



Meeting: **PLANNING COMMITTEE**
Date: **WEDNESDAY 9 AUGUST 2017**
Time: **2.00 PM**
Venue: **COUNCIL CHAMBER**
To: **Councillors J Cattanach (Chair), D Peart (Vice Chair), Mrs E Casling, I Chilvers, J Deans, I Reynolds, R Packham, C Pearson, and P Welch.**

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 is 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 Committee meeting held on 12 July 2017 (pages 3 to 10 attached).

6. Planning Applications Received (pages 11 to 78)

- 6.1 2015/1217/FUL – Staynor Hall Development, Bawtry Road, Selby (pages 13 to 46 attached).
- 6.2 2015/1272/FUL – Staynor Hall Development, Bawtry Road, Selby (pages 47 to 78 attached).

Gillian Marshall
Solicitor to the Council

Dates of next meetings
Wednesday 6 September 2017
Wednesday 11 October 2017
Wednesday 8 November 2017

For enquiries relating to this agenda please contact Daniel Maguire on 01757 705101, or email to dmaguire@selby.gov.uk.

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Minutes

Planning Committee

Venue:	Council Chamber
Date:	Wednesday 12 July 2017
Time:	2.00pm
Present:	Councillors J Cattanach (Chair), E Casling, I Chilvers, J Deans, R Packham, C Pearson, I Reynolds and P Welch.
Apologies:	Councillor D Peart.
Officers present:	Kelly Dawson, Senior Solicitor; Ruth Hardingham, Planning Development Manager; Yvonne Naylor, Principal Planning Officer; Jill Low, Principal Planning Officer; Keith Thompson, Senior Planning Officer; Jenny Tyreman, Planning Officer; Diane Wilson, Planning Officer; Tim Coyne, North Yorkshire County Council Highways Officer; and Daniel Maguire, Democratic Services Officer.
Public:	19
Press:	1

7. DISCLOSURES OF INTEREST

Councillor I Reynolds declared a pecuniary interest in agenda item 6.3 (application number 2016/0875/FUL) as he was the agent for the application, he advised that he would leave the meeting whilst this application was being considered.

All councillors declared that they had received representations regarding applications 2016/0875/FUL and 2017/0238/FUL and that the representations had been passed to the relevant planning officer.

8. CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair welcomed councillors and officers, and confirmed that there were no changes to the order of the published agenda. He also advised councillors that an update note had been circulated by officers.

9. 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.

10. MINUTES

The Committee considered the minutes of the Planning Committee meeting held on 14 June 2017.

RESOLVED:

To approve the minutes of the Planning Committee meeting held on 14 June 2017.

11. PLANNING APPLICATIONS RECEIVED

The Committee considered the following planning applications:

11.1 Application: 2016/1314/FULM

Location: Turnhead Farm, York Road, Barlby, Selby

Proposal: Proposed residential development (partial re-plan of approval 2013/0478/FUL), associated infrastructure, play areas and incidental open space.

The Principal Planning Officer introduced the application and confirmed that a Highways Officer from North Yorkshire County Council was in attendance to assist with any highways queries from councillors.

The Committee was informed that the application was a partial re-plan of a previous approval for residential development (previous application was 2013/0478/FUL) and had been considered by the Committee at its meeting on 14 June 2017. It was explained that, at the meeting on 14 June 2017, the Committee had resolved to defer a decision on the application pending further consideration of the proposed access road into York Road for ten dwellings at the northern end of the site.

The Principal Planning Officer reported that, since the previous meeting, the applicant had amended the application to remove vehicle access on to York Road, and to provide a pedestrian footpath as far as the existing bus stop on York Road.

In response to questions from the Committee, the Highways Officer confirmed that comprehensive modelling suggested that there would not be a highway safety problem and that the additional dwellings would not adversely affect the existing highway network. He confirmed that he was satisfied with the application as presented, and in particular that the new footpath was an additional benefit.

Parish Councillor Brian Marshall spoke in objection to the application.

Vicky Sykes, the applicant's agent spoke in support of the application.

In response to questions from the Committee, the Principal Planning Officer confirmed that Flood Zone 1 was the lowest level of flood risk, and that there were no dwellings proposed for Flood Zone 3.

It was proposed and seconded that the application be approved.

RESOLVED:

To APPROVE the planning application, subject to conditions similar to those detailed in Paragraph 3.0 of the report and subject to a Deed of Variation to the original section 106 Agreement, reducing the waste and re-cycling contribution to £5,185.47 and reducing the health contribution to £111,731.84, and reducing the affordable housing requirement to 9 units, and the preparation of a new Section 106 Agreement requiring 11.27% on site affordable housing on the re-planned area (equating to 15 affordable units) and contributions to waste and re-cycling.

6.2 Application: 2017/0209/COU

Location: Lumby Hall, Butts Lane

Proposal: Change of Use of Orangery and bar lounge to small traditional style tea room.

The Senior Planning Officer introduced the application and referred the Committee to the additional information provided in the update note, which made a number of corrections to the published report and confirmed two further neighbour comments had been received.

It was confirmed that the application had been brought to the Committee due to the number of representations received and the application having been called-in by the ward councillor. The application was for a change of use affecting two rooms within the main building of Lumby Hall into a traditional-

style tea-room, with associated parking and access, and the use of toilets and a kitchen within the dwelling.

It was noted that the site was within the Green Belt and the Locally Important Landscape Area (LILA), but the Senior Planning Officer advised that the development was for a change of use and would not be inappropriate for the Green Belt and that there would be no adverse effect on the LILA.

In response to questions from the Committee, the Senior Planning Officer confirmed that conditions were included in the recommendation that would prevent the tea-room from evolving into a restaurant, and that the potential sale and supply of alcohol would be governed under the licensing regime.

Douglas Fletcher, a local resident, spoke in objection to the application.

Councillor David Hutchinson, the local ward councillor, spoke in objection to the application.

Nicola Cockrem, the applicant, spoke in support of the application.

It was proposed and seconded to approve the application.

RESOLVED:

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

6.3 Application: 2016/0875/FUL

Location: Land off High Eggborough Lane, Eggborough
Proposal: Proposed erection of 54 dwellings.

Note – Further to his declaration, Councillor I Reynolds left the meeting and did not take part in the discussion or vote in respect of this application.

The Principal Planning Officer introduced the application. She confirmed that the application had been brought before the Committee due to the number of representations received, and that the proposal was contrary to policy EGG/2 of the Selby District Local Plan, but was being recommended for acceptance.

It was confirmed that the application sought permission for the erection of 54 dwellings on a site previously identified under allocation EGG/2 of the Selby District Local Plan as a housing allocation site.

In response to questions from the Committee it was confirmed that the application was contrary to policy EGG/2 of the Selby District Local Plan due to the requirement to widen High Eggborough Road to a 5.5-metre highway, the provision of a 1.8-metre wide footpath, and the retention of a 50-metre wide tree belt on the eastern edge of the site. The Principal Planning Officer confirmed that she had determined that these requirements were not relevant

due to there having been no objections raised by the Environmental Health Officer nor the highway authority.

John McCartney, a local resident, spoke in objection to the application.

Councillor Colin White, a parish councillor, spoke in objection to the application.

Councillor Mary McCartney, the local ward councillor, spoke in objection to the application.

Stuart Shapley (Yorvik Homes), the applicant, spoke in support of the application.

The Committee raised concerns regarding the level of affordable housing being provided. The Principal Planning Officer confirmed that discussions had taken place with the applicant and the District Valuer, and that she was confident that the level of affordable housing was necessary to ensure the viability of the overall development.

The Committee raised concerns regarding noise levels from the adjacent A19 trunk road, but also recognised the judgement of the Environmental Health Officer that this was satisfactory.

It was proposed and seconded to approve the application.

RESOLVED:

To APPROVE the application, subject to the completion of a Section 106 agreement to secure 5 Affordable Units offered as discount for sale in perpetuity, on-site recreational open space (provision and management) and a waste and recycling contribution and subject to the conditions detailed in Section 3.0 of the report.

6.4 Application: 2016/0892/FUL

Location: Church Fenton Lane, Ulleskelf

Proposal: Proposed erection of residential development of 30 units on land at Church Fenton Lane, Ulleskelf.

Note – Councillor I Reynolds returned to the meeting at this stage.

The Principal Planning Officer introduced the application and referred the Committee to the update note which included a minor correction to the published report.

It was confirmed that the application was for the erection of 30 dwellings and had been brought before the Committee due to the site being outside the defined development limits of Ulleskelf, and therefore the application was contrary to policy SP2A(c) of the Core Strategy.

The Principal Planning Officer noted that the council had conceded that it did not have a 5-year housing land supply and therefore planning permission should be granted unless material considerations indicated otherwise.

Tessa Fletcher, the applicant's agent, spoke in support of the application.

It was proposed and seconded to approve the application.

RESOLVED:

To APPROVE the planning application, subject a S106 Agreement in relation to the provision of 40% of units for Affordable Housing in accordance with Plan 1,620.02 Revision J, a Waste and Recycling and Provision and Management of On Site Recreational Open Space in accordance with Plan 1,620.02 Revision J and subject to the conditions detailed in Paragraph 2.22 of the report.

6.5 Application: 2017/0349/FUL

Location: Jubilee Cottage Common Rd Barkston Ash

Proposal: Section 73 application to remove condition 3 (occupation annexe) of approval 2011/0017/FUL for the erection of a two bedroom annexe.

The Planning Officer introduced the application, which had been brought before the Committee due to the number of representations received.

The application sought approval to remove condition 3 from the original planning application (2008/0433/FUL) which restricted occupancy of a detached two-bedroom annexe for purposes ancillary to the use of Jubilee Cottage. It was confirmed that the annexe had not yet been constructed, but that the permission remained in force due to a technical commencement having been made.

Nicola Taylor, a local resident, spoke in objection to the application.

Jenny Hubbard, the applicant's agent, spoke in support of the application.

The Committee was concerned that the Planning Officer had over-estimated the effect that removal of condition 3 would have on vehicle movements and associated noise and disturbance, and that consequently the application would be compatible with policy ENV1(1) of the Local Plan and the National Planning Policy Framework (NPPF).

It was proposed and seconded that the application be refused in accordance with the recommendation of the Planning Officer.

An amendment to approve the application, subject to a condition to remove Permitted Development Rights, was proposed and seconded.

Upon being put to the vote, the amendment was lost.

The proposal to refuse the application was then put to the vote.

RESOLVED:

To REFUSE the application as the removal of condition 3 would create an independent dwelling which would increase the intensification of vehicular movements associated with the site resulting in increased noise and disturbance in close proximity to nearby dwellings which would cause significant detrimental impact to the current levels of residential amenity of the occupants and would therefore conflict with the aims of Policy ENV1(1) of the Local Plan and the NPPF.

6.6 Application: 2017/0238/FUL

Location: Land Adjacent, St Pauls Church, Main Street, Colton, Tadcaster

Proposal: Proposed erection of dwelling house, parking and turning.

The Planning Officer introduced the application and explained that the application had been brought before the Committee due to the number of representations received.

It was confirmed that the application sought permission for the erection of a detached dwelling within the defined development limits of Colton. It was noted that the proposed garden area would be outside the defined development limit and would therefore be located within the Green Belt.

The Planning Officer confirmed that she was recommending that the application be refused due to the side-orientation of the dwelling which would result in the proposed dwelling appearing cramped within the site, which would in turn have a detrimental effect on the character and form of the area. It was explained that this would be contrary to policy ENV1 (1) and (4) of the Selby District Local Plan, policy SP19 of the Core Strategy and the advice contained within the NPPF

Stuart Towers, the applicant, spoke in support of the application.

The Committee was concerned about the proposed timber cladding on the dwelling and suggested that the applicant and the Planning Officer consider a material that would be more in keeping with the character of existing dwellings in Colton.

The Committee considered that the side orientation of the dwelling would not have a detrimental effect on the character and form of the area, and therefore would not be contrary to policy ENV1 (1) and (4) of the Selby District Local

Plan, policy SP19 of the Core Strategy nor the advice contained within the NPPF.

It was proposed and seconded to approve the application, subject to appropriate conditions including: approval of the material used in construction; time for commencement of development; highways conditions; approved plans; removal of permitted development rights; designing out crime conditions and informative on public rights of way.

RESOLVED:

To APPROVE the planning application, subject to conditions and delegation to the Planning Officer attached appropriate conditions including alternative construction material.

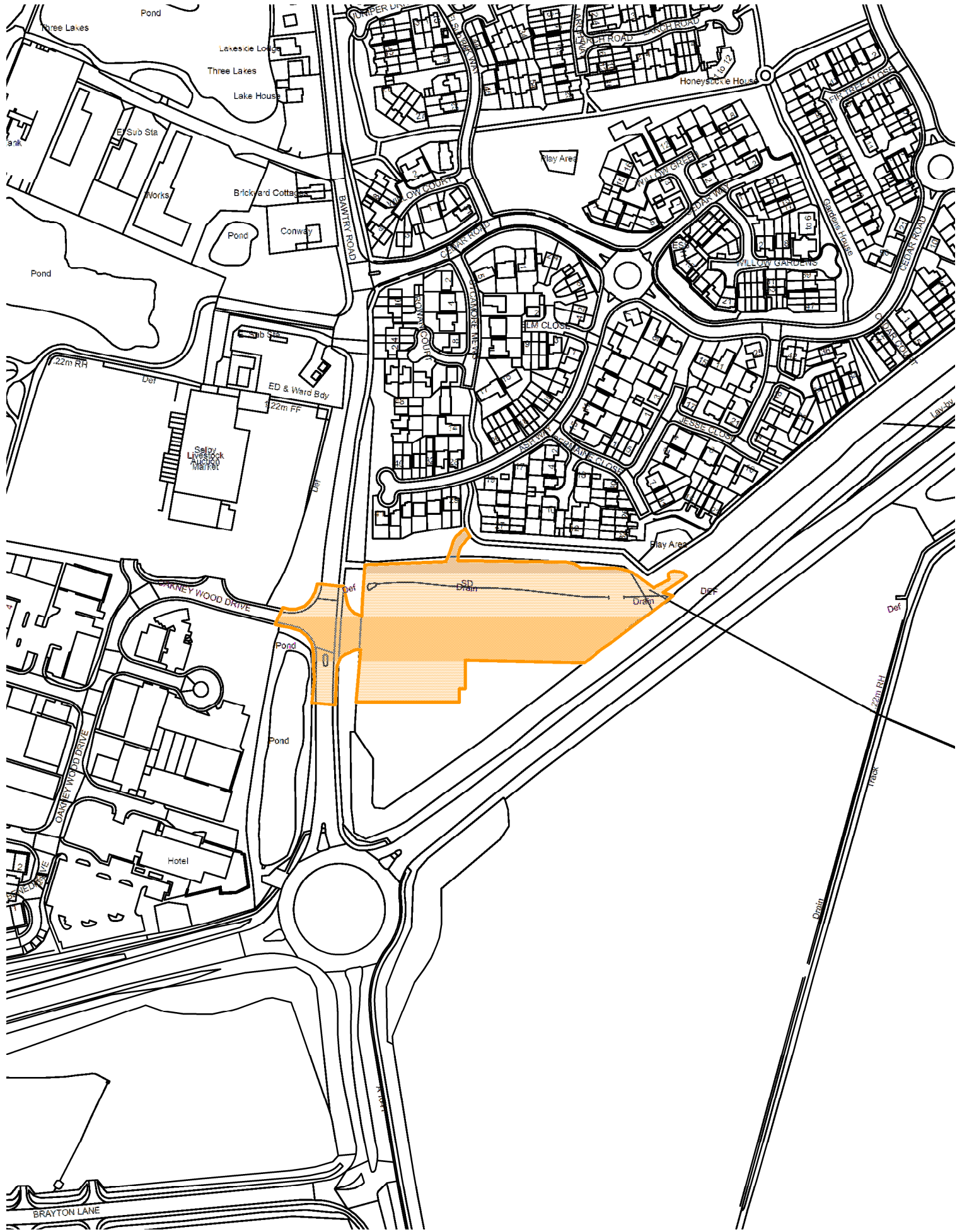
The meeting closed at 4.46 pm.

