of the NPPF is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The key considerations in respects of residential amenity are considered to be the potential of the garage/workshop to result in increased noise and disturbance to local residents due to its re- positioning within the site further north. The proposed building is to be insulated for noise reduction however further information on the details of the sound insulation measures is needed. The applicant's noise consultants have been requested to respond specifically to the concerns raised by the EHO with respect to the noise survey data and appropriate mitigation measures.
- 2.5.3 In relation to air quality, the EHO concerns are generated from the initial proposal submitted to increase auction days which would lead to a significant increase in traffic movements. However, the scheme now does not include any increase in the number of auctions. Therefore there should be no change to air quality arising from this revised layout. is
- 2.5.4 In relation to lighting, a condition was imposed on the previously approved scheme. Lighting details were submitted as part of an application to discharge the condition. These details are being adjusted to reflect the amended layout and amended details are awaited at the time of writing this report.
- 2.5.5 An update will be given at the meeting. Subject to these aspects being satisfactory and with appropriate conditions to mitigate against any harm it is anticipated that no significant detrimental impact would be caused to existing residents through noise, light spillage or nuisance from the construction phase. As such the development would be in accordance with policy ENV1(1) and SP19 of the Local Plan and the NPPF.

2.6 Impact on the character and appearance of the locality

- 2.6.1 Policy ENV1 of the LP and Policy SP19 of the SDCSLP requires new and existing landscaping schemes appropriate for the scale of the proposal to be incorporated within the design of the scheme, including off-site landscaping for large sites and sites on edge of settlements where appropriate. Paragraph 109 of the NPPF describes policy in relation to protecting and enhancing valued landscapes. Significant weight can be attached to policy SP19 of the SDCSLP due to the fact it accords with the approach of the NPPF.
- 2.6.2 Relevant policies within the NPPF, which relate to design, include paragraphs 56, 60, 61, 65 and 200.
- 2.6.3 The site is an open countryside location visible from the surrounding area. Given its scale and form, it already has a substantial impact on this locality. Comments have been received about the harsh visual impact of the metal railing. However, the approved scheme required a landscaping scheme to be submitted and approved. A robust landscaping scheme was submitted and the condition was discharged. This application incorporates a similar robust landscaping scheme which retains and improves those key elements. These include a 20 metre deep planning buffer on the north-west corner of the site fronting the road, landscaping between the road frontage and the car parking area, a 30 metre deep landscaping buffer to the west of the garage workshop running from the north-west corner of the car park to the southern boundary of the site. In addition a 50 metre deep wildlife habitat area is being provided on the south west boundary of the site adjacent to the overspill auction day visitor car parking area. Hedgerows are to be replanted and enhanced. The buildings and car parking and machinery storage areas would be well screened from public vantage points. Overall there will be a significant improvement in time once these landscaped areas become established.
- 2.6.4 A condition can be imposed requiring the completion and maintenance of the landscaping scheme. Subject to this the revised scheme is acceptable and would not have a significantly adverse impact on the character or form of the locality. As such the development would be in accordance with the provisions of Policies ENV1 of the SDLP and Policies SP 18 and SP19 of the CS and the NPPF.

2.7 Flood Risk, Drainage, Climate Change and Energy Efficiency

- 2.7.1 Policy ENV1(3) of the SDLP outlines that proposals for developments will be permitted provided a good quality of development will be achieved and that the District Council takes into account the capacity of local services and infrastructure to serve the proposal, or arrangements are made for upgrading, or providing services and infrastructure.
- 2.7.2 Policy SP15(d) of the SDCSLP require proposals to take account of climate change, make development safe without increasing flood risk elsewhere and support sustainable flood management measures including local surface water management plans.
- 2.7.3 Policy SP19 of the SDCSLP (2013) outlines that both residential and non-residential development should meet a series of noted criteria. This includes the criteria relating specifically to flood risk and drainage in terms of preventing development from contributing to or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water, light or noise pollution or land instability.
- 2.7.4 These policies should be afforded significant weight.
- 2.7.5 The NPPF paragraph 94 states local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations. NPPF Paragraph 95 states to support the move to a low carbon future, local planning authorities should plan for new development in locations and ways which reduce greenhouse gas emissions; actively support energy efficiency improvements to existing buildings.

- 2.7.6 An existing main, controlled by Yorkshire Water, runs through the site. Appropriate conditions are recommended by YW in this respect to protect the existing sewer.
- 2.7.7 The comments of the IDB in relation to recommended conditions are noted. Full drainage details were discharged on the previously approved scheme and therefore it is anticipated that similar can be achieved on this scheme. Appropriate conditions are applied.
- 2.7.8 The proposed development is not within any flood zone and the site itself is not at risk of flooding. Land to the north is within zones 2 & 3 and any increase in the rate of runoff from the site will potentially increase the risk of flooding in this location and further down the river network. Mitigating measures have been proposed which will ensure the rate of runoff from the site will not be increased above the current greenfield discharge rates. The site can accommodate storm water storage and rainwater harvesting will be implemented on the buildings where possible. A package treatment plant is to be implemented for foul sewage to replace the existing vented storage tank.
- 2.7.9 The EA have been consulted regarding the ground water zone and the Private treatment Plant. Comments are awaited and an update will be given at the meeting.
- 2.7.10 Having taken into account all of the above it is considered (subject to the EA comments) that appropriate drainage at the site can be achieved without harm to the ground water or drainage systems and the proposals would not increase or have an adverse impact on flooding. As such the development is in accordance with ENV1 of the LP and Policies SP15, SP16 and SP19 of the Core Strategy and the NPPF.

3.0 Recommendation

This planning application is recommended to be APPROVED (subject to no materially adverse comments from the Highway Engineer or the EHO) and subject to the conditions and reasons below.

- 01 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.

- 02 Only the materials indicated on the submitted schedule received (insert date) shall be utilised in the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason

IN the interests of visual amenity and to comply with Policy ENV1 of the Local Plan

- 03 Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 6.0 (six) metres either side of the centre line of the 24" diameter live water main, which crosses the site.

Reason:

In order to allow sufficient access for maintenance and repair work at all times and to comply with Policy ENV1 of the Selby District Local Plan.

- 04 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant

unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason

The site of the proposed development is partly located on the historic landfills of Whitley Bridge, Roall Lane and Roall Lane Crossroads and is underlain by the Sherwood Sandstone which is a Principle Aquifer. Part of the site is located within a Source Protection Zone 3 for potable groundwater abstractions

NOTE: Piling using penetrative measures can result in risks to potable supplies from, for example, pollution / turbidity, mobilisation of contaminants or creating preferential pathways for the migration of pollutants. It will be necessary to demonstrate that any proposed piling will not result in contamination of groundwater.

- 05 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason:

The site is partly located on the historic landfills of Whitley Bridge, Roall Lane and Roall Lane Cross Roads. The site is located on the Sherwood Sandstone which is a Principal aquifer and also partly located in zone 3 of several public water supply source protection zones.

- 06 The development shall be carried out in complete accordance with the drainage scheme submitted and received on (date to be inserted).

Reason:

To ensure that the development can be properly drained and to protect the quality of the underlying Principal Aquifer, which also forms part of a Source Protection Zone 3 for potable groundwater supply.

- 07 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or as that Order may subsequently be modified or re-enacted) the development hereby permitted together with the existing Euro Auctions site shall not be used for auction purposes on more than 15 days in any calendar year.

Reason: In the interests of the convenience of highway users and the general amenity of the area.

- 08 There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site accesses) until splays are provided giving clear visibility of 215m measured along both channel lines of the major road Roall Lane from a point measured 2.4m down the centre line of the access roads. The eye height will be 1.05m and the object height shall be 0.6m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In accordance with policy policies ENV1(2), T1 and T2 of the Selby Local Plan and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

- 09 No building the subject of this permission shall be brought into use until the approved staff vehicle parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (to be inserted) . Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In accordance with policy policies ENV1(2), T1 and T2 of the Selby Local Plan and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience

- 10 Any site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site shall be in complete accordance with the details submitted and agreed under reference 2016/1212/DOC. The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

Reason:

In accordance with policy policies ENV 1(2), T1 and T2 of the Selby Local Plan and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

- 11 The development hereby approved shall be carried out in accordance with the Ecological Survey by BI-ecology ref 0124_16 (RE01) version 2 dated 14 November 2016.

Reason: In the interests of nature conservation in accordance with the NPPF and Selby District Local Plan Policy ENV1 and Core Strategy Policy SP18.

- 12 The development shall be carried out in accordance with the scheme of landscaping and tree planting for the site, as indicated on drawings (to be inserted) and their schedule of planting together with the additional indicative landscaping detail to the field used for auction day parking as shown on the approved site layout plan,(to be inserted). The approved scheme shall be carried out in its entirety within the period of twelve months beginning with the date on which development is commenced. All trees, shrubs and bushes shall be adequately maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason:

To safeguard the rights of control by the Local Planning Authority in the interests of amenity having had regard to Policy ENV1 of the Selby District Local Plan.

- 13 The external lighting shall only be installed and retained in accordance with the lighting plan submitted and drawing No (to be inserted) received (TO BE INSERTED).

Reason:

In the interests of residential amenity and highway safety in accordance with policies ENV1, T1 and T2 of the Selby District Local Plan.

No part of the development hereby permitted shall be brought into use until the turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

Reason:

In the interests of highway safety and to comply with policies ENV1 and T1 of the Local Plan.

- 14 There shall be no access or egress by any construction vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and agreed in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include wheel washing facilities where considered necessary. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

Reason

In accordance with policies ENV1(2), T1 and T2 of the Local Plan and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety

- 15 Within 12 months of the commencement of the development hereby approved all boundary fencing shall be erected in accordance with the details indicated on the approved plans and shall thereafter be maintained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

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 Policy ENV1 of the Local Plan.

- 16 The development hereby permitted shall not be carried out otherwise in complete accordance with the approved plans and specifications.

[These will be entered onto the decision notice]

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 Policy ENV1 of the Local Plan.

3.1 Legal Issues

3.1.1 Planning Acts

This application has been determined in accordance with the relevant planning acts.

