

## Officer Update Note

12 April 2017

### Item 6.1

APPLICATION NUMBER:	8/58/1049A/PA 2016/1256/OUTM	PARISH:	Sherburn in Elmet Parish
APPLICANT:	Mr David Wainwright	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		
LOCATION:	On land to the North of Pinfold Garth, Sherburn In Elmet		

The following comments have been received from Sherburn Parish Council:

#### Traffic

The Parish Council have serious concerns regarding the transport information which accompanies this application.

When this application was previously submitted under 2015/0848/OUT we were told in January 2016 that a full analysis of its impact on the traffic signals in the village centre had been carried out. No details of that analysis have ever been published on the Planning Portal or anywhere else on the public record. We cannot therefore make any informed comment on the impact of this development on the key junction in Sherburn in Elmet.

Furthermore the LHA advised us in May 2016 that following a traffic survey on Pinfold Avenue the PM rush hour trip rates were found to be some 57% lower than those which had previously been used for housing developments in Sherburn in Elmet.

Previously the LHA had worked on the basis that a 100 home development would generate 88 vehicle movements during the PM rush hour. The new figures suggested that in fact the figure would be just 38 vehicles. We had concerns about these figures, not least because Pinfold Avenue has two access points onto Moor

Lane (the B1222) and it was not clear whether both had been surveyed or just one of them.

We felt it was worth checking this and have just carried out two surveys of traffic entering and exiting the modern 94 home development on Pasture View and Copperfield Close during the PM rush hour.

The first survey on Tuesday 15<sup>th</sup> November 2016 showed a total of 74 vehicles in the PM rush hour. A survey the following day showed 88 vehicles during the PM rush hour. The average of these two surveys is 81 vehicles. So we have an 94 home development producing 81 vehicle movements during the PM rush hour, which equates to a trip rate of 0.86.

The Transport Statement supplied by the applicant shows a total of 42 vehicles entering and exiting the proposed development site during the PM rush hour. We believe that figure significantly underestimates the traffic this development will generate and that a more accurate figure for vehicle movements during the PM rush hour will be 60.

We also believe that Pinfold Garth is not suitable for use as an access road. It is a narrow road with a lot of on-street parking, which will present particular difficulties for access by HGVs during the construction phase. In particular we note that although this road has a 30mph speed limit, the visibility splays for the access road are based on an assumption of lower vehicle speeds (27.5mph in the dry and 25mph in the wet). No speed survey has been carried out and therefore this assumption is not evidence based. It should also be noted that the junction of Pinfold Garth with Pinfold Avenue has particularly poor visibility.

### Flooding

This is an important item for residents, understandably so given the flooding which occurred in Sherburn in August 2014 and the fact that a major part of this site is in Flood Zone 2. The Flood Risk Assessment states that no intrusive soils investigation has been carried out, but nevertheless concludes that the risk of flooding from groundwater is low. It is our understanding that similar unsafe assumptions were made in respect of the Strata site and were found to be wrong when trial pits were dug and immediately filled with water.

It is known that the lacustrine clays locally contain sandy layers which hold or transmit significant quantities of water. The deeper geology includes magnesian limestone strata, an aquifer which can produce significant volumes of water under artesian pressure.

### Sequential Test

The Flood Risk Assessment does not demonstrate that the necessary Sequential Test has been passed and on this issue alone planning permission should be refused. We would specifically point out that the comments regarding the Sequential Test in the Flood Risk Assessment document produced by ARP in support of this application makes no mention of the following safeguarded land:- South-East of SHB/1, Sherburn in Elmet 7.3 hectares East of Prospect Farm, Low Street, Sherburn in Elmet 12.8 hectares West of Garden Lane, Sherburn in Elmet 6.3 hectares.

### Pile Driving

The nearby Strata homes site (off Fairfield Link) has had to use pile driving on 90% of the plots, despite an initial statement that no pile driving was anticipated. Given our comments above regarding the local geology we feel that pile driving may be required for this site and if permission is granted then it must include suitable conditions regarding pile driving.

### Japanese Knotweed

This site is contaminated with Japanese Knotweed and the Parish Council has previously notified the District Council of this. If planning permission is granted then a condition will be required to ensure that Japanese Knotweed has been eradicated before any construction work commences.

### Planning Policy

Notwithstanding the fact that the District Council conceded that there is not a five year supply of housing land in Selby District, the Parish Council does not accept that this should mean that all planning applications for housing should all be approved.

Planning law states that applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise. This applies to developments that comply with the development plan and those that don't. In both cases other material considerations are relevant. The NPPF is one of those material considerations.