Items for Planning Committee

9 August 2017

Ref	Site Address	Description	Officer	Page
2015/1217/FUL	Staynor Hall Development, Bawtry Road, Selby	Erection of a food retail store and construction of access road, parking areas and associated infrastructure		
2015/1272/FUL	Staynor Hall Development, Bawtry Road, Selby	Proposed erection of a public house with restaurant (Use Classes A3 and A4) and manager's accommodation with ancillary access, parking area and associated infrastructure on land to the east of		

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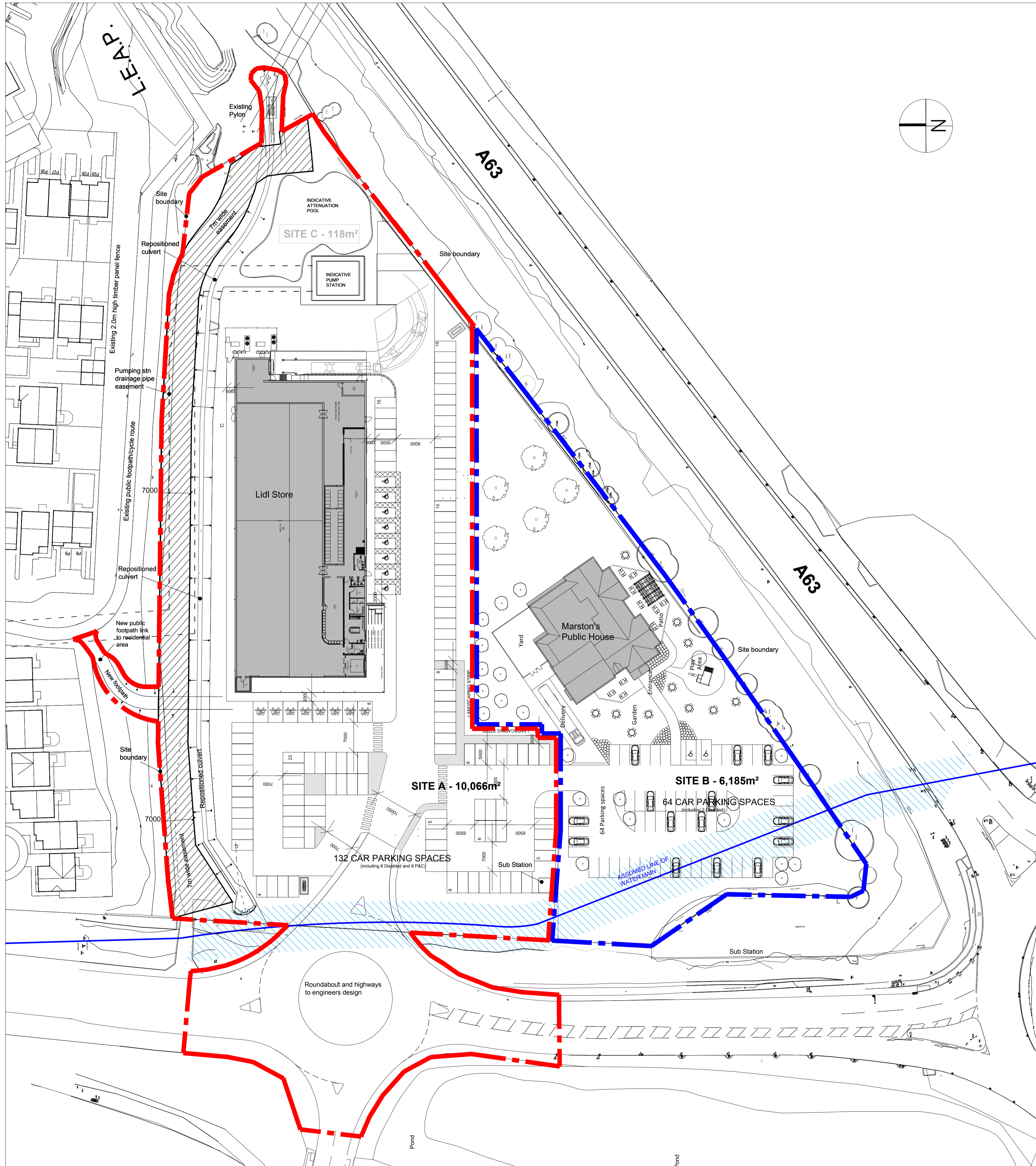


APPLICATION SITE

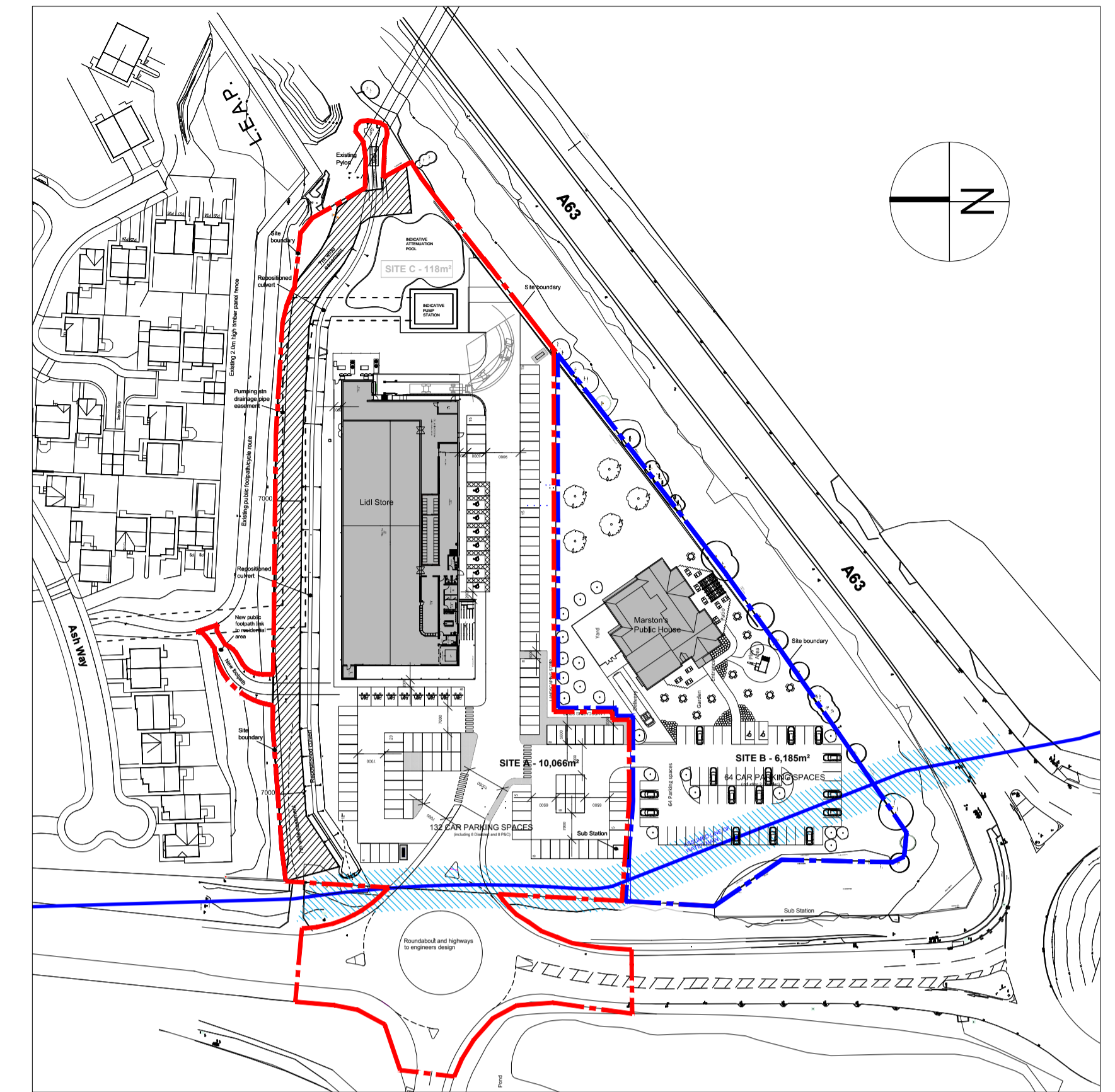
Item No: 2015/1217/FUL

Address: Staynor Hall Development, Bawtry Road, Selby

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1 Site Plan
1:500



1 Location Plan
1:1250

RECEIVED
16 June 2017
DEVELOPMENT MANAGEMENT

AMENDED
DRAWING

REV	DATE	DESCRIPTION	DR	CHK
B	29.05.17	Red line boundary updated to include all roundabout works		CJS
A	14.05.17	Scheme amended to suit revised highways / roundabout / CJS design		

PLANNING ISSUE

darnton_{B3}
ARCHITECTURE
LEEDS
The Coach House, Monk Frysion Hill, Monk Frysion, Leeds, LS25 5DU.
T: 01977 681 001 www.darntonb3.com

CLIENT WEBSTER FAMILY TRUST	
PROJECT RETAIL DEVELOPMENT AT STAYNOR HALL SELBY	
DRAWING LIDL UNIT - SITE A PROPOSED SITE & LOCATION PLAN	
SCALE @ A1 1:500 & 1:1250	CHECKED JC AH
CREATION DATE 23-10-15	REVISION B

DARNTONB3 DRAWING NO.
S2238 - D23 - B01 - XX - M2 - A - 90_01
PROJECT NO - COMPANY - ZONE - LEVEL - TYPE - ROLE - NUMBER

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Report Reference Number 2015/1217/FUL

Agenda Item No: 6.1

To: Planning Committee
Date: 9th August 2017
Author: Keith Thompson (Senior Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2015/1217/FUL	PARISH:	20
APPLICANT:	Mr S Rogerson	VALID DATE:	4th November 2015
		EXPIRY DATE:	3rd February 2016
PROPOSAL:	Erection of a food retail store (Use Class A1) and construction of a roundabout and access road, parking areas and associated infrastructure.		
LOCATION:	Staynor Hall Development, Bawtry Road, Selby		

This application has been brought before Planning Committee as there are more than 10 objections contrary to the Officer recommendation to approve the application and the application is a Departure from the Development Plan (BRAY/2 of Selby District Local Plan).

Summary:

This amended application seeks full planning permission for the erection of a retail food store (Use Class A1) and construction of a roundabout at the Oakney Wood Road junction and the proposed access, parking areas and associated infrastructure on land to the south of Staynor Hall housing development and to the east of Bawtry Road in Selby.

The construction of a new roundabout at the Oakney Wood Road junction and proposed access to the site has been included, following discussions with the applicant and landowner, Selby District Council and NYCC Highways.

The site is located within the defined Development Limits of Selby and is considered to be in accordance with Policies SP1 and SP2 of Selby Core Strategy. Although the application departs from the allocated employment use noted in BRAY/2 and is contrary to Paragraph 22 of the National Planning Policy Framework, it is a development that will generate significant levels of employment, along with the provision of a roundabout (alleviating congestion on Oakney Wood Road to the bypass) and serve as an important amenity facility.

In short, it is a scheme that 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. It would deliver employment growth, strengthen the local economy and provide vital amenity facilities. Having had regard to the above, it is considered that, on balance, there are material considerations that would indicate that the development can be supported.

Recommendation

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

- (i) No objections received from North Yorkshire County Council SUDS Officer;**
- (ii) Following Referral of the application to the Secretary of State, his confirmation that it is not to be called in for his consideration; and**
- (iii) Subject to any recommended conditions by NYCC SUDS Officer and the conditions detailed in Paragraph 3.0 of the Report attached to any permission granted.**

1. Introduction and background

1.1 The Site

- 1.1.1 The application site forms part of the Staynor Hall development site. The overall site was granted outline planning permission in 2005 (CO/2002/1185), as detailed below in Section 1.3.
- 1.1.2 The site is largely flat and open and has historically been used for agricultural purposes as an arable field with a mature native hedgerow and trees to two sides. It is bounded by the A63 and the roundabout leading to Bawtry Road / the A1041 and by new dwellings on the Staynor Hall estate on Germain Close and Ash Way. On the opposite side of the A1041 is Selby Business Park, which includes small-medium size businesses, a hotel/pub and an auction mart site.

1.2 The proposal

- 1.2.1 The applicant seeks full planning permission for the erection of a food retail store (Use Class A1) and construction of a roundabout and access road, parking areas and associated infrastructure which includes an attenuation pool and pump station in the north east corner of the site.
- 1.2.2 The food store has been reduced in size to a smaller unit omitting first floor space and would have a largely rectangular footprint and measure some 69m by 30.5m and have 1,325m² sales area, gross internal floor area 2,125m² and gross external area excluding the canopy 2,206m². The external materials proposed include a grey clad sloping roof, glazing to the Bawtry Road elevation and the entrance elevations, rendered walls painted white and upper sections of walling grey clad. The car park would include 132 no. parking spaces which include 8 no. disabled parking bays 8 no. parent and child bays.
- 1.2.3 Trading hours are noted in the application form as 8am – 10pm Monday to Saturday and 10am to 5pm Sunday and Bank Holidays.

- 1.2.4 A culvert that crosses the site would be repositioned on the northern periphery of the store. An attenuation pond and pump station is indicated in the north eastern area of the site and would facilitate drainage requirements for the site and occupies an area some 84m². The pumping station would be enclosed with a 2m high mesh panel fence and the pond with a 450mm knee rail fence.
- 1.2.5 The site is some 1ha in area and within land which was originally designated in Selby District Local Plan under Policy BRAY/2 for employment purposes. The Masterplan which accompanied the Outline permission had indicated the site for employment uses.

1.3 Planning History

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

Application reference CO/2002/1185 (Permitted - 06.06.2005) Outline application for the erection of 1200 dwellings (4 existing to be demolished), employment, public open space, shopping and community facilities (including up to 2,000sq.m. of shops), together with associated footpaths, cycleways, roads, engineering works and landscaping on 56 hectares of land.

This Outline permission envisaged a roundabout coming forward in the future and this was controlled in the signed S106 Agreement that accompanied the decision notice. Recently on the Staynor Hall development two small retail units were approved in October 2016 measuring circa 70m² maximum. This was under Planning Reference: 2015/0580/EIA for a Reserved matters application for the erection of No.44 dwellings, community facilities and retail units following outline approval 8/19/1011C/PA (CO/2002/1185))

Application reference 2015/1272/FUL (Pending Consideration) Proposed erection of a public house with restaurant (Use Classes A3 and A4) and manager's accommodation with ancillary access, parking area and associated infrastructure. This proposal adjoins the application site and is proposed to share the means of access.

The proposed development now includes the provision of a roundabout constructed at the Oakney Wood Drive junction and a new access into the site. Many businesses operating from Selby Business Park raised concerns with congestion on the Drive and a waiting time of 25-30 mins to exit onto Bawtry Road. The roundabout is expected to be a significant improvement to highway traffic management in the locality.