3.1.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

3.1.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

3.2 Financial Issues

3.2.1 Financial issues are not material to the determination of this application.

4. Conclusion

4.1 As stated in the main body of the report.

5. Background Documents

5.1 Planning Application file reference 2016/1441/FULM and associated documents.

Contact Officer: Fiona Ellwood ((Principal Planning Officer)

Appendices: None

To: Planning Committee
Date: 12th April 2017
Author: Louise Milnes (Principal Planner)
Lead Officer: Johnathan Carr (Lead Officer – Planning)

MEMBERS BRIEFING NOTE ON SELBY PAPER MILL REDEVELOPMENT

1. Introduction

- 1.1 This report is brought to Planning Committee for information and comment on the applicant's presentation of the emerging scheme.
- 1.2 The pre-application presentation relates to the re-development of the former Rigid Paper Mill site which was granted outline consent on 4 July 2014 with all matters reserved for mixed use development incorporating residential, retail, leisure and marina.
- 1.3 Since the approval was granted in 2014 the landowner has made sustained efforts to secure a developer to take forward the consented scheme. These efforts have failed and it has become evident that the approved scheme is undeliverable due to the scheme's viability. In addition the applicant considers that the approved scheme does not appropriately respond to the surrounding context of the site. This is one of the District's largest 'stalled' sites and should be considered within the context of the wider work being undertaken to improve the Town Centre and Selby Railway Station due to its close proximity.
- 1.4 The landowner is therefore seeking to bring forward a revised outline scheme in June 2017.

2.0 Site Context

- 2.1 The site is located within the defined development limits of Selby and is to the south east of the town centre and railway station.
- 2.2 Selby Canal runs along the north western boundary of the site where it meets with the River Ouse to the north.

- 2.3 There is an existing engineering works located to the east of the site which is unrestricted in terms of hours of operation.
- 2.4 There is a pond to the east of the site and the application site boundary dissects through part of this.
- 2.5 There are two storey residential properties comprising predominantly terraced units to the south and south west along Dennison Road. There is also a local convenience store and sandwich shop located on Dennison Road.
- 2.6 On the opposite side of the Canal there are apartment blocks which are five storey in height.
- 2.7 There are two lock keepers cottages to the north of the site and the Selby lock which are Grade II listed.

3.0 Site Characteristics

- 3.1 The site covers an area of 18.5 acres and formerly contained Rigid Paper Mill. The site has been clear of buildings since 2009 and is currently overgrown.
- 3.2 The site is bound by a combination of a high brick wall and a low brick wall and railings along the frontage with Dennison Road, fencing and high conifers along the Canal frontage, walling along the boundary with the River and palisade fencing along the remaining boundaries.
- 3.3 There is a footpath access to the north running between the boundary wall of the application site and the flood defence wall along the River Ouse.
- 3.4 The site is located within Flood Zones 2 and 3.
- 3.5 There is a row of trees along Denison Road which are protected via TPO 4/1979.

4.0 Relevant Planning History

- 4.1 An application (reference CO/1997/0633) for alterations, demolition and rebuilding of existing brick boundary wall to a height of approximately 2.2 metres between the canal and the main gate was approved on 28 August 1997. This wall is still in situ.
- 4.2 An application (reference CO/1998/0030) for the felling of eight poplar trees protected by Tree Preservation Order No. 4/1979 was approved on 13 March 1998. The trees removed were replaced by a row of hornbeam which are still covered by the TPO.
- 4.3 An application (reference CO/2003/06848) for the construction of and improvement to the flood defences was approved on 8 December 2003.

- 4.4 An outline application (reference 2012/0159/OUT) with all matters reserved for mixed use development was approved.
- 4.5 Members may recall that when the above application was originally submitted there was concern regarding the housing mix which proposed 199 houses and 202 apartments. In addition Members raised concern regarding the height of the landmark building which was intended to be 8 stories in height.
- 4.6 Following subsequent amendments the approved scheme resulted in the following:
- 250 houses and 52 apartments;
 - 32 berth marina;
 - 7 retail units;
 - Office and retail sitting alongside apartments within a 4 storey feature building;
- 4.7 This application was approved on 4 July 2014 subject to a Section 106 agreement which secured contributions towards community facilities, education, healthcare, highways, and waste and recycling and sought 13 affordable units, on-site recreational open space, construction of a pedestrian bridge, restoration works to the swing-bridge and provision of Canal berths.

5.0 Recent Jointed Working

- 5.1 Following the consent in 2014 the landowner has not been able to secure a developer who will take forward the consented scheme. With the new Senior Management Team in place the Council has taken a proactive role in working with the landowner to explore how this 'stalled site' could be brought forward.
- 5.2 Taking a Development Team approach, similar to that taken on the Kellingley and Eggborough major schemes, we have worked closely with Rigid Paper, Berry's and their masterplan consultants Urbed to support a 'refresh' of the masterplan. We have engaged in significant pre-application discussions, which will be backed up by a Planning Performance Agreement.
- 5.3 The joint work has been very positive and the landowner is keen to bring the site forward early for the delivery of the residential and other elements of the scheme, including exploring a direct delivery role.
- 5.4 We believe bringing forward this key site will bring significant benefits in terms of quality new homes provided, creation of new canal side leisure and recreation facilities, and the regeneration of a key site close to Selby Station and the town centre.
- 5.5 The applicant is committed to creating a quality new place that will raise Selby's profile as a great place to live.

6.0 The Proposal

- 6.1 The applicants propose an outline application with all matters reserved except access, which will be detailed as part of the application.
- 6.2 The scheme would include the following elements:
- 250 houses and 83 apartments which would offer a wider housing mix;
 - innovative house types and highway layout;
 - enhanced canal waterfront and moorings;
 - provision of a public house (up to 1,000sqm);
 - improved riverside waterfront;
 - improved pedestrian access to the site from the Railway Station and Town Centre and the wider community;
 - provision of accessible green space; and
 - provision of a local retail offer (4 shop units with up to 500sqm) to support existing and new small businesses and providing shared facilities between the existing and new community.
- 6.3 The development proposes a mix of two storey semi-detached and terrace homes, together with a number of three storey townhouses and three storey apartment units.
- 6.4 The Section 106 agreement is likely to cover Affordable Housing, on-site recreational open space, waste and recycling, pedestrian bridge and canal berths, plus any identified highway contributions.
- 6.5 The scheme is intended to provide an exemplar residential development which provides a different type of housing to that usually provided within the District. In addition it seeks to assist in changing the perceptions of Selby and to increase the housing offer within the District.
- 6.6 In terms of community consultation the proposals will be advertised in the Selby Times, a fly drop to neighbouring properties will be undertaken, posters will be displayed in key locations along the site perimeter, there will be an email to key stakeholders and members and notification of a dedicated website.

7.0 Relevant Planning Policies

Development Plan

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".
- 7.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and 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. Relevant Core Strategy Policies are as follows:

- 7.3 Policy SP1 relates to the 'Presumption in Favour of Sustainable Development' and Policy SP2 relates to the 'Spatial Development Strategy'. It is noted that the site is located within the defined development limits of Selby which is identified as the Principal Town and hence is the most sustainable settlement within the Selby District being the main focus for new housing, employment, retail, commercial and leisure facilities.
- 7.4 Policy SP4 relates to the 'Management of Residential Development in Settlements' and supports the redevelopment of previously developed land such as the application site.
- 7.5 Policy SP8 relates to 'Housing Mix' and requires that housing must contribute to the creation of mixed communities by ensuring that the types and sizes of dwellings provided reflect the demand and profile of households evidenced from the most recent Strategic Housing Market Assessment (SHMA), whilst having regard to the existing mix of housing in the locality. This will be reviewed in detail once the applicants have determined the final housing mix.
- 7.6 Policy SP9 relates to 'Affordable Housing' provision and seeks to secure up to a maximum of 40% affordable housing, although the actual amount of affordable housing to be provided would be underpinned by economic viability having had regard to any abnormal costs. The applicants are still establishing the abnormal costs relating to the site which in turn will dictate the level of affordable housing. If the level of affordable housing is below 40% then a Viability Report will be submitted to enable discussions with the Council's Advisor on Viability to determine the level of affordable housing which could be provided.
- 7.7 Policies SP15 and SP16 relate to 'Sustainable Development and Climate Change' and 'Improving Resource Efficiency' through seeking to secure a minimum of 10% predicted energy requirements through renewable, low carbon or decentralised energy sources. These matters would be dealt with at reserved matters stage.
- 7.8 Policies SP18 and SP19 relate to 'Protecting and Enhancing the Environment' and 'Design Quality' and these matters would be reviewed in detail once the applicants have provided the final masterplan for the site. Members should note that some matters of detail would be dealt with at reserved matters stage.

The relevant Selby District Local Plan Policies are:

- 7.9 Policy ENV1 relates to the 'Control of Development' and sets out design criteria which should be considered in order to ensure a good quality of development. These matters would be reviewed in detail once the applicants have provided the final masterplan for the site. Members should note that some matters of detail would be dealt with at reserved matters stage.

- 7.10 Policy ENV2 relates to 'Environmental Pollution and Contaminated Land' and these matters will be addressed through the submission of appropriate noise and contaminated land reports. Members should note that there is an engineering works to the east of the application site which carries out 24 hour working and there could also be noise arising from the Potter Group. A Noise report was submitted with the previous application which demonstrated that noise mitigation could be provided and Environmental Health Officers considered this to be the case. The applicants are updating the Noise Report and will present mitigation measures within this which if found to be appropriate can be conditioned. With respect to Contamination appropriate contamination reports would support the application. Members should note that the previous application established that contamination could be adequately dealt with across the site.
- 7.11 Policy ENV12 relates to 'River and Stream Corridors' and seeks to ensure that development does not harm nature features of, or access to river, stream and canal corridors. In addition Policy RT7 relates to 'Riverside Recreational Facilities'. The applicant is in discussion with the Environment Agency and the Canal and River Trust in respect of any potential impacts to the existing waterways and to discuss detailed design matters. Members should note that neither the Environment Agency nor the Canal and River Trust objected to the previous application.
- 7.12 Policy ENV28 relates to 'Other Archaeological Remains' and the applicants are preparing appropriate archaeology reports which would be submitted with the outline application. Members should note that within the previous archaeology investigations at the site there were well preserved remains of a backfilled early canal known as 'The Lazy Cut' within the north east part of the site which had been progressively backfilled. Structural remains were also noted relating to a former Braid Mill which occupied the west/central part of the site. North Yorkshire County Council Historic Environment Team raised no objections to the previous application subject to an archaeological strip and record.
- 7.13 Policy T1 relates to 'Development in Relation to the Highway', Policy T2 relates to 'Access to Roads', Policy T7 relates to the 'Provision for Cyclists' and Policy T8 relates to 'Public Rights of Way'. The indicative Masterplan shows two proposed access points which are in a similar position to those proposed under the previous scheme. Discussions are ongoing between the applicant and North Yorkshire County Council Highways in respect of the proposed accesses. In addition the scheme proposes pedestrian and cycle links through the site with the provision of a new bridge so existing and proposed residents can utilise these to access Shipyard Road and the Town Centre. The applicant is in discussions with the Canal and River Trust and NYCC Highways in respect of the pedestrian/cycle links.