Paragraph 14 of the NPPF states that even if it is conceded that relevant policies of the development plan are out of date, permission can be refused:

- where adverse impacts would significantly and demonstrably outweigh the benefits, ***when assessed against the policies in this framework as a whole.***
- Where specific policies in this framework indicate development should be restricted.

It is the view of the Council that both circumstances apply in this case.

We have already set out above a number of material considerations that we consider justify the refusal of this application, in particular those related to highway and flooding issues. To these we would add the fact that we do not consider further development in Sherburn will be sustainable in the absence of significant improvements in services, facilities and infrastructure.

This concern was specifically raised by the Inspector in his report on the Core Strategy of June 2013, where he endorsed the figures in Policy SP5 which indicated that new allocations to accommodate 700 houses by 2027 would be required in Sherburn, but that:

“the absence of many key services in the town and the limited opportunities for expanding its small town centre militate against greater housing development unless part of a comprehensive planned expansion.”

Whilst the approved Core Strategy set a minimum requirement of 790 for Sherburn by 2027, with current commitments this figure will easily be exceeded, and with little increase in facilities. Whilst there is as yet no decision on the 270 dwelling development off Hodgson’s Lane it is likely that this appeal will be allowed, as the District Council effectively gave no evidence to defend the appeal.

Taking into account the nearby Hodgson’s Lane sites approved for 270 and 150 homes, the increase in the number of houses in Sherburn between 2012 and 2027 will be over 1100 houses, without taking account of windfall sites such as that recently approved for 20 houses on Moor Lane. 1100 houses would represent a percentage increase in the total number of houses in the village of about 40% and an increase of over 30% on the level of growth the Inspector considered appropriate “in the absence of key services”. It is also relevant that, once existing commitments are completed the village will have expanded by about 80% between 1981 and 2021 with little improvement in services and facilities.

The current application represents piecemeal and unplanned development and will result in pressure on existing services, facilities and infrastructure and shows a lack of coordinated, plan-led land use planning and would prejudice the plan making process.

The “absence of many key services” as identified by the Inspector, is well documented:

- The nearest household waste recycling centre is at Tadcaster, as is the sports hall and swimming pool. (about 6.4 miles ). A larger HWRC and further leisure facilities are at Selby (9 miles).
- The only sports hall (an old gymnasium where there are the usual climbing bars and previously cricket nets) is at the High School. The only other “hall” of any size is the main room at Eversley Park Centre.
- In the village centre there are no banks (previously 2).
- The capacity of schools and the doctors’ surgery are already a concern. The County Council has commented in relation to this application that a shortfall in primary school places would result and “We would reiterate our view that a masterplan approach to the growth of Sherburn during the Plan period would provide the best opportunity to successfully plan future education provision”.
- There is no fire station, despite the big and expanding industrial estate. Tadcaster has a fire station.
- Despite the growth of Sherburn over the years the village is essentially served by roads that have the characteristic of country lanes. The other main settlements in the district are all served by A roads; we are the only main settlement which has B roads listed amongst their primary access routes (Plan Selby Highways Assessment Part A).
- Both railway stations lack anything like adequate parking, which is particularly unfortunate for an area that has such a high degree of out commuting.
- The village centre lacks car parking. A recent report from Selby District Council revealed the following:

Sherburn in Elmet, population 6657, has a total of 180 parking spaces which translates as 36.98 residents per Parking Space

This compares to Tadcaster. Population 6003, 356 parking spaces which equates to 16.87.residents per Parking Space.

And Selby: Population 14731, 1760 parking spaces which equates to 8.37 residents per parking space

Adding the 718 homes already under construction will add about another 1650 to the population of Sherburn. So with a population of 8307 we will have 46.15 residents for each parking space.

In summary, we accept that Sherburn will always attract those wanting to build houses, especially for Leeds commuters. However, over the last 40 years the village has become a dormitory without improvement to infrastructure and services. The one big improvement, the by-pass, has ironically led to more development and whilst it has largely solved the issue of north-south traffic through the centre, the growth in housing numbers and of the industrial estate has now put considerable pressure on east west traffic movements through the crossroads.

Selby District Council are about to engage in a full scale consultation on the future of the three "market towns" which will enable residents to finally influence if, when and where there will be additional development and what services and facilities are necessary to bring the village into the 21<sup>st</sup> century.

The Parish Council ask that this application is refused so that we don't again end up in a position where Sherburn residents are faced with a fait accompli. Allowing yet more unplanned development would result in:

1. the prevention of a plan led coordinated and comprehensive land use approach to the planning of the town, including the investigation of the scope for the town centre to be remodelled or extended
2. the lack of community involvement which empowers local people to shape their surroundings and the failure of the Council to fulfil its commitment to the community that decisions on the release of safeguarded land would be made through the Local Plan process.