1.4 Consultations

The amended scheme which now includes the construction of a roundabout has been re-consulted with the expiry date 27th July 2017.

1.4.1 Parish Council – Comments awaited (objected previously on Highway grounds).

1.4.2 NYCC Highways and Transportation – No objection subject to conditions.

- 1.4.3 SDC Environmental Health** – No objection subject to a condition.
- 1.4.4 Yorkshire Water** – Comments awaited (no objection previously subject to conditions).
- 1.4.5 HER Officer** – No objection subject to a condition for a scheme of archaeological mitigation recording.
- 1.4.6 North Yorkshire SUDs Officer** – Comments are awaited and Members will be updated at Committee.
- 1.4.6 Selby Area Internal Drainage Board** – No objection subject to a condition to control discharge rates.
- 1.4.7 Environment Agency** – No objection subject to condition.
- 1.4.8 Planning Policy** – The Council's Policy team provided comment in March 2017 referring to supply of employment land and the sites assessment in the Draft 2015 Employment Land Review. The comments conclude that in advance of the Council reviewing existing site allocations for the emerging site allocations plan, there would be no Policy objections to the loss of this small employment allocation to retail use (subject to meeting the sequential test and design and access for example).

1.5 Publicity

- 1.5.1** The application has been advertised as a departure from the Development Plan by site and press notice. As a result there have been 39 letters of representations received, of which there were 38 letters of objection and 1 letter of support. These representations are summarised below.

NB: Amended plans have been received which include the construction of a roundabout and re-notification on this expires on 27th July 2017. Any further comments received will be reported to committee by an Update Note.

General Comments

- The applicant's case remains unproven and should be refused unless material considerations indicate otherwise.
- There are concerns for noise, residential amenity, overlooking, traffic and highways.
- There are concerns for the loss of green field land and conflicts of GB Policy.
- Concerned for the proposals for a public house near to residential dwellings.
- Concerns those residents closest to the development site have not been consulted.
- There is no need for another super market, also concerned about noise, litter and the impact the development will have on residential amenity.
- Concerned for the Staynor Hall Masterplan and the Application Site.
- The proposals will negatively affect local house prices.
- Areas of the site should be used for uses which would benefit the community. There are a lack of amenities and facilities proposed.
- Concerned for antisocial behaviour including; noise, litter, damage and the safety of the children's playground.

- Needs to be a better screening of trees and shrubs and should have a better public footpath.
- Concerns for noise, residential amenity, overlooking and traffic on highways.
- Concerned for light pollution from the proposed car park into residential areas.
- There will be significant costs associated with contaminated land issues.

Highway Safety/Access

- No assessment has been undertaken for the A63/Bawtry Road roundabout or the Oakney Wood Drive junction.
- There is already significant queuing on Oakney Wood Drive in the evening peak period and the proposed development would exacerbate existing congestion and queuing
- There is a lack of forward visibility to the proposed site.
- The current unacceptable highway situation will in any event be made worse when unimplemented planning permissions on the Selby Business Park are implemented.
- No assessment of the adequacy of the proposed car parking provision is provided.
- It is considered that the TA submitted is inadequate and significantly underestimates the likely impact of the proposals on the highway network.
- More recent accident data is required in the TA and the TA raises significant safety issues in regards to the proposed site access junction.
- No junction modelling has been undertaken.
- No account has been taken of the traffic that will be generated by committed developments in the area.
- The TRICS data used is not robust.
- The trip distribution analysis is unsatisfactory.
- No capacity has been given to the capacity issue on the A63 roundabout or the Oakney Wood Drive junction.
- The proposal would be highly prejudicial to highway safety.
- Under the original S106 provision was made for a roundabout on Bawtry Road, which included provisions for safeguarding of an area of land for the roundabout.
- It is clear that the provision of this roundabout was and is necessary to provide an acceptable highway solution.
- Costs of a bridge across the railway. In addition to this without £30-35 mill of Community Infrastructure the site would not be sustainable.
- There are overall concerns for; lack of car parking, infrastructure, the poor road accident record, future growth, traffic growth, traffic impacts, visibility problems, congestion, queuing, poor access, roundabout access and the position of the ghost island, restrictions on HGV's and visibility splays.
- Concerned about increased traffic, congestions and road safety.
- The development should only go ahead once the roundabout is installed.
- The pattern of collisions on the Selby Business Park Junction with A1041 will persist and development will exacerbate the problems of queuing and right turning collisions.
- Concerns for traffic pollution, cycle track and pathways/ footpath.
- There are concerns for lack of infrastructure and future traffic growth and poor access

- The trip rates have been under estimated. Would like to see traffic issues resolved. Further to this would like to see a further roundabout at the junction of Bawtry road and Cedar road.
- Concerns for the scale of development in the area in relation to Transport and Infrastructure.
- Highways concerns and impact on commercial vehicles and turning points. Concerned for the noise from HGV's and the impact this will have on residential dwelling.

Principle of Development

- The original masterplan for Staynor Hall envisaged the site being used for employment purposes.
- The site is allocated in the Development Plan for employment purposes under BRAY/2 which is a saved policy.
- The principal employment allocation for Selby is Olympia Park which is to provide 23 hectares land for employment uses, without this there would be an acute and insupportable shortage of employment land for Selby.
- The commencement of the development of Olympia Park has been subject to considerable delay and there are concerns that this site is undeliverable. This emphasizes the importance of safeguarding existing Selby employment allocations such as BRAY/2.
- There are sound planning and commercial reasons for the safeguarding and protection of BRAY/2 as an employment site serving Selby.
- The application site has never been put on the market for its allocated employment use.
- The application site has excellent strategic accessibility and with its proximity to the bypass would appear to offer characteristics required for the development of B1 office development.
- Alternative sites should be looked at.
- Although the Council assert that they may have granted planning permission for employment exceeding the Core Strategy requirement, this does not take account for take-up of employment land measured by planning permissions, completions and associated employment growth.
- The Council should afford significant weight to the Green Paper in the determination of this application.
- There is no assessment of the site being used for allocated employment use in the future.
- It is Statutory for Local Planning Authorities to determine planning applications in accordance with the development plan and proposed development that conflicts with this should be refused.
- Concerned for the loss of employment allocation BRAY/2.
- The retention of employment allocation BRAY/2 was recommended due to good strategic accessibility and could meet the future demand from regional occupiers as an alternative to the Olympia Park allocation. Inspector's comments on the core strategy suggest employment sites should be informed by the Employment Land Review of which this permission contradicts. There has been a disregard for the loss of employment land for B uses. This proposal cannot be defined as economic development.
- This application conflicting with the Employment Land Review.
- The council's Policy and Strategy Team response to the consultation is fundamentally flawed, due to issues with comments on; the supply of

employment land, Paragraph 22 of the National Planning Policy Framework, shopping: saved policies of the SDLP and the application of Paragraph 24 of the NPPF.

- The Employment Land Review recommends that the BRAY/2 allocation be protected.
- Concerned for the loss of employment land.

Flood Risk

- The application site is within Flood Zone 3 which is incorrectly identified as Flood Zone 1 in the FRA.
- It is unclear if a Sequential Test has been carried out.
- It is not considered that a search area of 500m for the Sequential Test is appropriate and there is no justification as to why the area has been restricted down.
- There is land within Flood Zone 2 that is designated within the Staynor Hall Masterplan for shopping and community facilities and it would be reasonable for the proposals to be located within this area.
- The Environment Agency need to be consulted.
- The FRA does not demonstrate that surface water outflow from the proposed development can be adequately dealt with and there is no evidence the surface water drainage arrangements have been agreed with the appropriate authorities.
- Costs of flood amelioration measures will be significant.
- There are concerns for, surface water run-off and the discussed new pumping station is currently at full capacity.
- There are overall concerns for drainage, flooding and surface water run-off.

Sequential Test – Retail

- It is considered that there are available sites that could be sufficient for each of the applications individually.
- The NPPF supports town centres uses within town centre locations and if an application fails the Sequential Test it should be refused.
- It is considered that the Civic Centre at Portholme Road would be suitable. Also three sites in the Selby District Employment Land Review 2016 are considered to be suitable.
- Olympia Park is a mixed use allocation which is considered as a sequentially preferable site.
- The Retail Commercial and Leisure Study did not recommend that any specific policy encourage additional convenience goods retail provision. In addition, no employment de- allocations were recommended.
- The PCA should be retained.

Other Issues

- There is a duty to send the application to the Secretary of State under the 2009 Direction (if the Planning Committee approved).
- It would be inappropriate to consider the application independent from the public house application,
- The phasing of the Staynor Hall development makes clear that the strategy reflects the masterplan – Proposed development without variation to phasing strategy or masterplan would be unlawful.
- Granting of permission would be subject to the possibility of judicial review.

There has also been one letter of support received which has raised the following issue:

- This development will bring new services to the area. People won't need to use the car for everything. This development will bring a lot of value for future customers and a new school would be great for the area. The area is lacking a supermarket and a pub.

1.6 Environmental Impact Assessment

1.6.1 A screening opinion has been undertaken to ascertain if the submission of an Environmental Impact Assessment (EIA) is needed in connection with the proposal. Whilst the proposal is considered to fall within works covered by Schedule 2 of the EIA regulations it is not considered that they would have an impact on the environment significant enough to merit the submission of an EIA.

1.7 The Town and Country Planning (Consultations) (England) Direction 2009 (the direction)

1.7.1 An objection referred to this direction and that the development should be subject to this direction as the Lidl and Marston's applications both equate to more than 2,500m² floorspace. It is considered should the Planning Committee resolve to approve this application it is referred to the Secretary of State.

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
- SP14 – Town Centre and Local Services
- 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
ENV2 – Environmental Pollution and Contaminated Land
ENV28 – Other Archaeological Remains
EMP2 – Location of Economic Development
EMP6 – Employment Development within Development Limits
BRAY/2 – Employment Allocation
S3 – Local Shops
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)

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".

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.

The NPPF and the accompanying National Planning Practice Guidance provides guidance on wide variety of planning issues and the following report is made in light of the guidance in those documents.

2.2 Key Issues

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

- 2.2.1 1. Principle of the Development
- 2.2.1 2. Visual impact on the Character and Form of the locality
- 2.2.1 3. Residential amenity

4. Flood risk, drainage and climate change
5. Impact on highways
6. Nature conservation and protected species
7. Trees and Landscaping
8. Contamination

2.3 Principle of Development

Retail

- 2.3.1 Relevant policies in regards to the principle of retail provision include Policy S3 of the Local Plan and SP14 of the Core Strategy.
- 2.3.2 The Outline application approved in June 2005 included the provision of up to 2,000m² of shopping provision within the Staynor Hall masterplan. A small amount of retail provision was approved in October 2016 (under Planning Reference: 2015/0580/EIA) for circa 70m² (comprising two units).
- 2.3.3 Policy EMP2 of SDLP states that new employment development will be concentrated in and around Selby. In this Policy the application site is allocated as BRAY/2 East of Bawtry Road, Brayton and is 1.6ha. This proposal includes 10,066m² for the Lidl site and the neighbouring site (also on the agenda for a pub/restaurant), equates to 6,185m² site area. The pumping station equates to 118m² site area. The total therefore equating to 16,369m² of BRAY/2.
- 2.3.4 Policy BRAY/2 of SDLP states that proposals will need to make provision for high quality design; access from Bawtry Road; the establishment of a permanent 20m wide tree belt within the north eastern boundary of the site; the incorporation of footpath links; safe cycle tracks, including links with adjacent housing and, finally, an appropriate flood risk assessment.
- 2.3.5 The design of the supermarket is considered to be acceptable. The existing 20m tree belt would not be altered by this proposal, there would be footpath/cycle connections to the neighbouring Staynor Hall housing estate and the flood risk impacts are considered to be satisfied and discussed further below.
- 2.3.6 Paragraph 24 of the NPPF requires a sequential test to be applied to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to date Local Plan, as in this case. When considering edge of centre proposals, preference should be given to accessible sites that are well connected to the town centre. The proposed retail food store proposes a net sales area of up to 1,325 m² and a gross internal area of 2,125m². The proposal thereby falls below the threshold of 2,500m² whereby it is required for a retail impact assessment to be undertaken and there are no locally set retail impact assessment thresholds within the Selby Core Strategy or Local Plan. It is therefore considered that no further assessment is required in regards to an impact assessment as noted in the NPPF.
- 2.3.7 In accordance with the terms of the NPPF, given the out of centre location of the application, it must be shown that there are no more suitable, available and viable sites, since these would be regarded as sequentially preferable locations. Selby Town Centre as defined in the Selby District Local Plan is focused primarily around

the town centres core on Gowthorpe, Brook Street, Finkle Street and The Crescent. The applicant notes that there are no sites available within the designated Town Centre capable of accommodating the proposed retail store.

2.3.8 The applicant has considered the former Rigid Site which is edge of Town Centre and the former Civic Centre on Portholme Road also an edge of centre location. The applicant states that the Civic Centre site is available and is a suitable size to accommodate the proposed store, however it lies outside the 300 metre distance to the primary shopping frontage and as such the Civic Centre would not be sequentially preferable to the application site. Officers consider that this is not a correct assertion by the applicant because a site can be beyond 300 metres from the Primary Shopping Frontage but also be sequentially preferable to another out of centre site, which is located further away. Officers consider that although the Civic Centre site is sequentially preferable in location it can be discounted as unavailable, as the landowners of the site have not specified their intentions for this site so it is not considered available at this time. There is also a building on site which would need to be demolished and the site would therefore need to be altered to suit the proposals. Furthermore, the Civic Centre site is large and would require a carefully planned comprehensive redevelopment, rather than piecemeal development. The Rigid Paper site has also been considered by Officers and although it is considered to be sequentially preferable in terms of being located closer to the town centre than Staynor Hall it can be discounted as not being available as Selby District Council are working closely with the site owners on a housing scheme, it cannot be said to be a reasonable alternative.

2.3.9 An objection received refers to three alternative sites in Selby taken from the Draft Employment Land Review 2015 that they believe would be sequentially preferable to the proposed application site, these include Back Micklefield Car Park, Former Gas Holders and Vivars Way. The applicant's agent has been asked to consider these three sites and the following comments have been received from the applicant's agent:

- PS56 – Former Gas Holders Prospect Way - This site is considered to be out-of-centre as it is located more than 300 m from the commercial core. It is also considered that providing high traffic generating uses in this location would exacerbate the difficulties already experienced by traffic trying to exit the industrial estate.
- PS57 – Vivars Way – Whilst this site may be within the 300 m of the town centre, gaining physical access from the commercial core to the site extends to a distance of approximately 900 m. On balance the Site is therefore considered to be realistically identified as an out of centre site. Traffic issues would also most likely affect this site.
- PS34 - Back Micklegate Car park - The Employment Land Review does identify (PS34) as a potential employment site capable of accommodating general industry/business. It also confirms that this site is not actively being marketed and that if it were to be pursued, the landowner has indicated that they would undertake the development themselves. The landowner in this instance is Selby District Council. The car park is in active use and being only one of a few public car parks located in such close proximity to the town

centre, where there is high demand for off-street parking. On this basis, it can be concluded as not available.