- 7.14 Policy RT2 relates to 'Recreational Open Space' and requires that proposed new residential developments should provide recreational open space on site at a rate of 60 square metres per dwelling, unless deficiencies elsewhere in the settlement merit a combination of on-site and off-site provision. The indicative Masterplan shows some provision on-site, however the detailed amount of provision has not been determined as yet and if there is a shortfall of on-site provision then consideration will need to be given to what additional off-site provision could make up this shortfall.
- 7.15 Policy CS6 relates to 'Community Facilities' and requires developers to provide or contribute to the provision of infrastructure and community facility needs that are directly related to the development. The applicants are in discussion with North Yorkshire County Council Highways in respect of any contributions which may be required in terms of highway infrastructure. With respect to community facilities it is noted that a mix of uses would be provided within the site to serve a local function. In addition education and healthcare provision would be covered by the Community Infrastructure Levy (CIL) as such at this stage there are no other identified requirements for community facilities.
- 7.16 Policy S3 relates to proposals for 'Local Shops' and public houses and requires that proposals are within the defined development limits and intended to serve a purely local function and that the scale of provision is appropriate to the locality. The site is within the defined development limit and the scale and nature of the retail element is intended to serve a local function.

National Planning Policy Framework (NPPF)

- 7.17 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied, only to the extent that it is relevant, proportionate and necessary to do so. It states that planning should proactively support sustainable economic development, encourage the effective use of land and achieve acceptable standards of amenity for all existing and future occupiers of land and buildings.
- 7.18 One of the Core Principles is the reuse of land that has been previously developed. Paragraph 14 and 49 also require housing applications to be considered in the context of the presumption in favour of sustainable development. The NPPF notes that local authorities should deliver a wide choice of homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities (paragraph 50).
- 7.19 With regard to design, Paragraph 56 confirms that the Government attaches great importance to the design of the built environment. Good design is considered to be a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

- 7.20 In terms of flooding Paragraph 100 requires the application of the Sequential Test and Exceptions Test and states that where development is necessary it should be made safe without increasing flood risk elsewhere.
- 7.21 Paragraph 24 requires a Sequential Test to be applied to planning applications for main town centre uses (retail and public house) that are not in an existing centre.

Other relevant Planning Policy/Guidance

- 7.22 The 'Affordable Housing Supplementary Planning Document', 2013 sets out the requirements for Affordable Housing, viability reports and sets out a list of Registered Providers within the District. The 'Developer Contributions Supplementary Planning Document' March 2007 sets out requirements for contributions relating to Waste and Recycling and provides guidance in respect of Recreational Open Space requirements. The North Yorkshire County Council SuDs Design Guidance, 2015 provides guidance to developers with respect to the incorporation of SuDs within schemes and requires that applications set out arrangements for maintenance of these. The 'Selby Town Design Statement', 2004 sets out the characteristics of Selby Town in order to assist developers in establishing the design principles to have regard to within any new scheme.

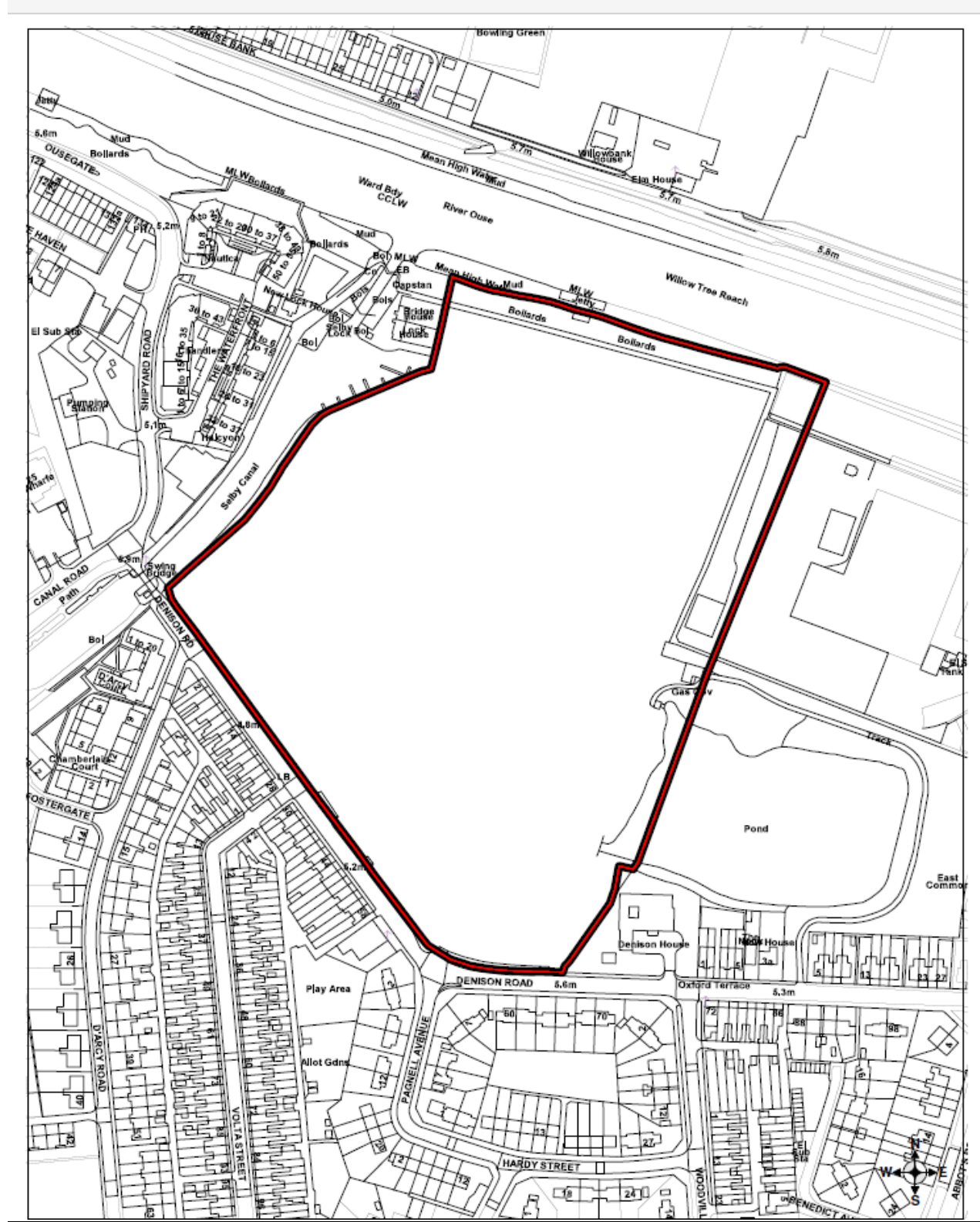
8.0 Conclusion

- 8.1 Members are asked to note the content of this briefing note and the presentation by Berrys and Urbed and Members views are sought on the following matters:
1. Do Members support the application in principle?
 2. Do Members support the layout and scale of the development?
 3. What are Members views on the alterations to the Canal and the treatment of the Canal frontage?
 4. What are Members views on the treatment of the Dennison Road frontage?
 5. Do Members support the mix of uses proposed on the site at the quantum shown?
 6. What are Members views in relation to the proposed access arrangements and highway layout?
 7. Do Members support the provision of a pedestrian footway across the Canal?
 8. Do Members consider the recreational open space provision to be of an appropriate layout and scale? Should there be a shortfall on site do Members have views on how this should be addressed?
 9. What do Members think of the indicative house types provided?

10. What are Members views on potential affordable housing provision?
11. What are Members views on the pre-application consultation being undertaken and should there be specific briefings with ward members and Selby Town Council and the Civic Society?
12. Would Members wish to see measures to train and recruit local people included in the Section 106 agreement?

Appendix A

Site Plan of Selby Paper Mill Site



Selby Paper Mill

MASTERPLAN VISION

Pre-App Committee Report

Selby Paper Mill
MASTERPLAN VISION REPORT
STATUS: Pre-App for discussion

V02 - March 2017
Produced by URBED on behalf of Rigid
Group Ltd.



Client/ Landowner



Land Agent &
Planning



Urban Design &
Masterplanning



Environmental &
Highways

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INTRODUCTION

“The ambition for the former Paper Mill site is a high quality place-making scheme”

Rigid Paper Ltd and Selby DC



URBED had the pleasure of working in Selby back in 2004 on Selby District Renaissance. On our return in 2017, appointed by Rigid Paper Ltd for the former Paper Mill site, we have found a vibrant town, with a rich variety of shops, cafés and restaurant on its high street together with many new housing developments.

It is clear to us that over the last decade Selby has strengthened its position not only between York and Leeds (a 30 minutes train journey) but also with London, thanks to a direct train service. There is a tangible sense that the town is growing and growing its aspirations too, to become a sought after place for new and existing residents to call home. We read with great interest the vision statement of Selby District Sustainable Community Strategy 2010-15 *“A place with happy, healthy and active people who are proud of its vibrancy, diversity and prosperity and are involved in making things better.”*

We are proud to be working with the client Rigid Paper Ltd, who continue to have operations in Selby and are committed to the town and to doing a quality development on this site.



Selby Abbey

Barlby Rd

Train Station

Bawtry Rd

Selby Canal

Denison Rd

River Ouse

SITE CONTEXT

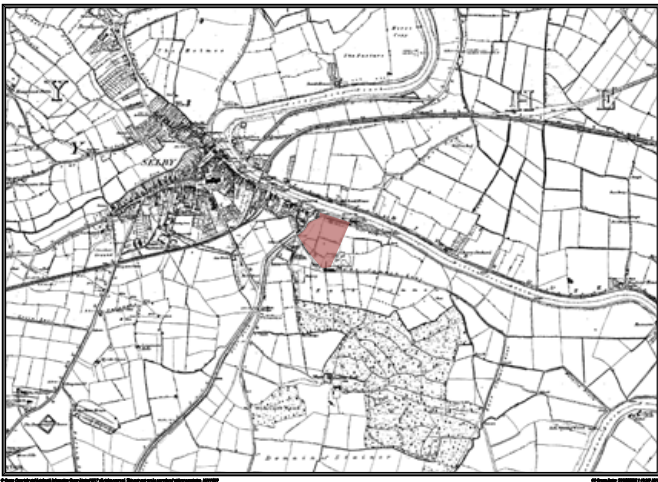
HISTORIC MAPS

The available historical maps show the site in a prominent location with regard to the Selby Canal. In fact right from 1851 its transformation from agricultural land and fields to the paper mill is fully traceable.