The District Council must now recognise that simply building houses and providing employment without appropriate infrastructure (including roads as well as services and facilities) is NOT sustainable development. In addition, whilst our schools can accommodate the current increase in pupil numbers from existing permissions (with the planned growth of Athelstan and Hungate Schools) any larger increase in population in the plan period will result in insufficient capacity at Sherburn and South Milford for primary school children. This can only be addressed by a plan led approach.

The Parish Council also consider that it is relevant that this site is safeguarded land, part of some 45 hectares in Sherburn. This land was taken out of the Green Belt to provide a long term supply of development land.

Policy SL1 of the Local Plan states that safeguarded land is to be protected from development until required by a Local Plan review. Similarly, paragraph 85 of the NPPF makes it clear that planning permission for permanent development on safeguarded land should only be granted following a Local Plan review proposing its development.

There is, therefore no justification to give planning permission for the development of any safeguarded land in an ad hoc way at this stage. It should be noted that safeguarded land is long term strategic planning tool and an integral element of Green Belt Policy. It is our contention that whilst it is not specifically mentioned in footnote 9 of the NPPF, (which in any event commences with the words “for example”) it is clearly one of the specific policies in the Framework which indicate that development should be restricted referred to in paragraph 14.

Releasing any safeguarded land would set a precedent for the release of other land which would prejudice the outcome of the local plan process. This could lead to very large scale development in Sherburn without proper consideration of the need for improved facilities and infrastructure.

In addition any decision to release safeguarded land without proper consideration through the local plan process prevents proper consultation with the community on the nature, location and extent of any future development in the village. Officers recognised this in the report to the Planning Committee in June 2016, and stated that: “the lack of community involvement to shape the future role and character of Sherburn in Elmet”, which would be the result of approval, “is a material consideration”.

There is clearly no reason or need to release further land in Sherburn at the present time, where developments comprising 718 houses are currently under construction, and approval has been given for over 400 more, and certainly not in advance of further consideration of the distribution of development within the District through Plan Selby.

We request that this application is refused.

### **North Yorkshire County Council Highways Officer**

The North Yorkshire Highways Officer, as well as responding to the comments provided by Sherburn Parish Council has the £20k s106 contribution towards improving the village traffic lights will be spent on. The Highways Officers comments are as follows:

*The existing large Persimmons/Redrow development is funding the cost of implementing MOVA at the village cross-roads signals. This stands for “Microprocessor Optimised Vehicle Actuation”. Basically ,it is an operating system which is more responsive to road conditions, continually assessing the traffic build up and allocating more green time to where it is needed with the aim of reducing*

congestion. There are some ancillary works which can also be done to improve the junction -

1. Linking the existing adjacent pedestrian crossing on Low Street to the operating system at the junction so that they are working in tandem.
2. Upgrading the existing pedestrian crossings at the cross-roads signals to provide kerb-side detectors. This means if a pedestrian presses the button but crosses before the green man the push button call would cancel so there would not be undue delay to vehicles.

The Pinfold Garth and Hodgsons Lane developments are contributing to these ancillary works.

Regarding the suitability of Pinfold Garth to accommodate the traffic, this is a typical estate road with a carriageway width of 5.5m. This is the road width we generally ask for when approving housing layouts. It is therefore the appropriate width to accommodate further development. In fact the Department for Transport's Guidance document *Manual for Streets* identifies 4.8m being appropriate to allow a car and HGV to pass.

With regard to the Parish Council's claim that the trip rates estimated from the development are too low. The trip rates which were used were those specified by NYCC and are actually higher than those the PC are quoting from their survey.

The PC also claim that the visibility splay in a westerly direction should be based on traffic speeds of 30mph. The 43m splay which is being provided is actually appropriate for a vehicle travelling at 26 mph. This has been assessed on site and is considered appropriate bearing in mind vehicles approaching the access are also approaching a sharp bend.

It is not considered there are any grounds to recommend refusal based on the impact being severe as referred to in the NPPF.

#### Open space

The publically accessible open space shown on plan PSD01 Rev A will be secured through the s106 agreement.

#### Conditions

The following conditions have been added

#### **Construction Environmental Management Plan**

Prior to the commencement of development 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*

### **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.

### **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

### **Contaminated Land**

- CL1. No development shall commence on site until a detailed site investigation report (to include soil contamination analysis), a remedial statement and an unforeseen contamination strategy have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the agreed documents and upon completion of works a validation report shall be submitted certifying that the land is suitable for the approved end use.