2.3.10 The Council's Policy Team have considered the agent's comments on the above and have confirmed that in terms of PS56 there has not been any historic interest in the site from trade counter/retail and industrial uses. A portion of the southern end of the site is used for operational gas distribution equipment which is to remain in situ. There may also be significant decontamination costs required dependent upon the end use and is partly within a HSE outer blast zone. PS34 has been discounted in the Employment Land Review and is not considered to be available. PS56 is not considered to be a commercially attractive given that it has no main road frontage and lies at the end of a cul-de-sac. It is therefore considered that Back Micklefield Car Park, Former Gas Holders and Vivars Way can all be discounted. Furthermore, the Council's Policy team have advised that they have no objection to the application in terms of site suitability for retail, in the absence of any sequentially preferable sites which are suitable and available.

2.3.11 Officers conclude that the sequential assessment demonstrates that there are no vacant sites available within or on the edge of Selby Town Centre that are more suitable and available for a retail food store of the size hereby proposed, even when allowing for flexibility in format and scale.

2.3.12 The application site is located adjacent to Bawtry Road and lies south of a large housing site which has phases of housing still to be constructed but circa 600 houses are complete. There would be clear linkages to the housing site on foot and the housing site is served by public transport with links to the town centre. There is a footpath that links the application site to the Staynor Hall residential development. Consequently, it is considered that the proposed scheme satisfies the requirements of paragraph 24 of the NPPF which gives a preference to sites that are accessible and are well connected to the town centre when out of centre development is justified.

2.3.13 Policy S3 of Selby District Local Plan states that development serves a location function and is of an appropriate scale. The proposal would provide pedestrian linkages to Staynor Hall housing development, providing a local function, in addition to a wider catchment with provision of car parking. The scale of the food store would be considered a medium scale building capable of serving a local and wider function. Officers consider that the proposal would therefore accord with Policy S3.

2.3.14 As such the proposal complies with Policy SP14 of the Core Strategy and Policy S3 of the Local Plan. Policy SP14 supports local shops and services outside established Town Centres through promoting new services that serve the day-to-day needs of existing communities and planned growth of communities. Policy S3 of the Local Plan allows for local shops outside defined shopping centres providing they are within development limits, serve a local function and are of an appropriate scale.

2.4 **Employment Use**

2.4.1 Policy EMP2 of Selby District Local Plan refers to new employment development and allocates the site as BRAY/2 – land east of Bawtry Road, Brayton.

- 2.4.2 NPPF para 22 states that: *“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”*
- 2.4.3 The agent provided information for consideration which refers to the site not being marketed in the conventional sense with ‘for sale’ signs and on websites. Furthermore, the agent states that the land agent, for at least 10 years has been actively trying to identify a buyer/developer throughout that period. The agent notes that the only interest expressed has been from national food retailers, fast food chains, a fuel filling station and a hotelier.
- 2.4.4 The information provided by the agent is not considered robust evidence to determine the reasonable prospect that the site can be used for its allocated use as allocated in BRAY/2 and also that set out in paragraph 22 of the NPPF. The proposal thereby fails to accord with Policies EMP6 and BRAY/2 of Selby District Local Plan and the guidance at paragraph 22 of the NPPF.
- 2.4.5 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise. There are material considerations that are considered to significantly weigh in favour of approving the proposal and these are discussed further below.
- 2.4.6 This application would bring forward an average of 40 full time jobs when open which is a significant benefit to support the proposal, in addition to CIL money and spending by construction workers in the locality. Looking at the latest Homes and Community Agency ‘Employment Density Guide’ (2015, 3rd Edition), the use of the site as a food store will generate comparable levels of employment opportunities as a mix of B1/B2/B8 uses.
- 2.4.7 The proposed construction of the roundabout is considered a significant benefit to the scheme by providing highway infrastructure that has responded to the concerns of businesses on Selby Business Park, in order to relieve significant congestion experienced at pm peak times on Oakney Wood Drive. Officers consider that through reducing existing queues of traffic this would make Selby Business Park more marketable and attractive to potential developers.
- 2.4.8 An objection has been received which refers to there being no assessment by the Council on the reasonable prospect of the site being used for allocated employment use. The Council’s Policy team provided comment in March 2017 referring to the supply of employment land and the site’s assessment in the Draft 2015 Employment Land Review. The Policy Officer has confirmed that the recent Annual Authorities Monitoring Reports for the District shows that the council has already granted planning permissions for employment that significantly exceeds the Core Strategy requirement of 37-52 Hectares of B1/B2/B8 by 2027 (in large part due to significant employment developments at the Sherburn Industrial estate). Therefore, it is considered that the BRAY/2 site is not required to meet this target.

Furthermore, there are still remaining areas of the Selby Business Park, allocated as site BRAY/1 for employment use in the 2005 Selby District Local Plan, which have not been fully developed. These include:

- BRAY/1(a): 0.23ha. This site has permission (2016/1411/FUL) for 3No. units for B8 use with associated ancillary trade counter and retail use at Units 1 to 3. 848 sqm
- BRAY/1(b): 0.72ha. This site has two permissions;
 - eight B1/B2/B8 units (2014/0964/FUL) 566 sqm on the western edge of this site (almost complete), and
 - two B1/B2/B8 units (2014/0909/FUL) 628 sqm in the middle of the site (under construction).
 - The remainder of this area of the site has yet to have any planning applications approved or submitted.
- BRAY/1(c): 1.75ha. The majority of this site had outline permission for B1/B2/B8 use(2010/0612/OUT) no floorspace specified, but this expired in December 2012.

2.4.9 A small section of the eastern part of the site (joining onto the existing units) has permission (2017/0503/FUL) for 3 B1(c) light industrial use units, totalling 346 sqm floorspace. Together these sites total 2.8 hectares. And 2388 sqm of permitted floorspace.

2.4.10 In response from issues raised by objectors, the Policy Officer has stated that it is important to note that the area of land that is allocated for employment on Olympia Park is outside the area of the existing permission, and already benefits from a dedicated, purpose built access point onto the A63 Bypass, so this area of the site is not affected by the infrastructure works.

2.4.11 The Policy Officer also notes that the Draft 2015 Employment Land Review reaches the conclusion that the site could potentially be retained as an employment allocation, but it can also be seen that the commentary and scoring in the report brings into question the sites continued use exclusively for B1/B2/B8 use. The report gives the site the reference ES3 and states that: *“The site is located on the edge of Selby in proximity to Olympia Park, albeit its suitability for employment uses is questionable given the proximity to the residential development adjacent.”* On this basis the site was given a relatively low score of 46.

2.4.12 To conclude, this proposal is considered to conflict with Development Plan policies and National Policy guidance, namely Policies EMP2 and BRAY/2 of the SDLP and paragraph 22 of the NPPF. Despite the departure from allocation BRAY/2 of Selby District Local Plan, there are significant benefits of the scheme and reasoning for the loss of this small employment allocation. It is considered that the proposed food store would generate comparable levels of employment opportunities as a mix of B1/B2/B8 uses, the provision of the roundabout would significantly ease congestion paving the way for more companies to take up the empty space on the business park and the proposals would also assist in the marketability and deliverability of vacant industrial units on Selby Business Park.

2.5 Visual impact on the Character and Form of the locality

- 2.5.1 Relevant policies in respect to design and the impacts on the character of the area include Policies ENV1 (1) and (4) of the Selby District Local Plan, and Policy SP19 “Design Quality” of the Core Strategy.
- 2.5.2 Significant weight should be attached to the Local Plan policy ENV1 and Core Strategy Policies SP19 as they are broadly consistent with the aims of the NPPF.
- 2.5.3 Relevant policies within the NPPF, which relate to design, include paragraphs 56, 60, 61, 65 and 200.
- 2.5.4 The NPPG reiterates that development proposals should reflect the requirement for good design set out in national and local policy and sets out how high quality design should be achieved across all forms of development.
- 2.5.5 The application site comprises circa 1ha grassed field located adjacent and to the south of a large housing development which is part occupied with houses and under consideration for further phases of development. There is a mixed use industrial estate to the west called Selby Business Centre, a pub/hotel and a livestock auction mart to the north of the estate. Bawtry Road divides the site from the established built form to the west and the A63 by-pass enclosing the site along its south-south eastern perimeter. There is established planting along this latter perimeter.
- 2.5.6 There is no specific design criteria for the area in which this proposal should made reference to, although the site is considered to act as a gateway to Selby when approaching from the south or on the by-pass.
- 2.5.7 The store would have a lean-to roof, single storey and have a modern external finish using clad roof and large elevations of glazing. The building would be similar to many of the Lidl style buildings seen throughout the country and a design that is brand focussed.
- 2.5.8 There would be a significant buffer from the store to houses to the north and given that a car park lies on the western frontage of the site the building would not appear cramped on site. Given the mixed character of development in the area and the layout of the store, it is considered that the new retail food store hereby proposed would not appear as an unacceptable form of development in this location.
- 2.5.9 The application is accompanied by detailed elevations and plans of the proposed building and the associated access, car parking arrangements and landscaping proposals for the site. The proposal would have an active frontage facing south and west, responding to the most active road frontage being Bawtry Road. It is considered that the building would not appear out of scale in this locality which includes two storey houses on Staynor Hall and mixed scale commercial development in Selby Business Park and the design and appearance would not detract from the visual amenity of the area.
- 2.5.10 In conclusion, the proposal for a new retail food store is considered to be visually acceptable and would not detract from the character or visual amenity of the surrounding area. This development proposal is therefore considered to accord

with Policies ENV1 of SDLP and Policy SP19 of SDCS, the NPPF and NPPG, insofar as these policies relate to matters of design and visual amenity.

2.6 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 ENV1 of the SDLP as it is broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved.
- 2.6.3 In considering residential amenity the key considerations are overlooking, overshadowing, overbearing impacts and separation distances.
- 2.6.4 The nearest houses lie to the north of the application site and form part of the wider housing estate called Staynor Hall. There would be a separation distance from the food store to the nearest house at no. 27 Ash Way of some 27m. This distance is considered sufficient distance to ensure the building does not appear overbearing on this and neighbouring houses. Comments received from objectors relate to noise and disturbance from the development, in particular from deliveries and general addition of a food store in proximity to houses. There would be deliveries to the store and this is indicated to occur on the east elevation of the store. The delivery dock is some 42m from the nearest house at no. 12 Germaine Close and freezer/chiller plant is located near to the dock on the eastern elevation. The latter being some 31m from no. 12 Germaine Close. It is considered this aspect of the proposal would raise no adverse residential amenity issues as a result of the separation distances and given the advice from the Council's Environmental Health Officer who raised no objection.
- 2.6.5 The opening hours are considered acceptable and can be controlled by condition to ensure that the operation of the proposal is within acceptable parameters to ensure no adverse impact on residential amenity. No detail is provided for delivery vehicles times and for the same reason can be secured by condition.
- 2.6.6 It is considered that this arrangement would not result in a significant impact on the occupiers of the neighbouring residential properties in terms of noise and disturbance associated with deliveries and Council's Environmental Health Officer had no objection in this regard.
- 2.6.7 Objections that have been received refer to the footpath connecting the site to Ash Way to the north and thus providing a link to the large housing estate. Reference is made to potential for anti-social behaviour and more movements through the housing estate. Local Plan Policy EMP2 seeks linkages from this application site to Staynor Hall and it would provide sustainable and safe passage for customers on foot that will use the food store. It is therefore considered that limited weight is given to the objector's argument on this point. In any event anti-social behaviour that causes undue harm to residents in any location in the District would fall under the ambit of the Police Service.
- 2.6.8 The Council's Environmental Health Officer reviewed the submitted Noise Impact Assessment prepared by Dragonfly consulting and advised that the assessment concluded that noise from the operational phase of the development will be at the

No Observable Effect Level and as such the development is compliant with the NPPF. There were no objections raised to this assessment. The Officer further noted that the development is of a relatively large scale and as such would entail an extended construction phase. This phase may negatively impact upon nearby residential amenity in terms of generation of noise, dust and vibration but may not be deemed to constitute a statutory nuisance. A condition is thereby recommended to seek a scheme to minimise such impact and this would be considered necessary and reasonable.

2.6.9 The proposal is therefore considered to accord with Policy ENV1 of SDLP and the NPPF, subject to conditions.

2.7 Flood risk, drainage and climate change

2.7.1 Relevant policies in respect to flood risk, drainage and climate change include 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.

2.7.2 Significant weight should be attached to the Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF.

2.7.3 Relevant paragraphs within the NPPF, which relate to flood risk, drainage and climate change include 94 and 95.

2.7.4 The NPPF seeks to avoid inappropriate development in areas at risk of flooding by directing development away from areas at highest risk. It requires Local Planning Authorities to apply a Sequential Test to planning applications in Flood Zones 2 and 3 to ensure that new development is located in areas at the lowest flood risk. Any application for planning permission in Flood Zones 2 or 3 must therefore demonstrate that there are no other reasonably available alternative sites that could be developed within the search area that are at a lower risk of flooding. An exceptions test is then required to be met in order to demonstrate that the development is justified and can be made safe.

2.7.5 The site is located within an area designated by the Environment Agency as Flood Zone 3 and must therefore be assessed in line with advice given in the NPPF regarding development and flood risk. Flood Zone 3 comprises land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year.

2.7.6 Objectors have raised concerns regarding the applicant’s area of search for the flood risk sequential test and reference to available land in the Staynor Hall development site in flood zone 2. The Council’s Sequential Test Developer Guidance Note (July 2017) states for proposals at ‘edge of town centre’ or ‘out of town centre’ locations, or in settlements without a defined retail area, the search area can be the catchment area that the development is intending to serve (i.e. the target catchment), having regard to the ‘sequential approach’ advocated in NPPF. The NPPF outlines that the flood risk sequential test catchment areas are set by the Local Planning Authority, on this occasion the area has been agreed between the Local Authority Officers and the applicant as 500m from the Staynor Hall Housing development. Objectors have raised concerns that the proposed food store will serve more than just the Staynor Hall development. Officers consider that the

proposed food store will serve the Staynor Hall development and given that there are pedestrian links which will connect the two areas it is appropriate to restrict the area of search to 500 metres. In order to support the application the Authority must be satisfied that all appropriate mitigation will be agreed with the Environment Agency.

- 2.7.7 Objections on flood risk have been considered in the assessment. Reference is made to land within Flood Zone 2 being available in the Staynor Hall development but land on this site is either allocated for housing, school provision, community centre or small retail shops and is not available for this proposal.
- 2.7.8 The Environment Agency advised that the Authority must satisfy themselves that the flood risk Sequential Test has been undertaken in a transparent way in accordance with the NPPF and NPPG. Officers have considered the information submitted and concur with the conclusion that there are no reasonably available alternative sites in the catchment area that are at a lower risk of flooding that could accommodate the development hereby proposed.
- 2.7.9 With regard to the exception test, the NPPF states at paragraph 102 that it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk and a site specific Flood Risk Assessment (FRA) must demonstrate that the development will be safe for its lifetime without increasing flood risk elsewhere and where possible will reduce flood risk overall. Buildings used for shops are identified as 'less vulnerable' uses according to Table 2 (Flood Risk Vulnerability Classification) of the NPPG, and such development within Flood Zone 3a does not need to be subject to the exceptions test.
- 2.7.10 This application is accompanied by a detailed Flood Risk Assessment which demonstrates that the development can be made safe from the risk of flooding and will not increase the risk of flooding elsewhere. The Environment Agency has been consulted in respect of this development proposal and have not objected, subject to a condition that requires the development to be carried out in accordance with the submitted FRA. This includes that finished floor levels (FFL) are set no lower than 5.3m above Ordnance Datum (AOD), floors to be of solid construction underlain with 1200g visqueen damp proof membrane, with lapped and taped joints, boilers, gas and electrical meters to be placed a minimum of 700mm above FFL and electrical sockets to be placed a minimum of 300mm above FFL and wired from above.
- 2.7.11 The Internal Drainage Board and Yorkshire Water have been consulted on the application with regards to drainage. Surface water drainage has also been a point raised by objectors. The IDB confirmed that after discussions with the applicant's engineers that the engineers would be submitting a Consent Application to the IDB providing information to support the discharge rate of 40 litres per second. The IDB seeks this to be controlled by condition which would be reasonable and necessary. Yorkshire Water had no objections to the proposal subject to conditions. Comments are awaited from the NYCC SUDs Officer and Members will be updated at Committee.
- 2.7.12 The pumping station proposed in the north east area of the site would handle foul water from the site and the attenuation pond is noted as an overflow for surface

water. There has been no objection from the statutory consultees on this aspect of the proposal.