Even though in 1851 the site was still agricultural land, it already accommodated a final branch off the Selby Canal. On the 1908 map we can observe how the site has, by then, become a fully working shipyard. Supporting Selby's former large shipbuilding industry, mostly thanks to Selby Canal terminating in the River Ouse, as thus being an important port and bringing trade from Leeds.

By 1958 the site has begun its transformation into the Paper Mill, when by 1967 even the last section of the canal branch - reminiscent of its shipyard past - is filled in. The development of the Paper Mill can also be considered a great factor for the housing development south of Denison Road. This is evidently so when comparing the historical map of 1958 and 1967.

The 1990 map shows the full extent of the Paper Mill development and its size, a mixture of Victorian and 1960s industrial and commercial structures. When the Paper Mill closed, the site was fully demolished in preparation for new development.



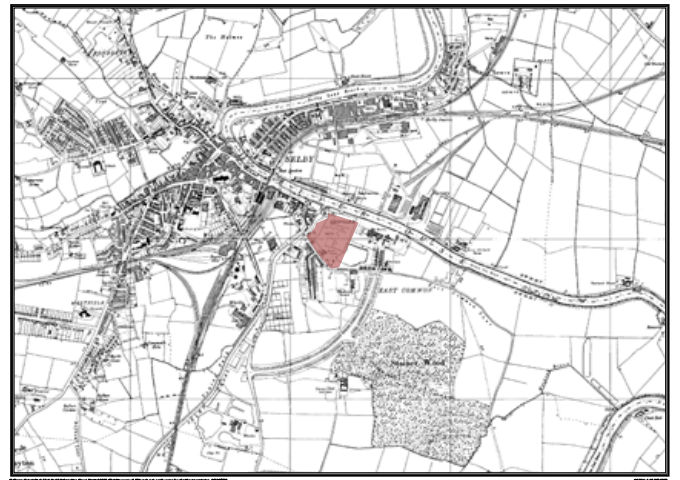
1851



1908



1958



1967



1990

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OS Plan 1:25,000 1990

SITE CONTEXT

URBAN GRAIN & HEIGHTS

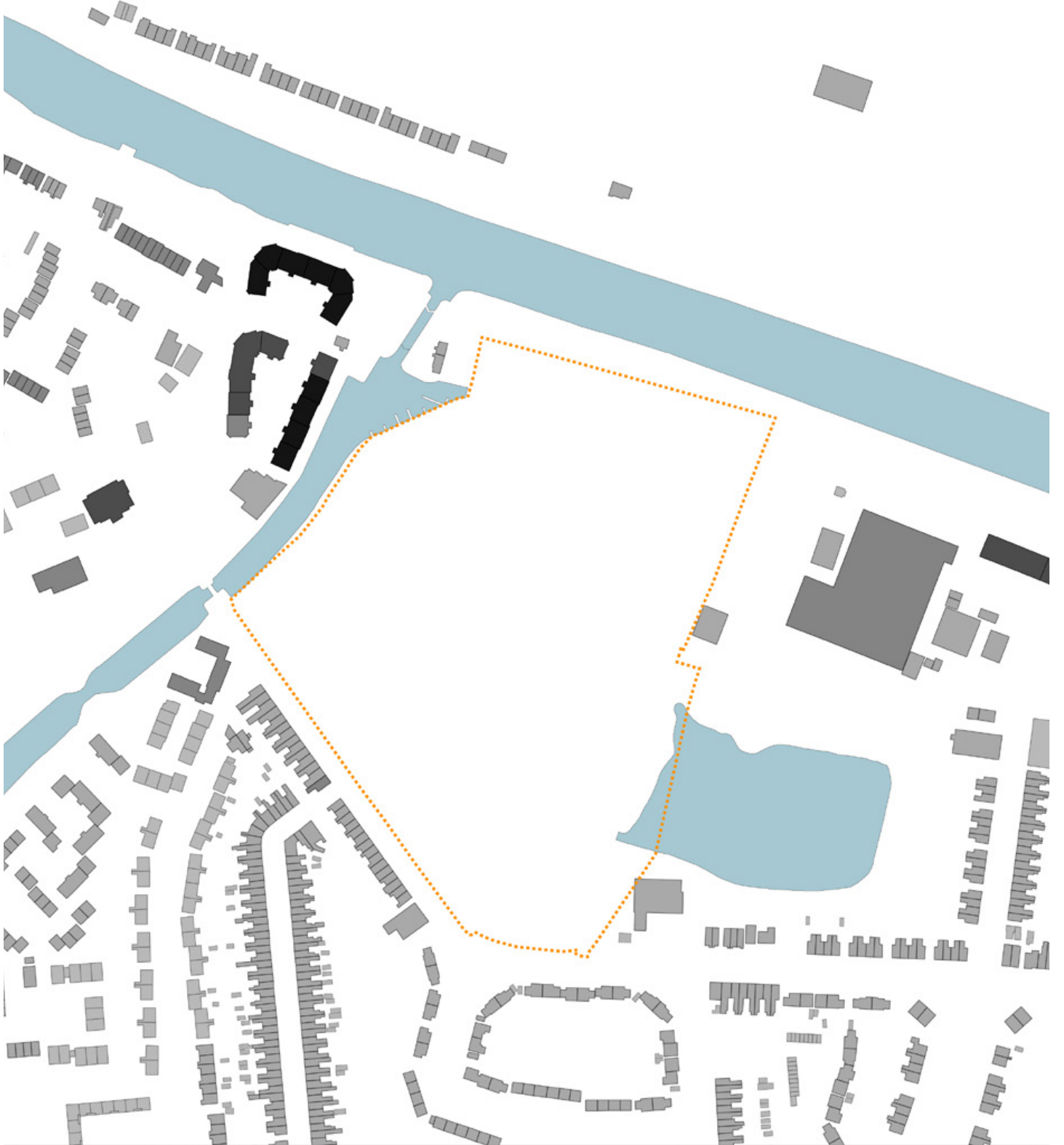
As observed through historical maps, the **urban grain** of the site, and its immediate surroundings, is the sum of a century of development, industrial progress and shaping of the environment. The largely agricultural land to the east of the railway has been developed since the turn of the 20th century for industrial use, attracting towards the mid 20th century more housing as the centre of Selby grew and as the industries required more workforce.

As the industrial activity in this area then declined, the urban grain has been partly fragmented with brownfield sites appearing in between existing residential areas, small scale businesses and new residential schemes, the latter including a series of apartment blocks facing the canal and river waterside, opposite the former Paper Mill site.

The **building heights** highlights the residential nature of the site context, with a range of building heights: from 2 storey terrace homes to apartments towards the river Ouse reaching up to 5 storey height. This offers a healthy mix of building heights to create character and landmark interest within this area.



Google Earth image from 2007 showing the former Paper Mill buildings on the site.



1 storey 2 storey 3 storey 4 storey 5 storey

SITE CONTEXT

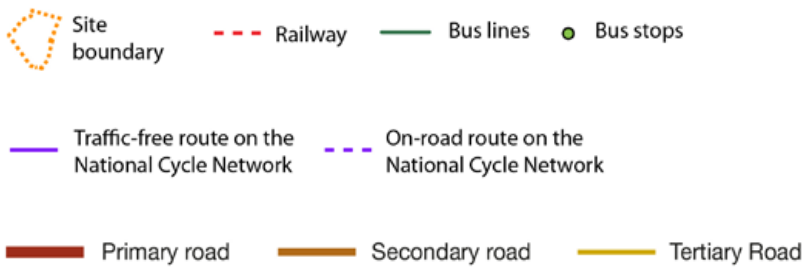
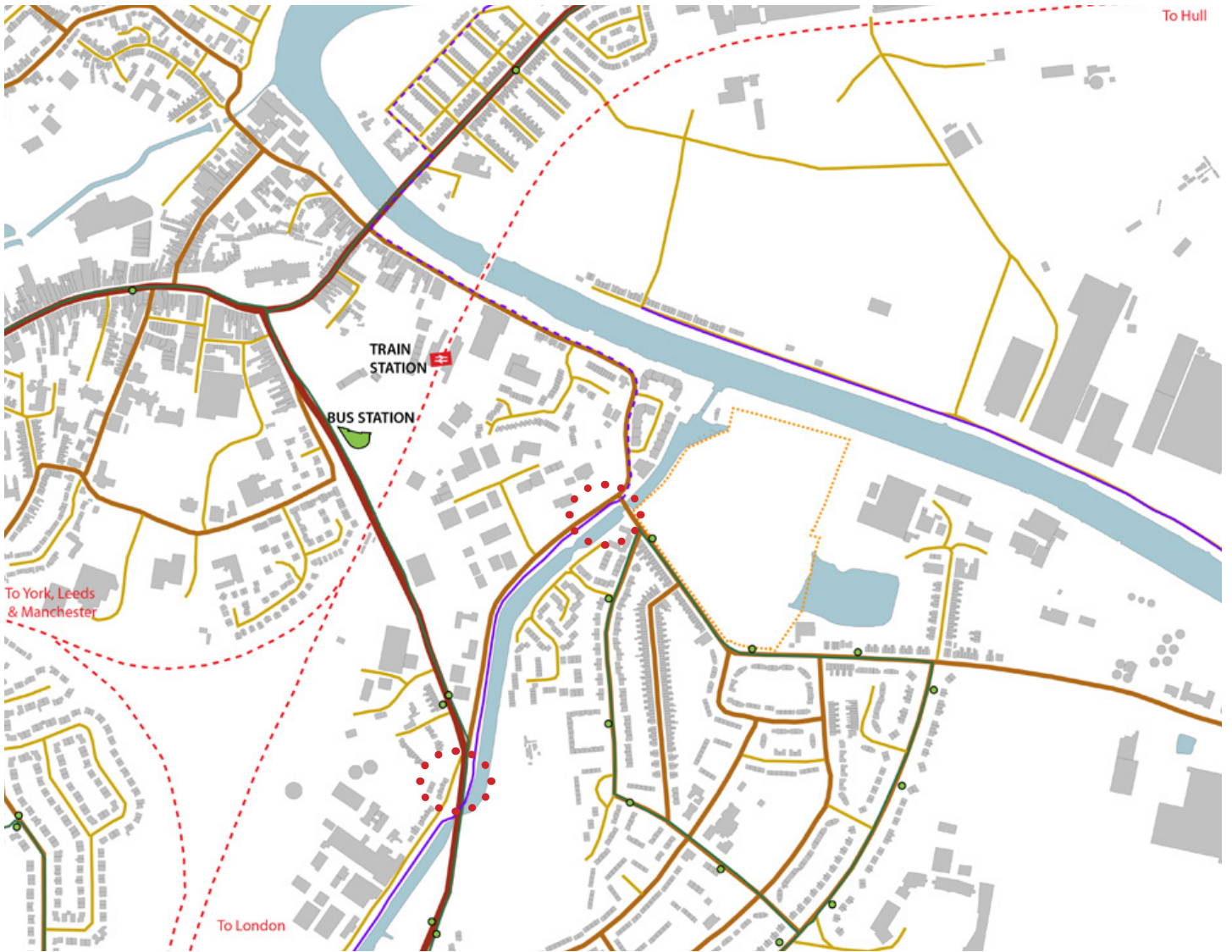
ACCESSIBILITY

The **street hierarchy** partly reflects this urban development over time, with only a few key roads connecting the site and surroundings to the town centre, with the Selby Canal traversed only at two points: Denison Road and Bawtry Road. Ousegate plays a minor role in terms of vehicle movement, but offers a more direct walking route to the town centre.