Reason:

To secure the satisfactory implementation of the proposal, having had regard to Policy ENV2 of the Selby District Local Plan and the NPPF.

- CL2. Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a

written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- i. a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- ii. an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
  - an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- CL3. Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- CL4. Prior to first occupation or use, the approved remediation scheme shall be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out shall be

produced and be subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

- CL5. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

### **Footway standards**

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.

### **Parking Facilities**

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.

### **Permitted Development Rights**

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.

### **Doors and Windows and Highways**

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.

1. 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.

2. 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.

3. 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.

4. 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 HCV construction traffic;
  - ii. Traffic Management Plan;
  - iii. Management and control of HCV 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.

5. 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.

6. 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.

### Item 6.3

APPLICATION NUMBER:	2016/1343/OUTM 8/52/1E/PA	PARISH:	Sherburn in Elmet Parish
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		

Please note the following amendments to the committee report:

*Recommendation, sub-section(i):* The following line needs to be deleted:

“and any other statutory consultee after the advertisement/re-consultation”.

*Paragraph 2.10.17:* The final sentence of this paragraph should be amended to say:

“To help support the public transport service, the applicants have offered a sum of £100k, which will be paid to the Council prior to occupation of the first 100,000 sq ft (9290 sqm (GIA)) of employment floorspace”.

*Paragraph 2.11.6:* In response to this paragraph, the applicants have informed me that, as part of the Environmental Statement addendum for their s73 application for the Southmoor Energy Centre, an assessment has been made of the energy centre and this application. However, the s73 application has not been validated yet and no assessment of the supporting documents of this application have been made.

*Paragraph 2.12.6:* This paragraph can be deleted as there is a condition in place on the Southmoor Energy Centre application that requires the applicants to deliver an acoustic bund and fence in this location.

*Paragraph 2.18.5:* Reference to a CIL payment for the retail space can be removed. Through negotiations, the retail floorspace has been capped at 500sqm and the CIL only applies to retail space that is ‘generally above 500sqm’.

The following minor changes to condition 23 (now split into 23a and 23b) have been made:

### **Condition 23a - Structural Landscape Strategy and Management Plan**

Prior to the commencement of development a Structural Landscape Strategy and Management Plan for the proposed structural landscaping areas, including the boulevard and access point, as shown on the approved parameter plans listed in condition 23b shall be submitted to and approved in writing by the local planning authority.

### **Condition 23b – structural landscaping for each respective phase**

Prior to the commencement of development of each phase a structural landscaping scheme for that respective phase, shall be prepared in accordance with agreed structural landscaping strategy and management plan (as referred to in condition 23a above), and shall be submitted to and approved in writing by 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 31<sup>st</sup> March 2017)



f) Main Access Roads and boulevards shown on parameter plan 12098-105 Rev U (dated 31<sup>st</sup> March 2017) – will be planted with Standard Trees at a maximum of 7.5m intervals.

The scheme shall be carried out in accordance with the approved details and in accordance with the approved implementation programme.

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

Travel Plan Update: Wakefield and North Yorkshire County Council are supportive of the transport measures that will be put in place through the proposed travel plan. Highways England are broadly supportive but, at the time of writing this update, none of these organisations given their final comments as they have not received the final travel plan from Optima. In the absence of a final travel plan, it is recommended that a condition be attached that requires a final travel plan to be submitted prior to implementation of the scheme:

*Condition 44:*

#### TRAVEL PLANS

Prior to the commencement of development, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:

- a. the appointment of a travel co-ordinator to ensure that the measures listed below are implemented and monitored. A monitoring report shall be produced and submitted to Selby District Council on an annual basis
- b. the establishment of a steering group prior to the final travel plan being agreed in writing by the local planning authority. The steering group shall meet on a quarterly basis
- c. The following measures, needed to achieve a modal shift from the use of the private car to public transport and pedestrian and cycle use shall be provided to the occupiers of the site, shall include, but is not limited to:

- 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
- 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,

The Travel Plan shall be implemented upon first occupation of the site and the development shall thereafter be carried out and operated in accordance with the Travel Plan.

**REASON**

In accordance with policies T1 and T2 and to establish measures to encourage more sustainable non-car modes of transport

**Item 6.4**

APPLICATION NUMBER:	2016/1441/FULM	PARISH:	Kellington
APPLICANT:	Euro Auctions (UK) Ltd	VALID DATE: EXPIRY DATE:	19th January 2017 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		

**Highways comments**

The development site access has been installed as part of the highway improvement

Scheme associated with the previous application for this site (ref no. 013/1236/FUL). Since then there has been a problem of surface water running from the application site onto the highway. Concern has also been raised by local residents regarding the number of HGVs from from Euro Auctions which are travelling through Kellington. To address this issue, signs are proposed which will direct traffic leaving the site to turn right, away from Kellington. The sign designs have not been submitted as part of the application.