2.7.13 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. Having had regard to the nature and scale of the proposal hereby sought, building regulations would control aspects of the construction phase, and it is considered that its ability to contribute towards reducing carbon emissions, or scope to be resilient to the effects of climate change would be limited that it would not be necessary and, or appropriate to require the proposals to meet the requirements of criteria SP15 (B) of the Core Strategy.

2.7.14 Therefore having regard to policy SP15 (B) it is considered that the proposal is acceptable.

2.7.15 Policy SP16 of the Core Strategy seeks to promote resource efficiency and in particular schemes of non-residential more than 1,000m² should provide a minimum of 10% of total predicted energy requirements from renewable, low carbon or decentralised energy sources (or else in accordance with the most up to date revised national, sub-regional or local targets). No detail has been provided in the application submission to deal with this Policy requirement but can be secured by condition.

2.7.16 It would be reasonable and necessary to secure electric charging facilities on site given the scale of the proposal and the likely modes of transport that would use the site and can be secured by condition.

2.7.17 As such, no objections have been received from Yorkshire Water, the Environment Agency or the IDM (subject to appropriate conditions where necessary) and as such it is considered that this development proposal is acceptable in respect of matters relating to flood risk and foul and surface water drainage and climate change subject to no objections received from NYCC SUDs Officer and to appropriate conditions where/if necessary.

2.8 Impact on highways

2.8.1 Policy in respect of highway safety and capacity is provided by Policies ENV1(2), EMP9 (1) and T1 of the Selby District Local Plan, Policy SP19 of the Core Strategy and paragraphs 34, 35 and 39 of the NPPF. These policies should be afforded significant weight.

2.8.2 The revised proposal now includes the construction of a new roundabout at the junction of Oakney Wood Road and the new access to the site. Many of the local objections received previously referred to the congestion at Oakney Wood Road particularly at the end of the working day and the need for a new roundabout. A roundabout was also envisaged in the approved 2005 Outline application as included in the S106 agreement and this proposal would bring that forward. There have been a significant number of objections raised in regards to the impact that the proposals would have in regards to the local highway network and impacts on highway safety. These concerns in relation to highway impacts have led discussions being held with the applicant and agent in order to overcome these

issues. As a result of these discussions the proposals now include the provision of a roundabout.

- 2.8.3 It is considered that the construction of a roundabout is not strictly necessary in planning terms but would be beneficial.
- 2.8.4 It is considered by Officers that the provision of a roundabout would improve traffic queues on Oakney Wood Road and Bawtry Road during peak periods and this is a significant benefit to the proposal. It also demonstrates that the objections from business owners on Selby Business Park and residents views have been taken on board in this regard.
- 2.8.5 The roundabout would also make undeveloped land on Selby Business Park a more marketable proposition for prospective businesses to locate. This is a significant benefit the construction of a roundabout would bring to the locality.
- 2.8.6 North Yorkshire County Council Highways have considered the impact of the proposal on the highway network and have been involved in the discussion to construct a roundabout. The NYCC Highways officer has concluded that:

“The traffic impact at road junctions is measured in what is called the “ratio of flow to capacity” (RFC). Where this figure exceeds 0.85 the junction is nearing capacity and queuing starts to occur. Without the roundabout Oakney Wood Road junction was predicted to have an RFC of 2.38 in the future year of 2025 which equates to 60 queuing vehicles over the peak hour.

With the roundabout, the junction has been modelled for a future year of 2032 (15 years beyond the year of opening) and the RFC is predicted to drop to 0.68 with an average maximum queue of 2 vehicles over the peak hour.”

- 2.8.7 The NYCC has also confirmed that this Application has been considered cumulatively with planning application number 2015/1272/FUL. The NYCC has engaged in detailed scoping discussions with the Applicant and their Transport Consultant. These discussions have ensured that the Transport Assessment has been of an acceptable scope and adopts a methodology that has been agreed with the LHA in respect of trip rates, traffic generation and traffic distribution. The application as originally submitted proposed a priority junction with right turning lane to the south of Oakney Wood Road. The latest proposal is for the site to be accessed from a new roundabout directly opposite Oakney Wood Road. It is considered that this is a significant improvement from the original proposal. The roundabout will benefit both the application site and Oakney Wood Road by improving the flow of traffic compared to the priority junction arrangement. There will also be safety benefits associated with the roundabout through the reduction in traffic speeds and the likelihood of side and head-on collisions.
- 2.8.8 Parking provision for new development is set out in Selby Local Plan. For retail development the parking standards would equate to circa 117 parking spaces for a store in an urban area more than 1,000 m² and given the adoption date of the Plan these are maximums which have since been removed. Cycle provision would equate to 12 cycle bays for staff and 3 bays for customers with a total of 15 cycle bays required. The site layout plan does not indicate any secure cycle provision.

Given the proposed parking provision equates to 132 vehicles there is capacity on site to provide the cycle bay provision and this can be secured by condition.

2.8.9 In conclusion the NYCC Highways Officer concludes that there are no objections to the proposals subject to conditions attached to any permission granted.

2.11 Nature conservation and protected species

2.11.1 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 NPP and accompanying PPG in addition to the Habitat Regulations and Bat and Great Crested Newt Mitigation Guidelines published by Natural England. Protected Species are 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. The application site is not a formal or informal designated protected site for nature conservation itself or is known to support any populations of protected species or species or habitats of conservation interest.

2.11.2 The application is accompanied with a Water Vole Survey as the site includes a ditch that runs along the northern perimeter of the site. The survey notes that the ditch is approximately 1m wide and 30cm deep and the flow is extremely slow to almost static. No evidence of water voles are recorded within the application site in addition to brown rat, wood mouse, bank and field vole, otters or mink.

2.11.3 A Phase 1 Habitat Survey was submitted to assess the impact on wildlife on the site and no ecology issues were raised as a result.

2.11.4 No further survey work was recommended. It is therefore considered that the proposed development would not adversely affect protected species in accordance with Policies ENV1(5) of Selby District Local Plan and SP18 of the Core Strategy and the NPPF subject to conditions attached to any permission granted to ensure that the development hereby permitted shall be carried out in accordance with recommendations, findings and mitigation measures outlined in the submitted ecology reports.

2.12 Trees and Landscaping

2.12.1 Selby District Local Plan Policy ENV1(4) requires development to consider approaches on landscaping within the site and taking account of its surroundings.

2.12.2 Policy SP19(e) requires that proposals look to incorporate new landscaping as an integral part of the scheme.

2.12.3 The submitted master site plan indicates a landscaping strip along the southern area of the site and a detailed landscaping plan shows planting along the Bawtry Road perimeter and on part of the northern perimeter. The species and location of the planting is considered to be acceptable and would accord with Policies ENV1(4) of Selby District Local Plan and SP19 of the Core Strategy.

2.13 Contamination

2.13.1 Policies ENV2 of the Local Plan and SP19 of the Core Strategy relate to contamination. These policies should be afforded significant weight. The land comprises an agricultural field with no known former industrial uses on the site. Nevertheless, a Phase 1 and 2 geo environmental assessment report has been submitted with the application and raises no adverse issues for the development and for future occupiers of the food store. No recommendations were suggested and it is therefore considered that the proposed development would not raise adverse contamination issues for the development.

2.14 Conclusion

2.14.1 The proposed development fails to accord with Policies EMP2 and BRAY/2 of Selby District Local Plan and paragraph 22 of the NPPF, by proposing the erection of a food store on land allocated for employment purposes. There are material considerations that weigh in favour of supporting the application.

2.14.2 There would be significant benefits for the highway network by relieving congestion issues brought about by active businesses on Selby Business Park. In reducing the congestion levels and the strain on the Highways, the roundabout will make empty sites/premises on the Park more marketable for future businesses.

2.14.3 This application would bring forward an average of 40 full time jobs when open which is a significant benefit to support the proposal, in addition to CIL money and spending by construction workers in the locality. The use of the site as a food store will generate comparable levels of employment opportunities as a mix of B1/B2/B8 uses.

2.14.4 These benefits are considered to outweigh the loss of this allocated site for employment purposes.

2.14.5 It is considered that there are no other more sequentially preferable sites within Selby Town Centre that are available and suitable for the scale of retail food store hereby proposed and as a result it is considered that the proposed development passes the retail sequential test criteria.

2.14.6 The new retail food store is considered to be visually acceptable and would not detract from the character or visual amenity of the surrounding area, nor would it give rise to any significant or unacceptable issues relating to noise and disturbance for the nearby neighbouring occupiers. The proposals are also considered to be acceptable in respect of matters relating to access, parking and highway safety, flood risk and drainage, nature conservation and land contamination, subject to appropriate conditions where necessary.

3.0 Recommendation

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

- (i) No objections received from North Yorkshire County Council SUDS Officer;**

- (ii) Following Referral of the application to the Secretary of State, his confirmation that it is not to be called in for his consideration; and**
- (iii) Subject to any recommended conditions by NYCC SUDS Officer and the conditions detailed 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. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

8238 – 20 – 01A Proposed Ground Floor Plan
8238 – 20 -03A Proposed Roof Plan
8238 – 20 – 04A Proposed Elevations
8238 – 90 – 01B Site A Proposed Site Location Plan
13529/5000/MP01
8238 – 90 – 05A Proposed Site Logistics Plan
13529-101-3DT(6) Topographical Survey
13529-5000-06 Typical Highway Construction
13529-5000-09A Attenuation Pond & Headwall Detail
13529-5000-14A FW Compound
13529-5000-15 Manhole Details
13529-5000-16A Watercourse Cross Section
13529-5000-19C Site Entrance Roundabout Plan
2522/4 Detailed Landscape Proposals
2522/5 Site Layout Plan

Reason:

For the avoidance of doubt.

03. The proposal hereby permitted shall not be used for any use other than one falling within the definition of Class A1 of the Town and Country Planning Use Classes Order 1987 (as amended) for the sale of convenience goods.

Reason:

In order to protect the vitality and viability of Selby Town Centre in accordance with Policies SP1, SP2 and SP13 of Selby Core Strategy and Section 2 of the NPPF.

04. Notwithstanding the provisions of Class A of Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the net sales area of the Use Class A1 development in the building shall not exceed 1,325 square metres.

Reason:

In order to protect the vitality and viability of Selby Town Centre in accordance with Policies SP1, SP2 and SP13 of Selby Core Strategy and Section 2 of the NPPF.

05. The retail unit hereby permitted shall not be subdivided into separate Use Class A1 retail units.

Reason:

In order to protect the vitality and viability of Selby Town Centre in accordance with Policies SP1, SP2 and SP13 of Selby Core Strategy and Section 2 of the NPPF.

06. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those specified on Drawing no. 8238-20-04 REV A. Any variation to these details shall be submitted to and approved in writing by the Local Planning Authority before development commences. Development shall then be carried out in accordance with the approved details.

Reason:

To ensure appropriate materials are used in the interests of the visual amenity of the area in accordance with Policies ENV1 of Selby District Local Plan and Policy SP19 of Selby Core Strategy.

07. There shall be no goods delivered to the retail unit outside the hours of 07:00 - 22:00 Monday to Friday, 08:00 -13:00 Saturday and 08:00 to 10:00 on Sundays/Bank Holidays.

Reason:

To protect the amenity of the adjoining and nearby properties in accordance with Policy ENV1 of the Selby District Local Plan.

08. Opening hours for the retail unit shall not be outside the hours 08:00 to 22:00 hours Monday to Saturday and 10:00 to 17:00 hours Sunday and Bank/Public Holidays.

Reason:

To protect the amenity of the adjoining and nearby properties in accordance with Policy ENV1 of the Selby District Local Plan.

09. Unless otherwise agreed in writing by the local planning authority, no building or other obstruction (including new tree planting) shall be located over or within 5 (five) metres of the line of the main, which crosses the site.

Reason:

In order to allow sufficient access for maintenance and repair work at all times and protect the pipe from future tree root infestation in accordance with Policy SP15 of Selby Core Strategy.

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

Reason:

To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading in accordance with Policy SP15 of Selby Core Strategy.

11. 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 in accordance with Policy SP15 of Selby Core Strategy.

12. Before occupancy of the retail food store, a scheme to demonstrate that at least 10% of the energy supply of the development has been secured from decentralised and renewable or low-carbon energy sources including details and a timetable of how this is to be achieved, including details of physical works on site, has been 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 as operational thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interest of sustainability, to minimise the development's impact in accordance with Policy SP16 of the Core Strategy.

13. 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 Policies T1 and T2 of Selby and in the interests of highway safety.

14. 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 base course 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 T1 and T2 of Selby District Local Plan 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.

15. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference 13529/5000/01 Rev. A) 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 T1 and T2 of 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.

16. 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 T1 and T2 of Selby District Local Plan and in the interests of highway safety and the general amenity of the area.

17. Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:

- (i) the appointment of a travel co-ordinator
- (ii) a partnership approach to influence travel behaviour
- (iii) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
- (iv) provision of up-to-date details of public transport services
- (v) continual appraisal of travel patterns and measures provided through the travel plan
- (vi) improved safety for vulnerable road users
- (vii) a reduction in all vehicle trips and mileage
- (viii) a programme for the implementation of such measures and any proposed physical works
- (ix) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

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 T1 and T2 of Selby District Local Plan and to establish measures to encourage more sustainable non-car modes of transport.

18. 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 in consultation with the Highway 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:

- 1) Details of the routes to be used by HCV construction traffic.
- 2) Traffic Management Plan
- 3) Loading/unloading of materials and plant.

- 4) Storage of materials and plant.
- 5) Parking of contractors vehicles
- 6) Programme for the works
- 7) Measures to prevent mud/dirt being deposited on the highway.

Reason:

In accordance with Policies T1 and T2 of 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.

19. Prior to the site preparation and construction work commencing, a scheme to minimise the impact of noise, vibration, dust and dirt on residential property in close proximity to the site, shall be submitted to and agreed in writing with the Local Planning Authority.

Reason:

To protect the residential amenity of the locality and in order to comply with Policies ENV2 of Selby District Local Plan and SP19 of Selby Core Strategy.

20. The development permitted by this planning permission shall only be carried out in accordance with the approved flood risk assessment (ref-13529-5000) and the following mitigation measures detailed within the FRA:

1. Finished floor levels are set no lower than 5.3m above Ordnance Datum (AOD).
2. Floor to be of solid construction, underlain with 1200g visqueen damp proof membrane, with lapped and taped joints.
3. Boilers, gas and electrical meters to be placed a minimum of 700mm above finished floor level.
4. Electrical sockets to be placed a minimum of 300mm above FFL and wired from above.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To reduce the risk of flooding to the proposed development and to increase the resilience of the structure to flooding facilitating faster post flood recovery in accordance with Policy SP15 of Selby Core Strategy.