We understand Selby District Council is reviewing the permeability and accessibility of this part of town towards the train station and the town centre beyond.

The site is located in an ideal location - within a 5 minute walk to Selby Train Station, which offers 30 minute rail connections to York and 23 minute rail connections to Leeds, with quicker services likely in the near future.

Denison Road is also currently served by an existing bus routes which, along with its close proximity to the station offers accessible and sustainable modes of transport and a genuine alternative to the private car.



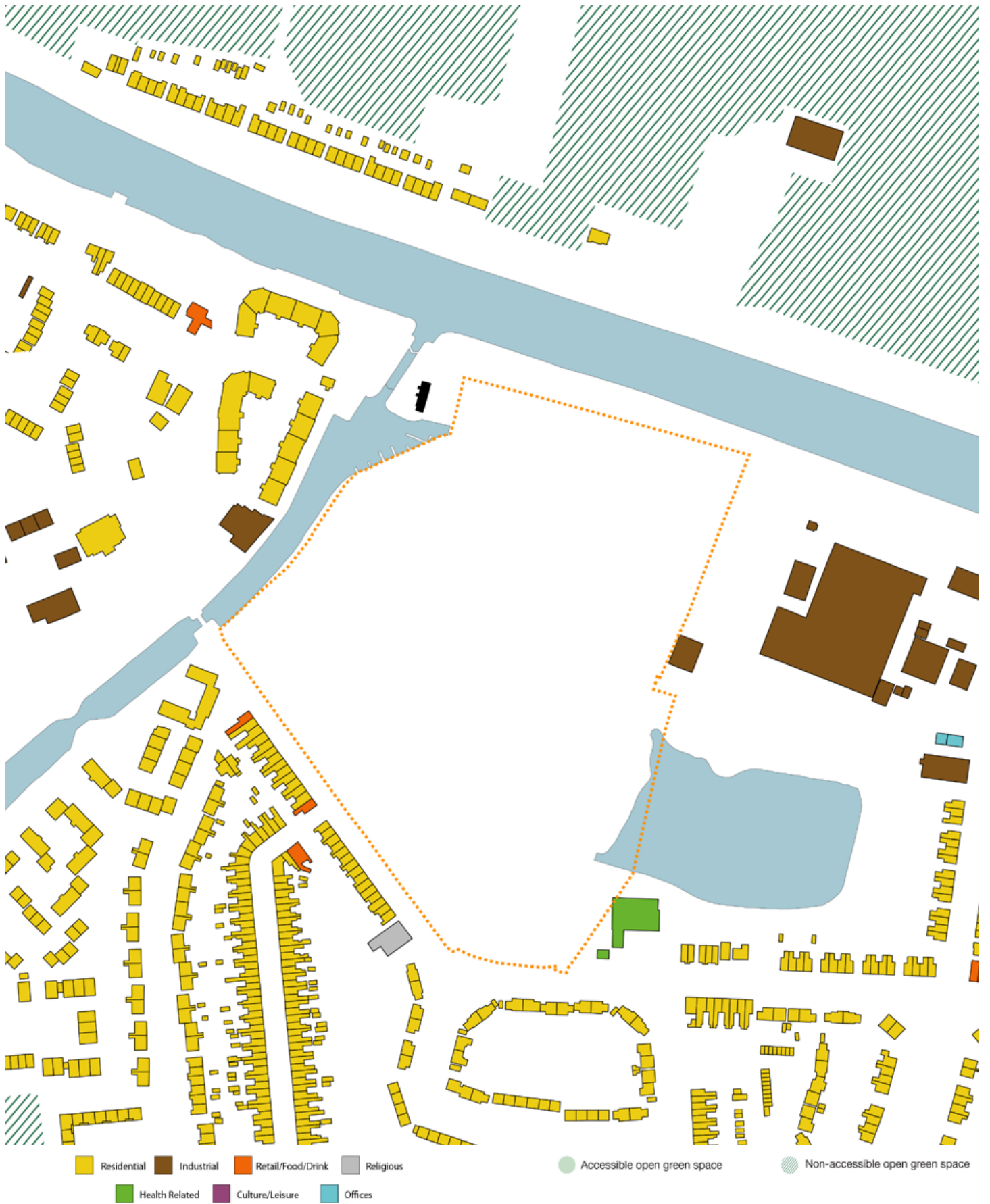
SITE CONTEXT

LAND USE

Even though Selby is set in the rolling North Yorkshire countryside, much of its **green spaces** are not accessible to the public. Especially within residential areas, many of the available green accessible spaces are allotments rather than green public realm.

Moreover, most of the publicly accessible green is located closer to or within the town centre rather than nearer the Paper Mill site. Nonetheless the waterfront and tow-path of the Selby Canal offer leisure access, benefitting health and wellbeing.

As the **land use** diagram shows (on the opposite page), within the immediate surroundings of the site, most buildings are of a residential nature, bar the industrial site to the immediate east, still active and in use. More industrial uses are located closer to the train station, between the site and the town centre. The existing residential schemes are served by existing primary schools and other key social infrastructure and benefit from the wider infrastructural support within Selby.



Site context analysis enables a deeper understanding of interrelationships across the site.

SITE CONTEXT

HERITAGE

Selby is rich in heritage, from its Abbey to many local buildings marking its social history, from pubs to cottage industry and larger Victorian buildings.

Selby Canal offers direct character to the site thanks to its heritage, with its lock-keeper's cottages, the lock bridge and the swing bridge that connects Denison Road to Canal Road and Shipyard Road, all testament to Victorian ingenuity.

The heritage, cultural as well as leisure value of the canal waterfront will create a vital aspect to the new scheme on the former Paper Mill site.

While views over the river Ouse will be maximised, improvement to access and enjoyment of the canal waterfront, with sensitivity towards its heritage sites, will play a key role in the development of the scheme.



From left: Lock keeper's cottages; Lock bridge; Swing bridge Denison Rd

Heritage - key sites map



- 1 98-104, Ousegate
- 2 120 and 122, Ousegate
- 3 The Nelson Inn

- 4 Aire and Calder Navigation Selby Canal Selby Lock
- 5 Lock House and Bridge House at Selby Lock
- 6 Selby Canal Swing Bridge

SITE CONTEXT

SOCIO-ECONOMICS

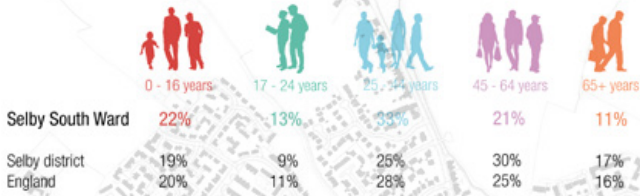
The site is located within the Selby South Ward and through the 2011 Census Data, a valuable and insightful view into the demographic and socio-economics of the area can be gathered. In most instances a comparison has been made between the Selby South Ward, Selby District and the rest of England. The Selby South Ward covers an area of 0.403 hectares and has a population of 4,781 living in 2,051 households.

Age Structure: the analysis shows that the Selby South Ward has, overall, a younger population (from 0 to 44 years) than both the Selby District and the rest of England, particularly with regard to people aged 25-44 years. This may reflect Selby being a suitable town for people with young families, working within Selby or commuting to York and Leeds. The ward also has a smaller proportion of people in the age categories 45-65 and 65 and over, in comparison to Selby District and the rest of England.

Occupation: The Ward has a lower proportion of residents in managerial roles at 8% compared to Selby District at 13% and professional occupations at 8% compared to 16% to Selby District and 18% to the rest of England; but has a higher proportions of residents in the Process, Plant and Machine Operatives category at 15% compared to 9% of Selby District and 7% of the rest of England. This may be thanks to Selby still holding onto a vibrant industry-based employment offer.

Travel to work: the Ward has a higher proportion of residents who walk and cycle to work, at 17% and 5% compared with Selby District as a whole at 9% and 3% and with the rest of England at 12% and 3%.