Consequently the Local Highway Authority recommends that the following **Conditions** are attached to any permission granted:

1. 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 details of the lining and signing at the exit from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

Reason:

In accordance with policy # and to secure an appropriate highway in the interests of highway safety and the amenity and convenience of highway users.

2. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

Reason:

In accordance with policy # and in the interests of highway safety.

### **Planning Officer Response**

Since the development has already been partially implemented the wording of the suggested condition 1 should be amended as follows;

“Unless otherwise approved in writing by the LPA, the new vehicular access on to Roall Lane, offices, workshop and auction building shall not be brought into use until details of the lining and signage at the new exit from the site have been submitted to, approved in writing by the LPA the approved scheme has been implemented in its entirety.”

With respect to condition 2, drainage details have been submitted and the response from the appropriate consultees is awaited. However, these details were previously accepted and conditions discharged. The revised details relate to the amendments to this scheme and therefore it is not anticipated there will be any issues to resolve. As such it is recommended that authority is delegated to officers to impose the appropriate conditions following receipt of consultation responses in this respect.

### **Applicants Response to Environmental Health Officer –**

Detailed comments have been received in response to the EHO comments.

### **Planning Officers Response**

Re-Consultation with the EHO is necessary.

### **Agent letter of response to Parish Council Comments**

#### HGV Traffic Passing Through the Village

It is our understanding that the weight limit covering the village has been reduced from 16.5 tonnes to 7.5 tonnes. We are advised that if the signage confirming this has not yet been

erected, it will be shortly. The Highway Authority has advised that it would not be appropriate to direct all Euro Auction traffic away from the village as some vehicles can legitimately use Lunn Lane and Roall Lane to access the Site.

Vehicles accessing Euro Auctions are advised to leave the M62 at junction 34 and to travel northwards along the A19 towards Selby. They are then advised to turn left into Roall Lane and then left again into the Site. Whilst every attempt is made to direct traffic along this main arterial route, it is not possible to guarantee that all traffic will follow advice.

#### Standing Traffic on Roall Lane

The problem of congestion caused on auction days has been recognised for some time. Extensive discussions have been held with the Highway Authority whilst developing the proposed scheme. The proposal currently before the Planning Authority has been devised to reduce disruption on the highway network.

The position of the approved new entrance to the site is located approximately 300m further west of the existing entrance. The proposed gates will also be set back from Roall Lane so that vehicles waiting to enter the site can park off the highway. The layout also provides for lorry parking bays between Roall Lane and the security gates in order that any vehicle arriving out of hours can park clear of the highway.

#### Signage

The proposed amendments to the site layout being considered by the Planning Authority include illuminated signs indicating the site entrance. Signs are also proposed in the application that instructs traffic leaving the site to turn right. The Highway Authority has requested the imposition of a condition in order that their approval of this signage is required to ensure that it is suitable. The Applicant has no objections to this condition and is happy to continue on-going dialogue with the Highway Authority.

#### Flooding and Sand Blowing on to the Highway

The Applicant has been taking measures to prevent Roall Lane flooding and to keep the drains clear of silt following discussions with the Highway Authority. These interim measures include extra road sweeping to remove the sand, the provision of a drainage ditch within the site, fencing, and straw bales to intercept surface water and prevent the sand leaving the site.

The Application is also accompanied by detailed drainage proposals for the whole site, which are extensive. The site drainage will flow to an attenuation pond within the site boundary. This drainage will prevent the surface water from the site flowing onto Roall Lane. Works to install the on-site drainage are due to be undertaken in the initial stages of the development. Once the permanent drainage scheme has been approved and constructed, the interim measures would no longer be required. The condition of Roall Lane would however be monitored to ensure that existing problems do not re-occur.

### **Revised recommendation from Planning Officer**

**This planning application is recommended to be APPROVED (subject to no materially adverse comments from the Environmental Health Officer) and subject to the conditions and reasons detailed in Paragraph 3 of the Report as amended by this update**

#### Item 6.4

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		

#### 1.4.1 Parish Council

Strong objections were raised in relation to the above application:-

- 1) Further overdevelopment of the site.
- 2) Concern regarding further connections to the sewerage system in Thorganby as there are already major failings with this and it is already at full capacity.
- 3) Safety concerns regarding further ingress and egress of traffic on a blind bend.