21. Details of any flood lighting shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details for the lifetime of the development.

Reason:

In order to protect the living conditions of neighbouring residents, in accordance with Policy ENV1 of Selby District Local Plan.

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

1. The programme and methodology of site investigation and recording
2. Community involvement and/or outreach proposals
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason:

In order to safeguard archaeological remains in accordance with Section 12 of the NPPF as the site is of archaeological interest.

23. No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 22.

Reason:

In order to safeguard archaeological remains in accordance with Section 12 of the NPPF as the site is of archaeological interest.

24. 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 under condition 22 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason:

In order to safeguard archaeological remains in accordance with Section 12 of the NPPF as the site is of archaeological interest.

25. No part of the development shall be brought into use until secure cycle parking facilities for the proposed retail unit to accommodate all cyclists likely to visit the premises have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall thereafter be retained.

Reason:

In order to provide a sustainable development in accordance with Policy T1 of Selby District Local Plan.

26. Development shall not commence until a scheme, detailing the treatment of all surface water flows from parking areas and hardstandings through an oil interceptor, reedbed or alternative treatment system, has been submitted to and approved in writing by the Local Planning Authority. Use of the parking areas/hardstandings shall not commence until the works comprising the approved treatment scheme have been completed. Roof water shall not pass through the

treatment scheme. Treatment shall take place prior to discharge from the treatment scheme. The treatment scheme shall be retained, maintained to ensure efficient working and used throughout the lifetime of the development.

Reason:

To prevent pollution of the water environment in accordance with Policy SP15 of Selby Core Strategy.

27. Prior to occupation of the development hereby permitted, details of charging points for electric cars and for mobility scooters shall be submitted to and approved in writing by the Local Planning Authority, and thereafter shall be provided in accordance with the approved details and subsequently retained for that purpose.

Reason:

To encourage the use of low emission vehicles, in turn reducing CO2 emissions and energy consumption levels in accordance with Policy SP15 of Selby Core Strategy.

28. The development hereby permitted shall be carried out in accordance with recommendations, findings and mitigation measures outlined in the Extended Phase 1 Habitat Survey dated May 2014 and the Water Vole Survey of September 2015 by Wold Ecology Ltd.

Reason:

In the interests of nature conservation and the protection of protected species and in order to comply with Policy ENV1 (5) of the Local Plan and Policy SP18 of the Selby District Core Strategy Local Plan (2013).

29. 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 T1 of Selby District Local Plan and in the interests of highway safety.

30. 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 accordance with Policy T1 of Selby District Local Plan and in the interests of both vehicle and pedestrian safety and the visual amenity of the area

31. 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 in connection with the construction of the access road or building(s) or other works until:

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

(ii) An independent Stage 2 Safety Audit has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations.

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

The required highway improvements shall include:

a. Provision of roundabout at the junction with Oakney Wood Road.

b. Provision of Pedestrian Island and footway to access the bus stop on the western side of Bawtry Road.

c. Relocation of bus stop on the western side of Bawtry Road to include appropriate infrastructure.

Reason:

In accordance with Policy T1 of Selby District Local Plan and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

32. 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 32.

a. Provision of roundabout at the junction with Oakney Wood Road.

b. Provision of Pedestrian Island and footway to access the bus stop on the western side of Bawtry Road.

c. Relocation of bus stop on the western side of Bawtry Road to include appropriate infrastructure.

Reason:

In accordance with T1 of Selby District Local Plan and in the interests of the safety and convenience of highway users.

33. 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 in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

(i) vehicular and cycle parking

(ii) vehicular turning arrangements

(iii) manoeuvring arrangements

(iv) loading and unloading arrangements.

Reason:

In accordance with Policy T1 of Selby District Local Plan and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

34. 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:

- 1) Details of the routes to be used by HCV construction traffic.
- 2) Traffic Management Plan
- 3) Management and control of HCV construction traffic
- 4) Measures to prevent mud/dirt being deposited on the highway.
- 5) Parking / Storage areas

Reason:

In accordance with Policy T1 of 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.

35. 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 Bawtry Road has been carried out in a manner approved in writing by the Local Planning Authority.

Reason:

In accordance with Policy T1 of Selby District Local Plan and in the interests of highway safety and the general amenity of the area.

36. Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority.

Reason:

In accordance with Policy T1 of Selby District Local Plan and to establish measures to encourage more sustainable non-car modes of transport.

37. Prior to the occupation of the food store hereby permitted, the public footpath link to the Staynor Hall residential area shown on drawing number 8238-90-01 REV B shall be constructed and available for use.

Reason:

To ensure the provision of the pedestrian link in the interests of sustainability, in accordance with Policy T1 of Selby District 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

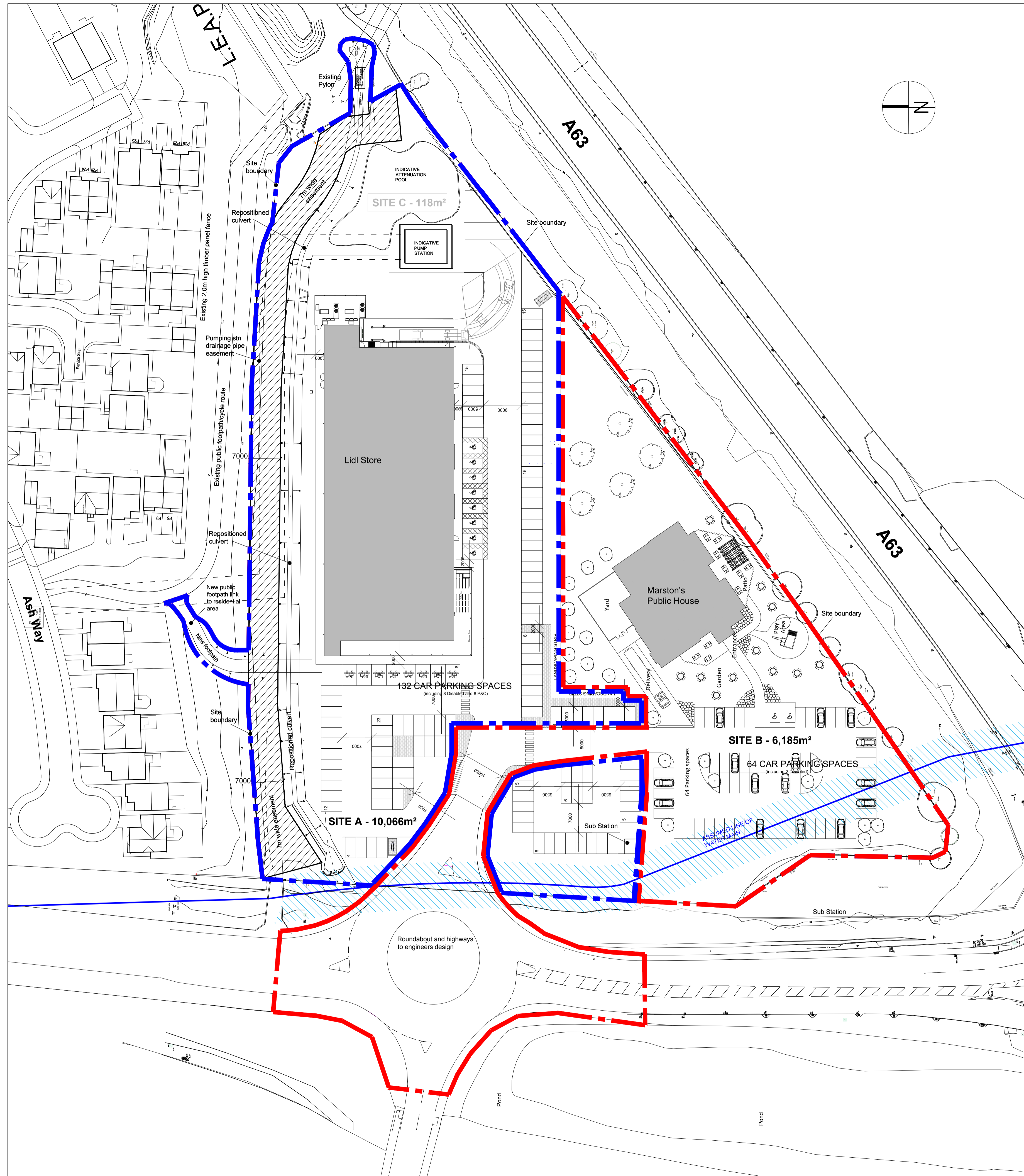
4.1 As stated in the main body of the report.

5. Background Documents

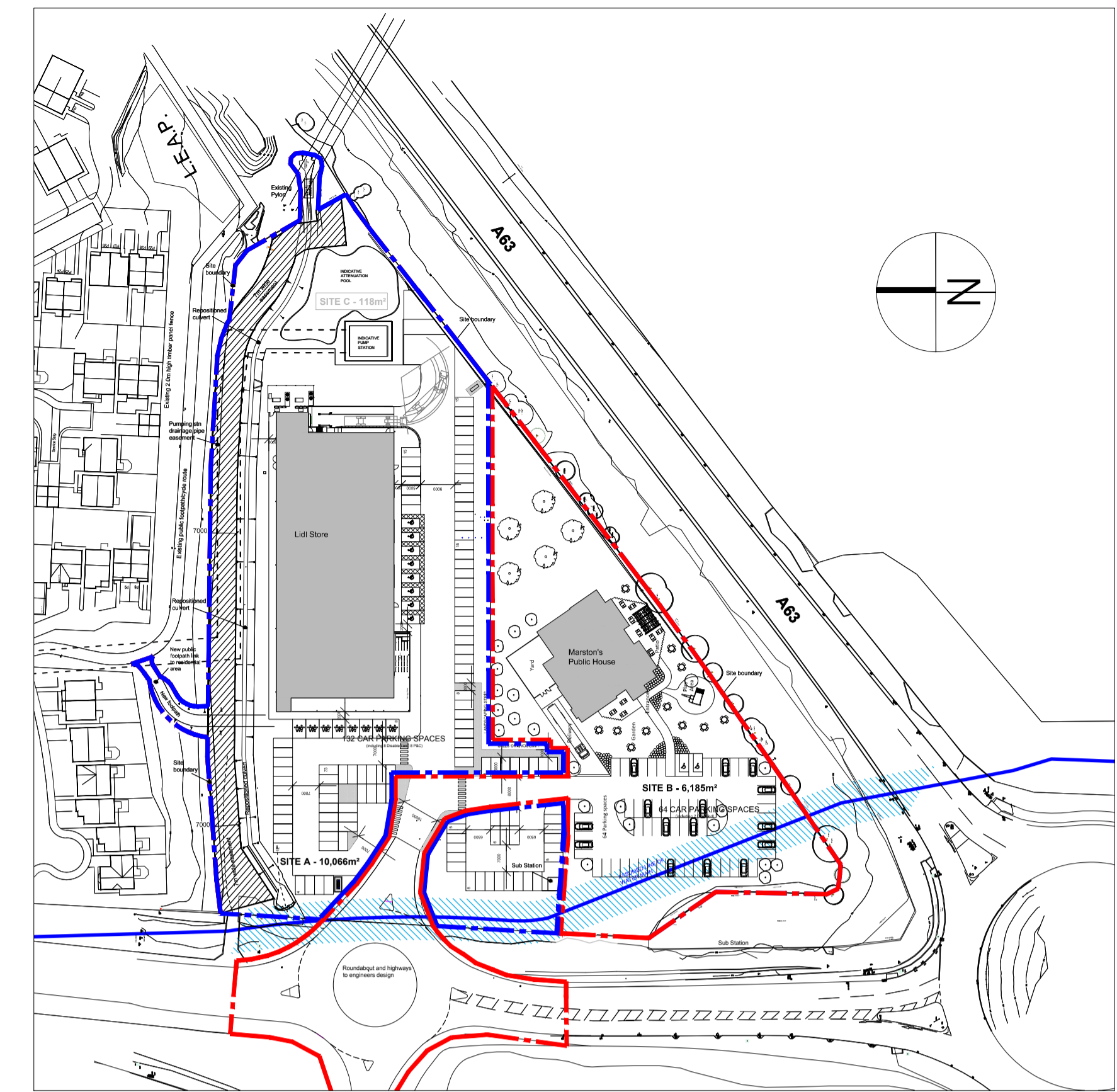
5.1 Planning Application file reference 2015/1217/FUL and associated documents.

Contact Officer: Mr Keith Thompson (Senior Planning Officer)

Appendices: None



1 Site Plan
1:500



1 Location Plan
1:1250

**AMENDED
DRAWING**

RECEIVED
19 July 2017
DEVELOPMENT MANAGEMENT

REV	DATE	DESCRIPTION	DR	CHK
B	07.07.17	Red line boundary updated to include all roundabout works		CJS
A	14.06.17	Scheme amended to suit revised highways / roundabout CJS design		CJS

PLANNING ISSUE

darntonB3
ARCHITECTURE
LEEDS
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Report Reference Number 2015/1272/FUL

Agenda Item No: 6.2

To: Planning Committee
Date: 9 August 2017
Author: Keith Thompson (Senior Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2015/1272/FUL	PARISH:	Selby Town Council
APPLICANT:	Mr S Rogerson	VALID DATE: EXPIRY DATE:	19th November 2015 14th January 2016
PROPOSAL:	Proposed erection of a public house with restaurant (Use Classes A3 and A4) and manager's accommodation, roundabout with access, parking area and associated infrastructure		
LOCATION:	Staynor Hall Development, Bawtry Road, Selby		

This application has been brought before Planning Committee as there are more than 10 objections contrary to the Officer recommendation to approve the application and the application is a Departure from the Development Plan (BRAY/2 of Selby District Local Plan).

Summary:

This amended application seeks full planning permission for the erection of a public house with restaurant (Use Classes A3 and A4) and manager's accommodation, a roundabout with ancillary access, parking area and associated infrastructure on land to the south of Staynor Hall housing development and to the east of Bawtry Road in Selby.

The construction of a new roundabout at the Oakney Wood Road junction and proposed access to the site has been included, following discussions with the applicant and landowner, Selby District Council and NYCC Highways.

The site is located within the defined Development Limits of Selby and is considered to be in accordance with Policies SP1 and SP2 of Selby Core Strategy. Although the application departs from the allocated employment use noted in BRAY/2 and is contrary to Paragraph 22 of the National Planning Policy Framework, it is a development that will generate moderate levels of employment, along with the provision of a roundabout (alleviating congestion on Oakney Wood Road to the bypass) and serve as an important amenity facility.

In short, it is a scheme that 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. It would deliver employment growth, strengthen the local economy and provide vital amenity facilities. Having had regard to the above, it is considered that, on balance, there are material considerations that would indicate that the development can be supported.

Recommendation

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

- (i) Following Referral of the application to the Secretary of State, his confirmation that it is not to be called in for his consideration; and**
- (ii) Subject to any recommended conditions by NYCC SUDS Officer and the conditions detailed in Paragraph 3.0 of the Report attached to any permission granted.**

1. Introduction and background

1.1 The Site

1.1.1 The application site forms part of the Staynor Hall development site. The overall site was granted outline planning permission in 2005 (CO/2002/1185), as detailed below in Section 1.3.

1.1.2 The site is largely flat and open and has been used for agricultural purposes as an arable field with a mature native hedgerow and trees to two sides. It is bounded by the A63 and the roundabout leading to Bawtry Road / the A1041 and by new dwellings on the Staynor Hall estate on Germain Close and Ash Way. On the opposite side of the A1041 is Selby Business Park, which includes small-medium size businesses, a hotel/pub and an auction mart site.