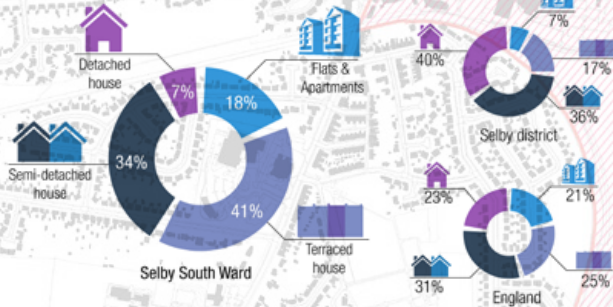
AGE STRUCTURE



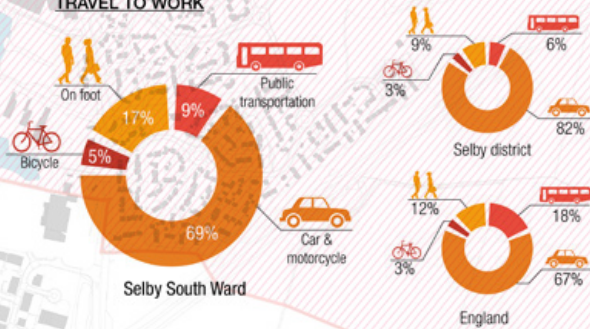
QUALIFICATION



TYPE OF ACCOMMODATION



TRAVEL TO WORK



OCCUPATION



DESIGN PRINCIPLES

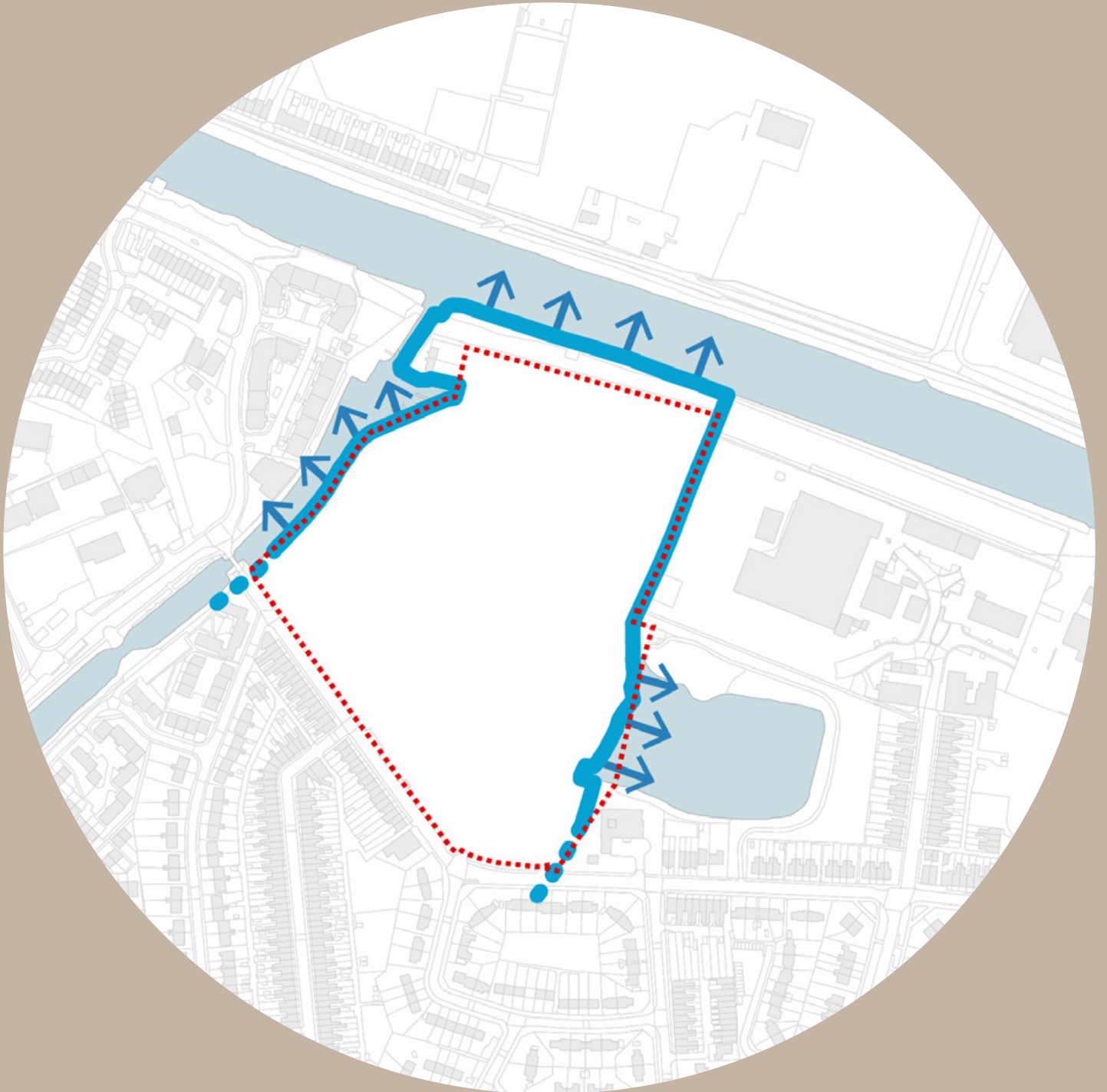
KEY MOVES

1. WATERSPACES

The site is bounded by strong edges, in fact we can consider three of them water edges: to the west the canal waterfront; to the north the river Ouse; and to the east the water reservoir.

The scheme can draw strength, character and identity by positively responding to these unique boundaries. There is an exciting opportunity to make the scheme a catalyst for enhancing the canal, its waterfront and moorings as well as to utilise the views over the canal and the river Ouse.

The scheme will aspire to connect existing waterspaces through green spaces, streets and views across the site and overall will enhance the environment along the Ouse and river walk.



DESIGN PRINCIPLES

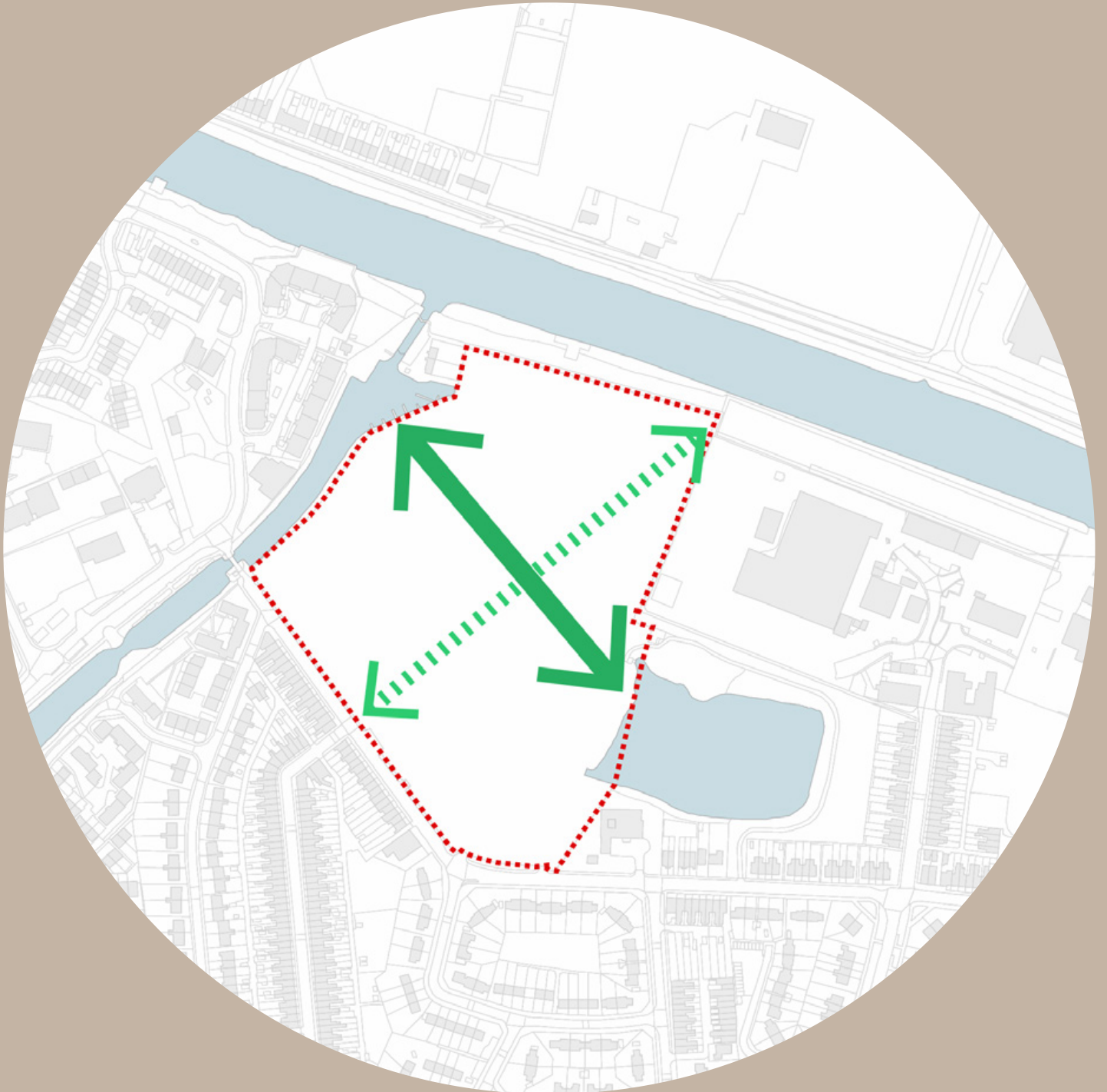
KEY MOVES

2. GREEN AS CONNECTOR

Key to the scheme will be to make green infrastructure an integral component, to support the health and wellbeing of its local residents, by bringing it right into the centre creating an axis between the canal waterfront and the water reservoir to the east.

This will be traversed by a series of smaller linked green spaces from Denison Road towards the river walk, to connect the new community with the existing one. Each of these green spaces will have a specific identity, helping to establish a strong sense of place within the scheme.

We aspire to make the green infrastructure on the site the connector through the site as a whole and beyond. To create a green 'heart' accessible to all.