#### 1.4.3 Yorkshire Water

No response received during statutory consultation period.

#### 1.4.4 Ouse and Derwent Internal Drainage Board

This application sits within the Ouse and Derwent Internal Drainage Board district. The Board does have assets adjacent to the site in the form of Ings Drain and Thorganby Drain; these watercourses are known to be subject to high flows during storm events.

The Board notes that this is an application for the conversion and extension of an existing single dwelling to form two separate dwellings by way of a new party wall. The application also includes the construction of a new garage, a new gate and wall to the driveway and the replacement of an existing window with a double door. Overall this appears to result in a relatively small increase in the impermeable area on site. The Board therefore feels that the application would have minimal impact on drainage issues.

Under the circumstances the Board would have no comment to make on the proposal.

#### 1.6 Publicity

One additional letter of objection has been received with concerns raised in respect of the impact of the proposal on the Conservation Area, the impact of the proposal on highway safety and the impact of the proposal on sewerage.

## 1. Context

Harworth Group ("the Applicant") are seeking outline planning consent for the construction of an employment park of up to 1.45 million sqft. (135,500 sqm.) ("the Application") at the former Kellingley Colliery Site, Selby ("the Site"). The development will be delivered by Harworth other developers or Occupiers themselves on a phased basis via the submission of reserved matters or full applications for development plots within the site.

It is envisaged that the development will take approximately 10 years to complete. As the development will be led by occupier business requirements, the precise timing, sequence and duration of phasing is not specified. Both the construction and future operational phases of the employment park will result in the creation of new jobs and/or training opportunities. The Applicant is committed to working with the Council to ensure that any new employment and/or training opportunities are made available to local people, including those that were associated with the sites former use.

This Local Employment Framework sets out to establish a series of measures and principles which should then be used to form the basis for the preparation and submission of Local Employment and Skills Statements to be submitted with subsequent reserved matters application(s) for each plot/phase of development. Each Local Employment and Skills Statement will be tailored to the needs and aspirations of each plot / phase occupier.

Planning Policy relating to employment and training is summarised in **schedule 1** below

## 2. Local Employment Framework Principles

Pursuant to **condition 43**, a Local Employment and Skills Statement shall be submitted with each Reserved Matters application (s) for each development plot or phase of development. The Statement should be used to demonstrate conformity to relevant policy and /or commitment to appropriate local employment initiatives and schemes. A selection of initiatives and organisations are listed in **schedule 2**:

Although the exact content of each Local Employment and Skills Statement will be tailored to each future occupier, it is envisaged that the Statement should include provisions for the following measures:

- The recruitment of Local People (from within the Selby District);
- Appropriate advertisement of new employment vacancies or training opportunities through appropriate means (for example – the Selby Times);
- A commitment to work alongside Selby College to ensure the employment of local people, local contractors or sub-contractors;
- Seek out opportunities to offer Apprenticeships to those studying at Selby College and/or other educational institutions;
- Seek out opportunities to offer mentoring to a young person;
- Work with education institutions, including Selby College, to provide educational opportunities to raise awareness of business;
- Work with Selby College to explore opportunities for temporary work placements;
- Continue to offer professional development for employees;

Supply Chain and Construction

- Using supply chain to create/promote local opportunities and involve local businesses;
- Obtaining details from contractor partners regarding their assessment criteria for sub-contractors and suppliers;
- Holding 'Meet the Buyer' events to introduce local companies to contractor partners;
- Assisting local companies with accreditation to national supply chain schemes operated by contractor partners;
- Working with contractor partners to forecast detailed labour demand requirements on specific projects and seeking to meet those labour demands through local sourcing.

**3. Implementation and Monitoring**

As noted above, the submission of each individual Local Employment and Skills Statement will be made with each separate reserved matters application (s) pursuant to **condition 43**.

Where it is proposed that a plot/phase of development is not to conform fully to the provisions of policy or guidance, then the Statement will provide sufficient detail of the particular employment opportunities and constraints to allow the local planning authority to determine the application against relevant policy, supplementary documents and material considerations.

Employment and Skills Statement will also provide confirmation of how the final developer / occupier business of that respective development plot / phase will engage and work alongside Selby District Council and Selby College.