1.2 The proposal

1.2.1 The applicant seeks full planning permission for the erection of a public house with restaurant (Use Classes A3 and A4) and manager's accommodation, a new roundabout with ancillary access, parking area and associated infrastructure.

1.2.2 The building would be circa 650m², two storey and comprise dining areas, WCs, cellar, bar service areas and ancillary rooms on the ground floor and the manager's accommodation with 2 bedrooms, changing rooms, office and ancillary rooms on the second floor. The car park would include 64 no. parking spaces which include 2 no. disabled parking bays and 3 no. staff parking bays.

1.2.3 Opening hours have not been noted on the application form or have delivery hours.

1.2.4 The site is some 0.56ha in area and within land which was originally designated in Selby District Local Plan under Policy BRAY/2 for employment purposes. The Masterplan which accompanied an Outline permission had indicated the site as employment uses.

1.3 Planning History

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

Application reference CO/2002/1185 (Permitted - 06.06.2005) Outline application for the erection of 1200 dwellings (4 existing to be demolished), employment, public open space, shopping and community facilities (including up to 2,000sq.m. of shops), together with associated footpaths, cycleways, roads, engineering works and landscaping on 56 hectares of land.

This Outline permission envisaged a roundabout coming forward in the future and this was controlled in the signed S106 Agreement that accompanied the decision notice.

Recently on the Staynor Hall development community facilities were permitted through a community centre. This was under Planning Reference: 2015/0580/EIA for a Reserved matters application for the erection of No.44 dwellings, community facilities and retail units following outline approval 8/19/1011C/PA (CO/2002/1185))

Application reference 2015/1217/FUL (Pending Consideration) Erection of a food retail store (Use Class A1) and construction of access road, parking areas and associated infrastructure.

The revised application now includes the provision of a roundabout constructed at the Oakney Wood Drive junction and a new access into the site. Many businesses operating from Selby Business Park raised concerns with congestion on the Drive and a waiting time of 25-30 mins to exit onto Bawtry Road. The roundabout is expected to be a significant improvement to highway traffic management in the locality.

1.4 Consultations –

The amended scheme which now includes the construction of a roundabout has been re-consulted with the expiry date 27th July 2017.

1.4.1 Parish Council – Comments awaited (objected previously on Highway grounds).

1.4.2 North Yorkshire Highways and Transportation - No objection subject to conditions.

1.4.3 SDC Environmental Health – No objection subject to a condition.

1.4.4 Yorkshire Water – Comments awaited (no objection previously subject to conditions).

1.4.5 HER Officer – No objection subject to a condition for a scheme of archaeological mitigation recording.

1.4.6 Selby Area Internal Drainage Board – No objection subject to a condition to control discharge rates.

1.4.7 Environment Agency – No objection subject to condition.

1.4.8 Planning Policy - The Council's Policy team provided comment in March 2017 referring to supply of employment land and the sites assessment in the Draft 2015 Employment Land Review. The comments conclude that in advance of the Council reviewing existing site allocations for the emerging site allocations plan, there would be no Policy objections to the loss of this small employment allocation to leisure use (subject to meeting the sequential test and design and access for example).

1.5 Publicity

1.5.1 The application has been advertised as a departure from the Development Plan by site and press notice. As a result there have been 30 letters of representations received, of which there were 29 letters of objection and 1 letter of support. These representations are summarised below.

NB: Amended plans have been received which include the construction of a roundabout and re-notification on this expires on 27th July 2017. Any further comments received will be reported to Committee by way of an Update Note.

Objections

Highway Safety/Access

- A large proportion of objections revolve around this point.
- Traffic around Staynor Hall/Bawtry Road is already dangerous in peak times where there have been traffic accidents on Bawtry Road.
- The new access would be close to Oakney Wood Road junction which is unsafe.
- Vehicles to the livestock auction are generally tractors, lorries which leaving the site are slower onto Bawtry Road and on Saturdays are busier.
- The Business Park is not fully developed and will add more traffic to Bawtry Road.
- An additional roundabout has been suggested to come on the Oakney Wood Road junction.
- The Masterplan for Staynor Hall provided for a roundabout serving the site and Selby Business Park secured in the S106 agreement.
- Inadequate Transport Assessment.
- Proposed access would exacerbate the existing congestion and safety on Bawtry Road.
- Granting permission would preclude the possibility of a new roundabout.
- Pre-existing highway issues caused on the Selby Business Park and future development on this site.

Principle of Development

- Already a good provision of discount store at Aldi and restaurants at Three Lakes Retail Park, why the need for similar uses.
- Acknowledged aware of commercial site when purchasing house on Staynor but need cinema, doctors surgery, dentist.
- Retail sequential assessment required.
- The original masterplan for Staynor Hall envisaged the site being used for employment purposes.

- The site is allocated in the Development Plan for employment purposes under BRAY/2 which is a saved policy.
- The principal employment allocation for Selby is Olympia Park which is to provide 23 hectares land for employment uses, without this there would be an acute and insupportable shortage of employment land for Selby.
- The commencement of the development of Olympia Park has been subject to considerable delay and there are concerns that this site is undeliverable. This emphasizes the importance of safeguarding existing Selby employment allocations such as BRAY/2.
- There are sound planning and commercial reasons for the safeguarding and protection of BRAY/2 as an employment site serving Selby.
- The application site has never been put on the market for its allocated employment use.
- The application site has excellent strategic accessibility and with its proximity to the bypass would appear to offer characteristics required for the development of B1 office development.
- Alternative sites should be looked at.
- Although the Council assert that they may have granted planning permission for employment exceeding the Core Strategy requirement, this does not take account for take-up of employment land measured by planning permissions, completions and associated employment growth.
- The Council should afford significant weight to the Green Paper in the determination of this application.
- There is no assessment of the site being used for allocated employment use in the future.
- It is Statutory for Local Planning Authorities to determine planning applications in accordance with the development plan and proposed development that conflicts with this should be refused.
- Concerned for the loss of employment allocation BRAY/2.
- It is considered that there are available sites that could be sufficient for each of the applications individually.
- The NPPF supports town centres uses within town centre locations and if an application fails the Sequential Test it should be refused.
- It is considered that the Civic Centre at Portholme Road would be suitable. Also three sites in the Selby District Employment Land Review 2016 are considered to be suitable.
- Olympia Park is a mixed use allocation which is considered as a sequentially preferable site.

Flood Risk

- Justification for the search catchment area.
- There is land within flood zone 2 in the Staynor Hall development.
- The site is prone to flood in bad weather.

Landscaping

- If permitted, the northern part of the site should be landscaped and screened from houses on Staynor,
- The footpath linking the site to Staynor should be removed.

Amenity

- Noise pollution from the proposal,

- Litter from the development will cause an overbearing effect,
- Noise from the construction phase and deliveries to the store,
- Field should be made into a sports field.

Non-planning issues

- Would reduce the value of my property.

Support

- A public house would bring more services close to Staynor Hall and reduce traffic as a result.
- Would serve the Staynor Hall development residents.
- A local shop and pub would improve the local community.
- No objection in principle as the site has always been planned for employment development.

1.6 Environmental Impact Assessment

- 1.6.1 A screening opinion has been undertaken to ascertain if the submission of an Environmental Impact Assessment (EIA) is needed in connection with the proposal. Whilst the proposal is considered to fall within works covered by Schedule 2 of the EIA regulations it would not exceed the threshold of 1ha therefore the proposals do not fall within EIA development.

1.7 The Town and Country Planning (Consultations) (England) Direction 2009 (the direction)

- 1.7.1 An objection referred to this direction and that the development should be subject to this direction as the Lidl and Marston's applications both equate to more than 2,500m² floorspace. It is considered should the application be approved by committee that the application is referred to the Secretary of State.

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

SP14 – Town Centre and Local Services
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
ENV2 – Environmental Pollution and Contaminated Land
ENV28 – Other Archaeological Remains
EMP2 – Location of Economic Development
EMP6 – Employment Development within Development Limits
BRAY/2 – Employment Allocation
T1 - Development in Relation to Highway
T2 - Access to Roads
VP1 – Parking Provision
S3 – Local Shops

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

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".

The NPPF and the accompanying National Planning Practice Guidance provides guidance on wide variety of planning issues and the following report is made in light of the guidance in those documents.

2.2 Key Issues

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

- 2.2.1 1. Principle of the Development
- 2.2.1 2. Visual impact on the Character and Form of the locality
- 2.2.1 3. Residential amenity

4. Flood risk, drainage and climate change
5. Impact on highways
6. Nature conservation and protected species
7. Trees and Landscaping
8. Contamination

2.3 Principle of Development

- 2.3.1 Relevant policies in regards to the principal of retail and town centre uses include Policy S3 of the Local Plan and SP14 of the Core Strategy. This application proposes the erection of a public house/restaurant in an out-of-centre location.
- 2.3.2 This application proposes the erection of a public house/restaurant in an out-of-centre location. The principle of use class A3 and A4 development on this site would be acceptable if it can be demonstrated that the sequential test can be satisfied. The development falls significantly short of the 2,500 m² noted in the NPPF for impact assessments and there are no locally set retail impact assessment thresholds. It is therefore considered that no further assessment is required on impact assessment as noted in the NPPF.
- 2.3.3 Paragraph 24 of the NPPF requires a sequential test to be applied to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to date Local Plan, as in this case. When considering edge of centre proposals, preference should be given to accessible sites that are well connected to the town centre. The proposed public house with restaurant proposed would be circa 650 m². The proposal thereby falls below the threshold of 2,500 m² whereby it is required for a retail impact assessment to be undertaken and there are no locally set retail impact assessment thresholds within the Selby Core Strategy or Local Plan. It is therefore considered that no further assessment is required in regards to an impact assessment as noted in the NPPF.
- 2.3.4 In accordance with the terms of the NPPF, given the out of centre location of the application, it must be shown that there are no more suitable, available and viable sites, since these would be regarded as sequentially preferable locations. Selby Town Centre as defined in the Selby District Local Plan is focused primarily around the town centres core on Gowthorpe, Brook Street, Finkle Street and The Crescent. The applicant notes that there are available within the designated Town Centre capable of accommodating the proposed public house and restaurant. The applicant has made reference to the former 'Green's Furniture Shop' on Ousegate but referred to planning history for refusal of assembly and leisure purposes on the site. Officers consider that this site can be discounted as the proposed use would not be acceptable in this location in regards to potential impacts on existing residential dwellings and it is also not available at this time.
- 2.3.5 The applicant has considered the former Rigid Site which is edge of Town Centre and the former Civic Centre on Portholme Road also an edge of centre location. The applicant states that the Civic Centre site is available and is a suitable size to accommodate the proposed store, however it lies outside the 300 metre distance to the primary shopping frontage and as such the Civic Centre would not be sequentially preferable to the application site. Officers consider that this is not a correct assertion by the applicant because a site can be beyond 300 metres from the Primary Shopping Frontage but also be sequentially preferable to another out of

centre site, which is located further away. Officers consider that although the Civic Centre site is sequentially preferable in location it can be discounted as unavailable, as the landowners of the site have not specified their intentions for this site so it is not considered available at this time. There is also a building on site which would need to be demolished and the site would therefore need to be altered to suit the proposals. Furthermore, the Civic Centre site is large and would require a carefully planned comprehensive redevelopment, rather than piecemeal development. The Rigid Paper site has also been considered by Officers and although it is considered to be sequentially preferable in terms of being located closer to the town centre than Staynor Hall it can be discounted as not being available as Selby District Council are working closely with the site owners on a housing scheme, it cannot be said to be a reasonable alternative.

2.3.6 An objection received refers to three alternative sites in Selby taken from the Draft Employment Land Review 2015 that they believe would be sequentially preferable to the proposed application site, these include Back Micklefield Car Park, Former Gas Holders and Vivars Way. The applicant's agent has been asked to consider these three sites and the following comments have been received from the applicant's agent:

- PS56 – Former Gas Holders Prospect Way - This site is considered to be out-of-centre as it is located more than 300 m from the commercial core. It is also considered that providing high traffic generating uses in this location would exacerbate the difficulties already experienced by traffic trying to exit the industrial estate.
- PS57 – Vivars Way – Whilst this site may be within the 300 m of the town centre, gaining physical access from the commercial core to the site extends to a distance of approximately 900 m. On balance the Site is therefore considered to be realistically identified as an out of centre site. Traffic issues would also most likely affect this site.
- PS34 - Back Micklegate Car park - The Employment Land Review does identify (PS34) as a potential employment site capable of accommodating general industry/business. It also confirms that this site is not actively being marketed and that if it were to be pursued, the landowner has indicated that they would undertake the development themselves. The landowner in this instance is Selby District Council. The car park is in active use and being only one of a few public car parks located in such close proximity to the town centre, where there is high demand for off-street parking. On this basis, it can be concluded as not available.

2.3.7 The Council's Policy Team have considered the agent's comments on the above and have confirmed that in terms of PS56 there has not been any historic interest in the site from trade counter/retail and industrial uses. A portion of the southern end of the site is used for operational gas distribution equipment which is to remain in situ. There may also be significant decontamination costs required dependent upon the end use and is partly within a HSE outer blast zone. PS34 has been discounted in the Employment Land Review and is not considered to be available. PS56 is not considered to be a commercially attractive given that it has no main road frontage and lies at the end of a cul-de-sac. It is therefore considered that Back Micklefield

Car Park, Former Gas Holders and Vivars Way can all be discounted. Furthermore, the Council's Policy team have advised that they have no objection to the application in terms of site suitability for retail, in the absence of any sequentially preferable sites which are suitable and available.

- 2.3.8 Officers conclude that the sequential assessment demonstrates that there are no vacant sites available within or on the edge of Selby Town Centre that are more suitable and available for a public house and restaurant of the size hereby proposed, even when allowing for flexibility in format and scale.
- 2.3.9 The application site is located adjacent to Bawtry Road and lies south of a large housing site which has phases of housing still to be constructed but circa 600 houses are complete. There would be clear linkages to the housing site on foot and the housing site is served by public transport with links to the town centre. There is a footpath that links the application site to the Staynor Hall residential development. Consequently, it is considered that the proposed scheme satisfies the requirements of paragraph 24 of the NPPF which gives a preference to sites that are accessible and are well connected to the town centre when out of centre development is justified.
- 2.3.10 Policy S3 of Selby District Local Plan states that development serves a location function and is of an appropriate scale. The proposal would provide pedestrian linkages to Staynor Hall housing development, providing a local function, in addition to a wider catchment with provision of car parking. The scale of the pub/restaurant would be considered a small scale building capable of serving a local and wider function. Officers consider that the proposal would accord with Policy S3.
- 2.3.11 As such the proposal complies with Policy SP14 of the Core Strategy and Policy S3 of the Local Plan. Policy SP14 supports local shops and services outside established Town Centres through promoting new services that serve the day-to-day needs of existing communities and planned growth of communities. Policy S3 of the Local Plan allows for local shops outside defined shopping centres providing they are within development limits, serve a local function and are of an appropriate scale.

2.4 **Employment Use**

- 2.4.1 Policy EMP2 of Selby District Local Plan refers to new employment development and allocates the site as BRAY/2 – land east of Bawtry Road, Brayton.
- 2.4.2 NPPF para 22 states that: *“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”*
- 2.4.3 The agent provided information for consideration which refers to the site not being marketed in the conventional sense with ‘for sale’ signs and on websites. Furthermore, the agent states that the land agent, for at least 10 years has been actively trying to identify a buyer/developer throughout that period. The agent notes

that the only interest expressed has been from national food retailers, fast food chains, a fuel filling station and a hotelier.