DESIGN PRINCIPLES

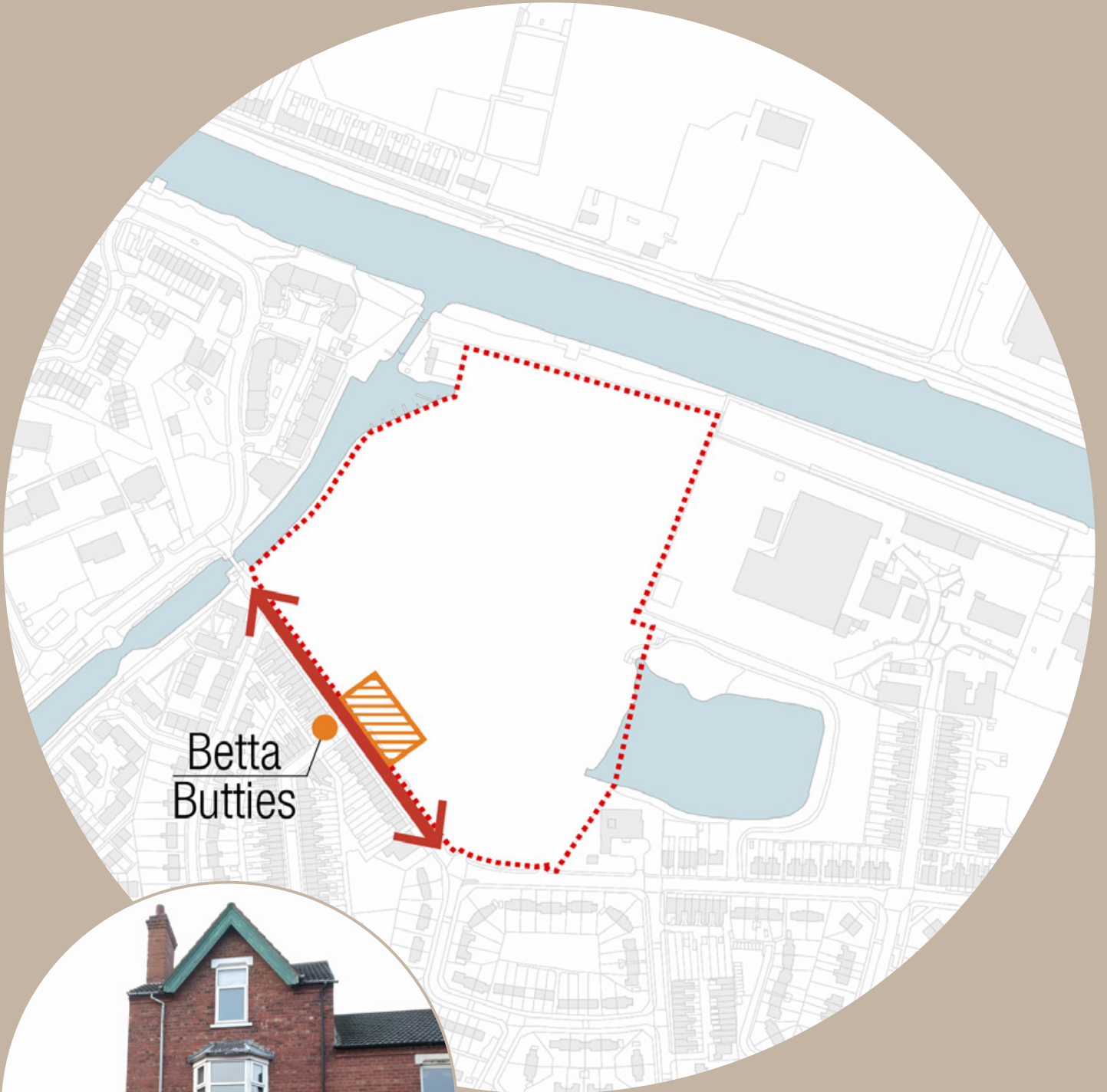
KEY MOVES

3. NEW LOCAL CENTRE

Historical maps show that the residential area south of the site was partly developed once the Paper Mill was fully established. The Paper Mill and its workers were also able to sustain and support some local businesses, such as “Betta Butties” on Denison Road, which is still in business.

There is no doubt that the closure of the Paper Mill factory impacted these local businesses, thus the new residential scheme has the potential to bring back that support to both existing as well as a number of small new businesses.

The scheme will incorporate a new local centre off new green public realm on Denison Road. This will accommodate a new row of small shop units to complement the existing ones on the south side of the road. This will also encourage shared facilities between the existing and new community.



DESIGN PRINCIPLES

KEY MOVES

4. PERMEABILITY

The site connects Denison Road to the canal waterfront as well as to the river walk, the scheme will ensure that good permeability is achieved through the site and beyond.

The new residential scheme will encourage walking and cycling, by enabling the street design to favour these to create an environment that encourages low speeds.

Through urban design, green infrastructure and highway design the site will be connected and permeable from Denison Road to the riverfront and from the canal waterside to the east.

To enhance permeability and to connect towards the west and train station, the scheme will propose a new pedestrian link bridge over the canal.



DESIGN PRINCIPLES

KEY MOVES

5. CANAL EDGE

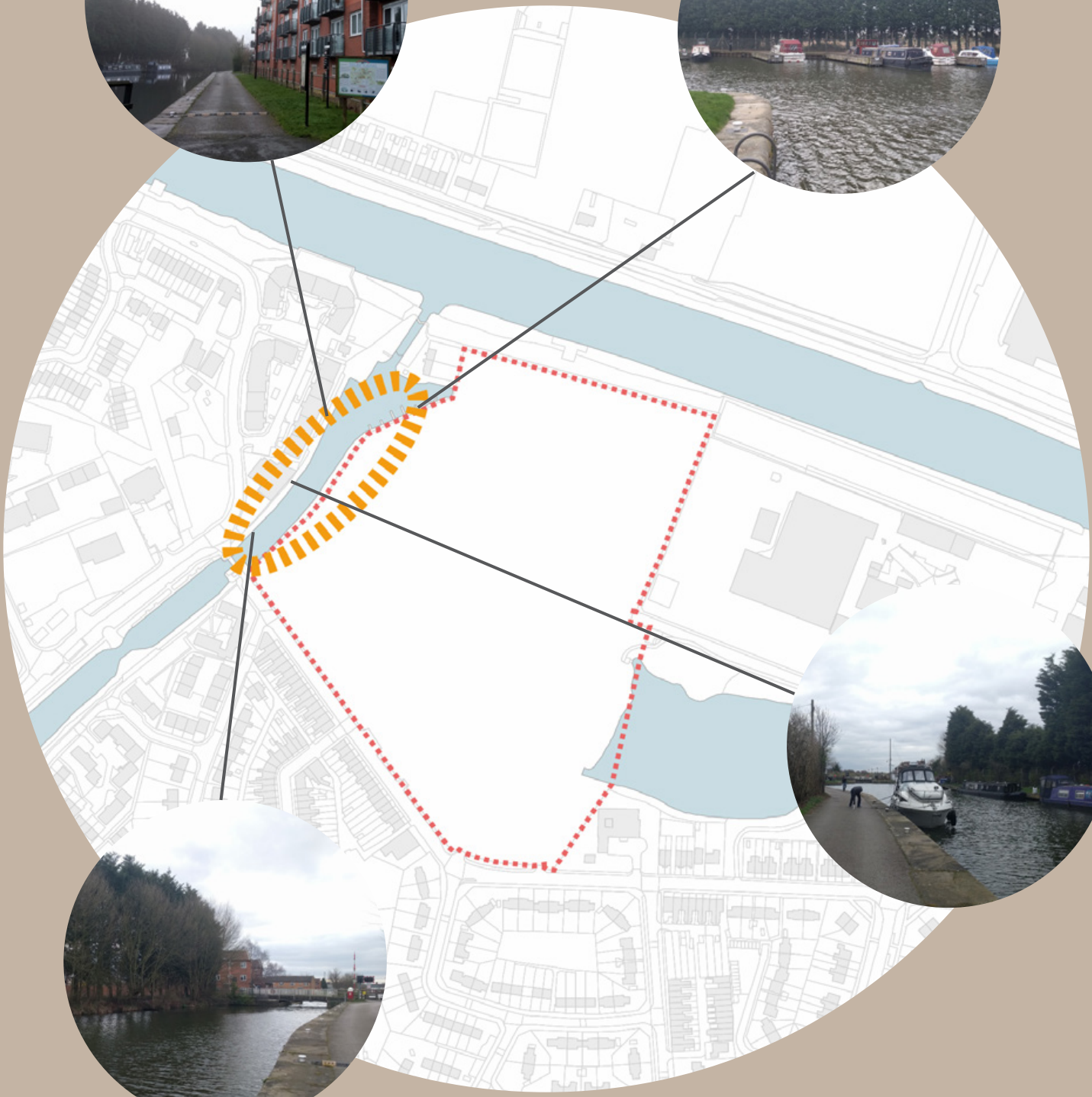
Through the initial workshop consultations with key stakeholders, which included the Canal & River Trust, it was established very early on that the canal edge offers a strong and characterful outlook from the site. Utilising and maximising the canal waterfront will be a key aspect of the scheme.

The design for this development will enhance the residential and leisure frontage to the canal, and by creating an improved basin the waterfront will also become activated to further leisure activities, supported by the Canal & River Trust.

The improved basin will also support an expanded and improved mooring for varied canal water users.

The inclusion of a new pedestrian bridge will connect the two canal water edges and, together with new waterfront houses, the final section of Selby Canal will become a destination as well as a vibrant and appealing area to live.

Overall the new leisure infrastructure will be focused at the canal waterside to strengthen and maximise the relationship between site and water and to enhance the canal experience by a wider variety of users.



THE MASTERPLAN

The emerging masterplan for the scheme is the product of a collaborative design process between key stakeholders: the client; the consultants team; Selby District Council; North Yorkshire County Council; Canal & River Trust; as well as the Environment Agency.

The masterplan key criteria of housing units provision is based on the original approved outline scheme for the site. What the masterplan offers, as a fresh approach to the site, is a mix of residential units and house types to offer suitable accommodation for a variety of new residents - young families, young couples, elderly and single people. At the heart of the concept is a green spine to bring added health and wellbeing to the new community, linked towards the existing community with a new high quality public realm off Denison Road, offering also a new local centre with a small cluster of small business/shop units.

During the initial consultation workshops with key stakeholders, it was agreed that the Selby Canal waterfront is a major asset not only to the site but to Selby town more widely. Therefore the masterplan offers an improved waterfront with additional mooring as well as water access, a new pedestrian bridge link and a canal side restaurant and bar.

The masterplan accommodates the following mix of uses:

Up to 250 Houses

- Mix of 2, 3 and 4 bed houses
- Semi detached
- Terraces + 'Inverted' terraces
- Courtyard houses

Up to 83 Apartments

- Mix of 1, 2 and 3 beds
- To be located along the canal front, the riverfront and south east corner of Denison Rd

Leisure and Retail Floorspace

- 500 sq m of new retail space across 4 units
- up to 1,000 sq m of floorspace, over two storey, for a new pub/restaurant facility on the canal





WORK IN PROGRESS

PRECEDENT STUDIES

HOUSING

A DENSE, WALKABLE NEW NEIGHBOURHOOD

The aspiration for the scheme is the provision of a high quality, place-making new residential area. While the development is to remain attractive to a wide number of small and larger scale developers, the client is also committed to encouraging local developers. New housing should provide modern and aspirational living accommodation for both existing and new residents to Selby.

The selection of precedent studies shown on the following pages offer an opportunity to visualise the kind of residential development the scheme could offer. Those selected here are a mix of UK based schemes as well located in continental Europe.

They also show a pleasant and successful relationship between building, green space and highway to create appealing schemes for people wanting to call it home. Many reflect local vernacular architecture but interpreted in a modern key, avoiding pastiche forms and styles.

Many of the schemes shown were not only developed and marketed according to their local settings and local buyers, but have also been recognised - with national awards - for their urban design, architecture and built quality.



Trent Basin, Nottingham, Developer: Blueprint; Architect: Marsh Grochowski



Accordia in Cambridge, Architect: Alison Brooks



The Malings in Newcastle, Developer: Carillion-Igloor; Architect: Ash Sakula



Trumpington Meadows in Cambridge, Architect: Allies and Morrison



ZAC Verneau in Angers, France, Architect: HUCA



Courtil Saint-Mathurin in Bouvron, France, Architect: Marc Boixel & Nicole Garo



Borneo in Amsterdam, Netherlands

PRECEDENT STUDIES

PUBLIC REALM

OPENING UP THE WATERFRONT

The scheme aspires to respond and enhance the waterfront of both the canal and the riverwalk.