Redevelopment of the Former Kellingley Colliery Site

March 2017

Local Employment Framework

**Schedule 1 –Local Employment Training chapter in the Adopted Developer  
Contributions Supplementary Planning Document March 2007**

DRAFT

## **Local Employment Skills Training and Enhancement of the Public Realm**

### **Justification**

- 2.6.1 It is clear that Government planning guidance and the development plan provide a firm basis for Councils (as Local Planning Authorities) to consider the impacts of development on the environment, and the community and that their assessment and evaluation of such impacts can relate to anything that can be a consideration material to planning.
- 2.6.2 Planning Policy Guidance (for example PPS1, PPS7, PPS12 and PPG15) and the development plan, in the form of the approved and emerging Regional Spatial Strategy (RSS) and the 'saved' Selby District Local Plan (SDLP), contain a range of objectives and policies that are aimed at ensuring development of a high quality in terms of sustainability and design and in terms of economic and community development, such that all development, particularly large-scale schemes, should positively and directly contribute to the achievement of these aims. For example, in the approved RSS (December 2004) relevant Policies include:
- S1 (Applying the Sustainable Development Principles)
  - S3 (Urban and Rural Renaissance)
  - S4 (Urban and Rural Design)
  - E2 (Rural Employment Opportunities)
  - N2 (Historic and Cultural Resources).
- 2.6.3 In the emerging RSS (December 2005), relevant policies are Policies YH1 (Overall Approach), TH3 (Key Spatial Priorities), YH6 (Better Towns), YH7 (Vibrant Rural and Coastal Areas); and in the saved SDLP, relevant Policies are ENV1 (Control of Development) and CS6 (Developer Contributions).
- 2.6.4 The main theme of these policies is the renaissance and regeneration of communities and the enhancement of the basic conditions of a prosperous, diverse and civilised community; in order to ensure that new development benefits the physical and social qualities of the local area and does not cause it harm. Uncontrolled development, which serves only the narrow interests of the developer and new occupiers of the development, will, if unmitigated, harm the interests of the wider community.
- 2.6.5 In the light of this, it is considered by the Council that it is fully warranted in its intention to seek developer contributions in pursuance of economic development and environmental enhancement strategies and policies. Therefore, such contributions will be sought where it can be demonstrated as reasonable and justified to do so, for example, to

offset the harm or loss caused to the local community, or where there are needs and opportunities to provide Local Employment Skills Training and/or Enhancement of the Public Realm, which can be linked to the nature and scale of a development and its direct impact on local employment opportunities and on the cultural qualities and assets of the District and the communities resident in it.

### **Land Use**

2.6.6 The Council, in connection with any form of development, may seek contributions towards Local Employment Skills Training and Enhancement of the Public Realm.

### **Thresholds**

2.6.7 Provision or contributions for Local Employment Skills Training and Enhancement of the Public Realm have rarely been sought in the past and then only in the cases of very large developments, where a special justification was agreed between the Council and the developer. It is intended that contributions will be sought in more instances in future, but it likely that only large-scale developments would be eligible under these headings.

2.6.8 'Large-scale', for this purpose is defined as:

- Proposals for: 50 dwellings or more or 2 hectares or more (net dwelling density – PPS3 definition) of residential development;
- 2500 square metres (gross floor area), or 1 hectare or more (net dwelling density) of retail or B1/office development;
- 5000 square metres (gross floor area) or 2 hectares or more (net dwelling density) of B8 Storage/Warehousing or B2 General Industry.

2.6.9 The number of dwellings, floor areas and the site areas stated above apply to or take into account the cumulative floor or site area or total of number of dwellings to be constructed on a site or development where it is made up of two or more phases, or is the subject of two or more separate planning applications. Thus the requirement cannot be avoided by dealing with a site through more than one planning application.

2.6.10 Exceptionally, provision for Enhancement of the Public Realm, may be required where developments of a smaller scale than just indicated are proposed. For example, where such development could affect significantly sensitive or special parts of the public realm, such as areas of historic and/or architectural importance.

### **Methodology**

2.6.11 There is not a specific local formula or approach for seeking contributions with regard to the Local Employment Skills Training and Enhancement of the Public Realm. However, a key principle in considering and seeking developer contributions will be that there is a functional and/or geographical/spatial link between the development

and the feature, measure, project or programme that the provision or contributions will support.

2.6.12 Local Employment Skills Training for the purposes of this guidance relates to the training of residents in the local community to:

- Fill vacancies in quality jobs in the local area, including where possible within the development itself.
- Address priority skill gaps in the local labour pool needed to enable the start up and growth of local businesses.
- Help in the development of and growth in the pool of local skilled labour and thus the local economy, into which the new development would be introduced.

2.6.13 In determining whether a contribution will be sought for a project or programme of local employment skills training, the nature and scale of the impacts of the development on the local demand or needs for employment skills will be assessed. In undertaking this assessment it would clearly be advantageous to consult local employment training bodies and where feasible local employers. Particular attention will be given to the skills required in both the construction phase of the development and the development in use.