We will have greater opportunity to enhance the canal waterfront environment through both proposed new housing and leisure infrastructure, while new housing will strengthen views and access.

The precedent studies shown on the opposite page illustrate canal waterfront developments of similar scale and feel to the vision for the site. A high quality hard and soft landscaping supported by water-fronting building offer the opportunity to enhance the space and offer a better enjoyment of the waterfront by a wide variety of users.

The precedent studies selected here convey a sense of calm and tranquility, for the local residents to enjoy, very much akin to the aspiration for the proposed development on the former Paper Mill site. The waterfront edges will be car free and include spaces to stop, rest and enjoy the views over the canal and river Ouse. Existing access to the canal waterfront and mooring will be enhanced and improved as part of the proposed development works.



Bridgewater Canal, Castlefield, Manchester



Quai des Salines in Tournai, Belgium, Agence Nicolas Michelin & Associés



De Melaan in Mechelen, Belgium, OKRA

NEXT STEPS

DELIVERY

The landowner and client Rigid Group Limited are keen to facilitate innovative and high quality residential development on the site and will be investing in the construction of site infrastructure, roads, open space and landscaping and will then look to bring forward development by working with a number of house builders in joint venture partnerships. This collaborative approach will steer the development and ensure the masterplan is delivered as envisioned.

Berrys are acting as Land Agent for the site and are making contact with a number of innovative housebuilders and investors to open up initial discussions on delivery of housing on the site.

Environmental Constraints

The new application will require an updated Environmental Statement. BWB Consulting has recently been commissioned to carry out environmental and highways surveys to identify and where required mitigate against any negative impacts. BWB will also be looking into flood alleviation across the site, especially important given the nature of the development adjacent to both the canal and river. This information will be useful in understanding the viability and delivery of the scheme.

Collaborative Working

Our team shares the Council's high aspirations for the site and are keen to continue working with the Council on developing the proposal for the site.

We have already facilitated a workshop with representatives from the Council, Highways and Canal & River Trust.

The landowner and client is keen to stay involved through to delivery and have an interest in Selby, as this is where their new factory is located, further down Denison Road.

NEXT STEPS

COMMUNITY ENGAGEMENT PROGRAMME

The team are fully committed to engaging with the local community and getting their feedback and thoughts on our proposals before any designs are finalised.

A public consultation event has been scheduled to take place on [Wednesday 26th April 2017, at the Cunliffe Centre](#) on Petre Avenue (5 mins walk from the site).

The format of the event will be a drop-in session between 1pm and 8pm, to help capture as many members of the community as possible, providing an opportunity also for those on their lunch break, after school pick-up time and after work.

Members of the design team will be on hand to talk through the proposals and a short questionnaire will be available to capture attendees thoughts and comments on the emerging proposals.

Publicity

The event will be publicised through:

- An advert in the local newspaper (Selby Times).
- A flyer-drop to neighbouring properties.
- Posters in key location - along the site perimeter, Cunliffe Centre, Barwick Parade, Selby College, Rigid Containers and Denison House Care Home.

- An email out to key stakeholders and members.
- A notification on a dedicated website

Format

A large pop up exhibition will illustrate the masterplan and provide information on the key objectives and quantum of development, with precedent images used to show how the development could look and feel.

Resources

A paper questionnaire will be available to capture thoughts on the day. All exhibition material and an online version of the questionnaire will be available on the website for those unable to make it on the day.

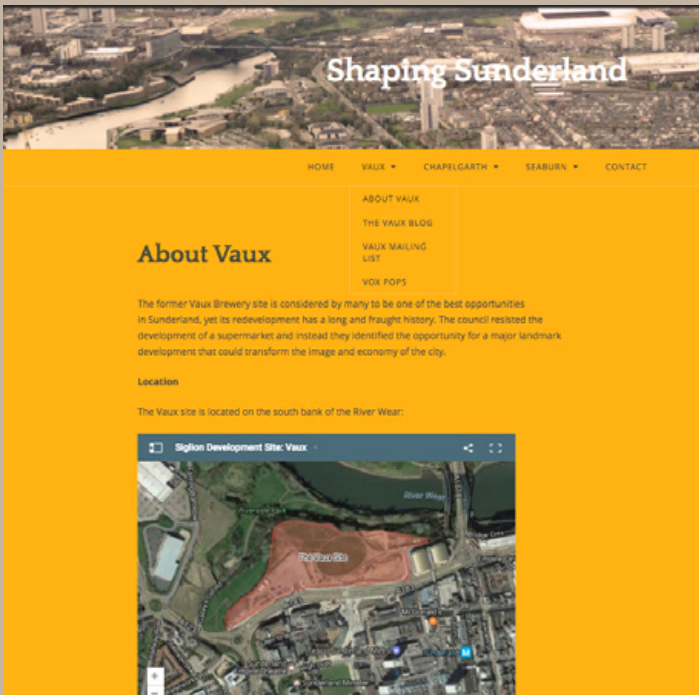
Feedback

Following the events, comments will be collated into a draft statement of community involvement (SCI) and circulated to the design team.

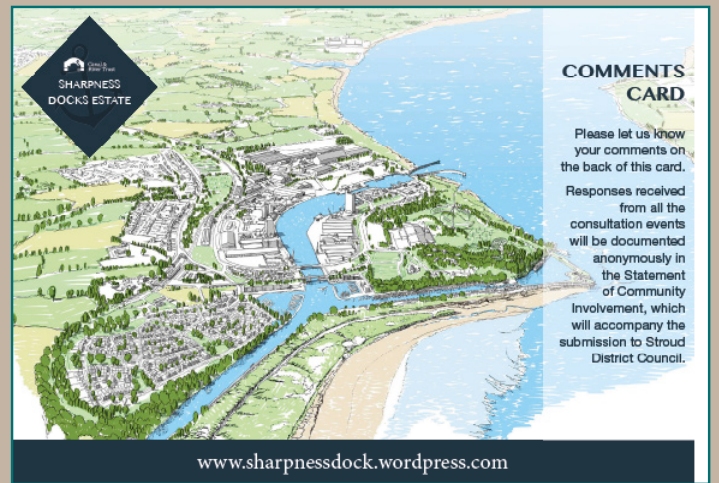
This information will be used to inform any required changes to the masterplan before the planning application is submitted in summer 2017. The final SCI will demonstrate how the design team has responded to key comments through design iterations of the masterplan.



Above: Pop-up exhibition used to exhibit proposals for an URBED project in Sunderland.



Above: Wordpress blog website created for an URBED project in Sunderland.



Right: Example copy of a comments card used to capture feedback for

COMMENTS CARD

1. Please take a look at the proposals for Sharpness Docks and let us know your comments below. Members of the team are on hand if you have any questions.
 2. Once completed, please pop this card into the box provided. You can also post this straight back to us, no need for a stamp.

This form is also available to complete online:
www.surveymonkey.co.uk/r/sharpness03

	Please tick:		
	Yes	No	Don't Know
Q1 Do you support our proposals to provide new employment space at the Dock?			
Q2 Do you support our proposals to enhance the environment and landscape of the island site and provide overnight accommodation to promote tourism?			
Q3 Do you support our proposals for a walkable and naturally landscaped new neighbourhood, which could provide up to 300 homes?			
Q4 Do you support our proposals to create two new marina basins, framed by shops, office space and new apartments?			
Q5 Do you have any further comments?	_____ _____ _____		
Q6 Do you live/ work in the local area?	<input type="checkbox"/> Yes <input type="checkbox"/> No		

FREEPOST URBED



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(C) – Conservative (L) – Labour

Glossary of Planning Terms

Community Infrastructure Levy (CIL):

The Community Infrastructure Levy is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010.

Curtilage:

The curtilage is defined as the area of land attached to a building.

Environmental Impact Assessment (EIA):

Environmental impact assessment is the formal process used to predict the environmental consequences (positive or negative) of a plan, policy, program, or project prior to the decision to move forward with the proposed action. The requirements for, contents of and how a local planning should process an EIA is set out in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

National Planning Policy Framework (NPPF):

The National Planning Policy Framework was published on 27 March 2012 and sets out the Government's planning policies for England and how these are expected to be applied.

Permitted Development (PD) Rights

Permitted development rights allow householders and a wide range of other parties to improve and extend their homes/ businesses and land without the need to seek a specific planning permission where that would be out of proportion with the impact of works carried out. Many garages, conservatories and extensions to dwellings constitute permitted development. This depends on their size and relationship to the boundaries of the property.

Previously Developed Land (PDL)

Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings), and associated fixed surface infrastructure. The definition covers the curtilage of the development. Previously developed land may occur in both built-up and rural settings.

Planning Practice Guidance (PPG)

The Planning Practice Guidance sets out the Government's planning guidance on a range of topics. It is available on line and is frequently updated.

Recreational Open Space (ROS)

Open space, which includes all open space of public value, can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks. It can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute to green infrastructure.

Section 106 Agreement

Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as s106 agreements, are a mechanism which make a development proposal acceptable in planning terms, that would not otherwise be acceptable. They can be used to secure on-site and off-site affordable housing provision, recreational open space, health, highway improvements and community facilities.

Site of Importance for nature Conservation

Site of Nature Conservation Interest (SNCI), Site of Importance for Nature Conservation (SINC) and regionally important geological sites (RIGS) are designations used by local authorities in England for sites of substantive local nature conservation and geological value.

Site of Special Scientific Interest (SSI)

Sites of special scientific interest (SSSIs) are protected by law to conserve their wildlife or geology. Natural England can identify and designate land as an SSSI. They are of national importance.

Scheduled Ancient Monument (SAM):

Ancient monuments are structures of special historic interest or significance, and range from earthworks to ruins to buried remains. Many of them are scheduled as nationally important archaeological sites. Applications for Scheduled Monument Consent (SMC) may be required by the Department for Culture, Media and Sport. It is an offence to damage a scheduled monument.

Supplementary Planning Document (SPD)

Supplementary Planning Documents are non-statutory planning documents prepared by the Council in consultation with the local community, for example the Affordable Housing SPD, Developer Contributions SPD.

Tree Preservation Order (TPO):

A Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of amenity. An Order prohibits the cutting down, topping, lopping, uprooting, wilful damage, wilful destruction of trees without the local planning authority's written consent. If consent is given, it can be subject to conditions which have to be followed.

Village Design Statements (VDS)

A VDS is a document that describes the distinctive characteristics of the locality, and provides design guidance to influence future development and improve the physical qualities of the area.