2.6.14 So, for example, in relation to the construction phase of a large development, the focus could be on training to assist local people in securing jobs requiring skills relating to such employment sectors as the building trades, civil engineering and supervisory and management in the building industry skills. As the development comes on stream the focus might shift to skills training that can be related to the permitted uses, such as retail, office, industry and residential; (in the case of residential developments, skills in sales, marketing or property improvements and repairs might be targeted).

2.6.15 The public realm for the purposes of this guidance comprises all those parts of the built and natural environment where the public have free access. It includes all the streets, squares and other rights of way; the open spaces and parks and other public/private spaces to which the public (of the very substantial part of a local community) has unrestricted access (at least during daylight hours) and includes the interfaces with key internal, external and private spaces to which the public have access.

2.6.16 The quality of the public realm should match or exceed the quality of new buildings and other development. This is an objective of planning policies at all spatial levels and the policy context for all forms of development provide a firm basis for mitigating the impact of new development upon the quality of the public realm both on the site and in the area around the site. It is not just the physical features in the public realm that could be the subject of developer contributions arising out of

the impact of new development, it has been established in case law that it can be reasonable for developers and Local Planning Authorities to negotiate and agree upon contributions to improvements of the public realm at a distance from the development site and for provision other than physical objects in the townscape or landscape.

2.6.17 The spaces between and acting as a backcloth to built development, including spaces that form the routes and corridors through which people pass, are vital to the general visual and cultural value of the local townscape and the appreciation of the wider landscape. New development will often have direct or indirect impacts on these spaces. Typical direct effects will be through proximity of the development to a public space and through traffic impacts; indirect effects include the demands and needs generated by, or increased as a result of, additional residents, employees or visitors coming into an area or a community as a result of new development.

2.6.18 In determining whether a contribution will be sought for the enhancement of the public realm, the nature and scale of the impacts of the development on the quality of the public realm will be assessed. For example, one issue to be addressed will be the increased pressure for the use of public spaces; another will be how much the value of the development will benefit from improvements to the public spaces around it or in the centre of the settlement in which it is located. The types of enhancement will be very varied, including from physical features such as special landscapes, townscape features such as specific works of art, to cultural projects such as street performance. Clearly imagination and creativity will inform the choice of enhancement, as will the nature the development and the new land use created.

2.6.19 At present there is no overall District-wide strategy for enhancing the public realm nor, as a consequence, is there a specific mechanism for tying the Local Plan to such a strategy. The LDF process affords an opportunity to link land use planning policy explicitly to such a strategy and to other relevant strategies. For example there should be such a link through the Selby District Community Strategy, but also, as appropriate, through other strategies for enhancing the public realm, for example Selby Towns Renaissance, also through strategies that other bodies are promoting, such as the County Council (e.g. the Cultural Strategy) and the Art Council England.

2.6.20 The general provision of landscaping designed as an integral part of development both on and off site is not a subject dealt with in this SPD. However, preserving and enhancing landscape and townscape features and creating new ones can be important and sometimes crucial elements in the quality of the character and appearance of the public realm. Thus in some instances hard and/or soft landscaping may be a form of off-site enhancement of the public realm that would be

sought as a developer contribution for a limited number of development schemes.

2.6.21 Because only large-scale developments will normally be involved, when contributions will be sought for local employment skills training and the enhancement of the public realm, the assessment exercise carried out to evaluate and decide upon the nature and scale of contribution would normally be carried out at pre-application stage. The Council's aspirations may also be established through development briefs (which for larger developments would be adopted as SPDs and, therefore subject to community involvement).

DRAFT

Redevelopment of the Former Kellingley Colliery Site

March 2017

Local Employment Framework

**Schedule 2 –Employment Training Initiatives and organisations.**

Employer Skills

<http://selby.ac.uk/employer-skills/>

Apprenticeships

<http://selby.ac.uk/apprenticeships/>

Selby Jobs Fair

<https://en-gb.facebook.com/selbydistrictjobsfair/>

Business Networking Events

<http://www.selby.gov.uk/business-events-and-networking>

Construction and Engineering

<http://selby.ac.uk/powerskills-uk/>

North Yorkshire Community Learning Partnership

<http://nyclp.org/>

York, North Yorkshire and East Riding LEP

<http://www.businessinspiredgrowth.com/>

Leeds City Region

<http://www.the-lep.com/>

Redevelopment of the Former Kellingley Colliery Site

March 2017

Local Employment Framework

DRAFT