- 2.4.4 The information provided by the agent is not considered robust evidence to determine the reasonable prospect that the site can be used for its allocated use as allocated in BRAY/2 and also that set out in paragraph 22 of the NPPF. The proposal thereby fails to accord with Policies EMP6 and BRAY/2 of Selby District Local Plan and the guidance at paragraph 22 of the NPPF.
- 2.4.5 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise. There are material considerations that are considered to significantly weigh in favour of approving the proposal and these are discussed further below.
- 2.4.6 This application would bring forward full time jobs when open which is a significant benefit to support the proposal and spending by construction workers in the locality. Looking at the latest Homes and Community Agency ‘Employment Density Guide’ (2015, 3rd Edition), the use of the site as a food store will generate comparable levels of employment opportunities as a mix of B1/B2/B8 uses.
- 2.4.7 The proposed construction of the roundabout is considered a significant benefit to the scheme by providing highway infrastructure that has responded to the concerns of businesses on Selby Business Park, in order to relieve significant congestion experienced at pm peak times on Oakney Wood Road. Officers consider that through reducing existing queues of traffic this would make Selby Business Park more marketable and attractive to potential developers.
- 2.4.8 An objection has been received which refers to there being no assessment by the Council on the reasonable prospect of the site being used for allocated employment use. The Council’s Policy team provided comment in March 2017 referring to the supply of employment land and the site’s assessment in the Draft 2015 Employment Land Review. The Policy Officer has confirmed that the recent Annual Authorities Monitoring Reports for the District shows that the council has already granted planning permissions for employment that significantly exceeds the Core Strategy requirement of 37-52 Hectares of B1/B2/B8 by 2027 (in large part due to significant employment developments at the Sherburn Industrial estate). Therefore, it is considered that the BRAY/2 site is not required to meet this target. Furthermore, are still remaining areas of the Selby Business Park, allocated as site BRAY/1 for employment use in the 2005 Selby District Local Plan, which have not been fully developed. These include:
- BRAY/1(a): 0.23ha. This site has permission (2016/1411/FUL) for 3No. units for B8 use with associated ancillary trade counter and retail use at Units 1 to 3. 848 sqm
 - BRAY/1(b): 0.72ha. This site has two permissions;
 - o eight B1/B2/B8 units (2014/0964/FUL) 566 sqm on the western edge of this site (almost complete), and
 - o two B1/B2/B8 units (2014/0909/FUL) 628 sqm in the middle of the site (under construction).

- o The remainder of this area of the site has yet to have any planning applications approved or submitted.
- BRAY/1(c): 1.75ha. The majority of this site had outline permission for B1/B2/B8 use(2010/0612/OUT) no floorspace specified, but this expired in December 2012.

2.4.9 A small section of the eastern part of the site (joining onto the existing units) has permission (2017/0503/FUL) for 3 B1(c) light industrial use units, totalling 346 sqm floorspace. Together these sites total 2.8 hectares. And 2388 sqm of permitted floorspace.

2.4.10 In response from issues raised by objectors, the Policy Officer has stated that it is important to note that the area of land that is allocated for employment on Olympia Park is outside the area of the existing permission, and already benefits from a dedicated, purpose built access point onto the A63 Bypass, so this area of the site is not affected by the infrastructure works.

2.4.11 The Policy Officer also notes that the Draft 2015 Employment Land Review reaches the conclusion that the site could potentially be retained as an employment allocation, but it can also be seen that the commentary and scoring in the report brings into question the sites continued use exclusively for B1/B2/B8 use. The report gives the site the reference ES3 and states that: “The site is located on the edge of Selby in proximity to Olympia Park, albeit its suitability for employment uses is questionable given the proximity to the residential development adjacent.” On this basis the site was given a relatively low score of 46.

2.4.12 To conclude, this proposal is considered to conflict with Development Plan policies and National Policy guidance, namely Policies EMP2 and BRAY/2 of the SDLP and paragraph 22 of the NPPF. Despite the departure from allocation BRAY/2 of Selby District Local Plan, there are significant benefits of the scheme and reasoning for the loss of this small employment allocation. It is considered that the proposed pub/restaurant would generate comparable levels of employment opportunities as a mix of B1/B2/B8 uses, the provision of the roundabout would significantly ease congestion paving the way for more companies to take up the empty space on the business park and the proposals would also assist in the marketability and deliverability of vacant industrial units on Selby Business Park. Spending locality by construction workers and job creation when the pub/restaurant is open are also factors that weigh in favour of the development.

2.5 Visual impact on the Character and Form of the locality

2.5.1 Relevant policies in respect to design and the impacts on the character of the area include Policies ENV1 (1) and (4) of the Selby District Local Plan, and Policy SP19 “Design Quality” of the Core Strategy.

2.5.2 Significant weight should be attached to the Local Plan policy ENV1 and Core Strategy Policies SP19 as they are broadly consistent with the aims of the NPPF.

2.5.3 Relevant policies within the NPPF, which relate to design, include paragraphs 56, 60, 61, 65 and 200.

- 2.5.4 The NPPG reiterates that development proposals should reflect the requirement for good design set out in national and local policy and sets out how high quality design should be achieved across all forms of development.
- 2.5.5 The application site comprises circa 0.61ha grassed field located to the south of a large housing development which is part occupied with houses and under consideration for further phases of development. There is a mixed use industrial estate to the west called Selby Business Centre, a pub/hotel and a livestock auction mart to the north of the estate. Bawtry Road divides the site from the established built form to the west and the A63 by-pass enclosing the site along its south-south eastern perimeter. There is established planting along this latter perimeter.
- 2.5.6 There is no specific design criteria for the area in which this proposal should made reference to, although the site is considered to act as a gateway to Selby when approaching from the south or on the by-pass.
- 2.5.7 The proposal would have a two storey and single element which derives from historical precedents including the coaching inn, tavern and public house and integrates these within a contemporary concept of eating and drinking as a social, family event. The materials proposed include render, timber and brickwork with red plain tiles to the two storey element and grey to the lower roofs. A number of different walling, roofing and cladding materials are proposed to add interest to the external form and appearance of the proposal.
- 2.5.8 There would be a significant buffer from the proposal of some 95m to houses to the north and the site has a spacious layout with hard and soft landscaping around the building and on the edge of the car park. Given the mixed character of development in the area and the layout of the proposal would not appear as an unacceptable form of development in this location.
- 2.5.9 The application is accompanied by detailed elevations and plans of the proposed building and the associated access, car parking arrangements and landscaping proposals for the site. The pub/restaurant and have outdoor seating and play area round its edge. The proposal would have an active frontage facing west, responding to the most active road frontage being Bawtry Road. It is considered that the building would not appear out of scale in this locality which includes two storey houses and mixed scale commercial development and the design and appearance would not detract from the visual amenity of the area.
- 2.5.10 In conclusion, the proposals for a public house/restaurant is considered to be visually acceptable and would not detract from the character or visual amenity of the surrounding area. This development proposal is therefore considered to accord with Policies ENV1 of SDLP and Policy SP19 of SDCS, the NPPF and NPPG, insofar as these policies relate to matters of design and visual amenity.

2.6 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 ENV1 of the SDLP as it is broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved.
- 2.6.3 In considering residential amenity the key considerations are overlooking, overshadowing, overbearing impacts and separation distances.
- 2.6.4 The nearest houses lie to the north of the application site and form part of the wider housing estate called Staynor Hall. There would be a separation distance from the proposal to the nearest houses of some 95m. This distance is considered sufficient distance to ensure the building does not appear overbearing on this and neighbouring houses. Comments received from objectors relate to noise and disturbance from the development, in particular from deliveries and general addition of a public house in proximity to houses. There would be deliveries to the building and this is indicated to occur on the west elevation of the building. It is considered this aspect of the proposal would raise no adverse residential amenity issues as a result of the separation distances and given the advice from the Council's Environmental Health Officer who raised no objection.
- 2.6.5 No opening hours have been submitted however given the separation distances from houses to the north, detail can be controlled by condition to ensure that the operation of the proposal is within acceptable parameters to ensure no adverse impact on residential amenity. No detail is provided for delivery vehicles times and for the same reason can be secured by condition.
- 2.6.6 It is considered that this arrangement would not result in a significant impact on the occupiers of the neighbouring residential properties in terms of noise and disturbance associated with deliveries and Council's Environmental Health Officer had no objection in this regard.
- 2.6.7 The application site will require flood lighting and would be acceptable in principle, however the detail can be controlled by condition in the interests of the visual amenity and character of the area.
- 2.6.8 The Council's Environmental Health Officer reviewed the submitted Noise Impact Assessment prepared by Dragonfly consulting and advised that the assessment concluded that noise from the operational phase of the development will be at the No Observable Effect Level and as such the development is compliant with the NPPF. There was no objection to this assessment. The Officer further noted that the development is of a relatively large scale and as such would entail an extended construction phase. This phase may negatively impact upon nearby residential amenity in terms of generation of noise, dust and vibration but may not be deemed to constitute a statutory nuisance. A condition is thereby recommended to seek a scheme to minimise such impact and this would be considered necessary and reasonable.
- 2.6.9 The proposal is therefore considered to accord with Policy ENV1 of SDLP and the NPPF, subject to conditions.

2.7 Flood risk, drainage and climate change

- 2.7.1 The NPPF seeks to avoid inappropriate development in areas at risk of flooding by directing development away from areas at highest risk. It requires Local Planning Authorities to apply a Sequential Test to planning applications in Flood Zones 2 and

3 to ensure that new development is located in areas at the lowest flood risk. Any application for planning permission in Flood Zones 2 or 3 must therefore demonstrate that there are no other reasonably available alternative sites that could be developed within the search area that are at a lower risk of flooding. An exceptions test is then required to be met in order to demonstrate that the development is justified and can be made safe.

- 2.7.2 Relevant policies in respect to flood risk, drainage and climate change include 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.
- 2.7.3 Significant weight should be attached to the Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF.
- 2.7.4 Relevant paragraphs within the NPPF, which relate to flood risk, drainage and climate change include 94 and 95.
- 2.7.5 The site is located within an area designated by the Environment Agency as Flood Zone 3 and must therefore be assessed in line with advice given in the NPPF regarding development and flood risk. Flood Zone 3 comprises land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year.
- 2.7.6 The Council’s Sequential Test Developer Guidance Note (July 2017) states for proposals at ‘edge of town centre’ or ‘out of town centre’ locations, or in settlements without a defined retail area, the search area can be the catchment area that the development is intending to serve (i.e. the target catchment), having regard to the ‘sequential approach’ advocated in NPPF. The NPPF outlines that the flood risk sequential test catchment areas are set by the Local Planning Authority, on this occasion the area has been agreed between the Local Authority Officers and the applicant as 500m from the Staynor Hall Housing development. In order to support the application the Authority must be satisfied that all appropriate mitigation will be agreed with the Environment Agency.
- 2.7.7 Objections have been received on the application with regards to flood risk and have been considered in the assessment. Reference was made to land within Flood Zone 2 being available in the Staynor Hall development but it is considered that land on this site is either allocated for housing, school provision, community centre or small retail shops and is not available for this proposal.
- 2.7.8 The Environment Agency advised that the Authority must satisfy themselves that the flood risk Sequential Test has been undertaken in a transparent way in accordance with the NPPF and NPPG. Officers have considered the information submitted and concur with the conclusion that there are no reasonably available alternative sites in the agreed catchment area that are at a lower risk of flooding that could accommodate the development hereby proposed.
- 2.7.9 With regard to the exception test, the NPPF states at paragraph 102 that it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk and a site specific Flood Risk Assessment (FRA) must demonstrate that the development will be safe for its lifetime without

increasing flood risk elsewhere and where possible will reduce flood risk overall. Buildings used for restaurants are identified as 'less vulnerable' uses according to Table 2 (Flood Risk Vulnerability Classification) of the NPPG, and such development within Flood Zone 3a does not need to be subject to the exceptions test. Drinking establishments are identified as 'more vulnerable' and need to be subject to the exception test.

- 2.7.10 This application is accompanied by a detailed Flood Risk Assessment which demonstrates that the development can be made safe from the risk of flooding and will not increase the risk of flooding elsewhere. The Environment Agency has been consulted in respect of this development proposal and has not objected, subject to a condition that requires the development to be carried out in accordance with the submitted FRA. This includes finished floor levels (FFL) are set no lower than 5.3m above Ordnance Datum (AOD), floors to be of solid construction underlain with 1200g visqueen damp proof membrane, with lapped and taped joints, boilers, gas and electrical meters to be placed a minimum of 700mm above FFL and electrical sockets to be placed a minimum of 300mm above FFL and wired from above.
- 2.7.11 The wider sustainability benefits to the community have been considered and would be provision of a service in proximity of a significantly large housing estate in a location that is well connected on foot to this catchment area, in addition to good public transport connections to the town centre. The proposal would also provide economic and employment opportunities for the area which are positive sustainability benefits to the community. It is therefore considered on balance, that the exception test has been passed.
- 2.7.12 The Internal Drainage Board and Yorkshire Water have been consulted on the application with regards to drainage. Surface water drainage has also been a point raised by objectors. The IDB confirmed that after discussions with the applicant's engineers that the engineers would be submitting a Consent Application to the IDB providing information to support the discharge rate of 40 litres per second. The IDB seeks this to be controlled by condition which would be reasonable and necessary. Yorkshire Water had no objections to the proposal subject to conditions.
- 2.7.13 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. Having had regard to the nature and scale of the proposal hereby sought, building regulations would control aspects of the construction phase, and it is considered that its ability to contribute towards reducing carbon emissions, or scope to be resilient to the effects of climate change would be limited that it would not be necessary and, or appropriate to require the proposals to meet the requirements of criteria SP15 (B) of the Core Strategy.
- 2.7.14 Therefore having regard to policy SP15 (B) it is considered that the proposal is acceptable.
- 2.7.15 It would be reasonable and necessary to secure electric charging facilities on site given the scale of the proposal and the likely modes of transport that would use the site and can be secured by condition.
- 2.7.16 In conclusion, no objections have been received from Yorkshire Water, the Environment Agency or the IDM (subject to appropriate conditions where

necessary) and as such it is considered that this development proposal is acceptable in respect of matters relating to flood risk and foul and surface water drainage and climate change.

2.8 Impact on highways

- 2.8.1 Policy in respect of highway safety and capacity is provided by Policies ENV1(2), EMP9 (1) and T1 of the Selby District Local Plan, Policy SP19 of the Core Strategy and paragraphs 34, 35 and 39 of the NPPF. These policies should be afforded significant weight.
- 2.8.2 The revised proposal now includes the construction of a new roundabout at the junction of Oakney Wood Road and the new access to the site. Many of the local objections received previously referred to the congestion at Oakney Wood Road particularly at the end of the working day and the need for a new roundabout. A roundabout was also envisaged in the approved 2005 Outline application as included in the S106 agreement and this proposal would bring that forward. There have been a significant number of objections raised in regards to the impact that the proposals would have in regards to the local highway network and impacts on highway safety. These concerns in relation to highway impacts have led discussions being held with the applicant and agent in order to overcome these issues. As a result of these discussions the proposals now include the provision of a roundabout.
- 2.8.3 It is considered that the construction of a roundabout is not strictly necessary in planning terms but would be beneficial.
- 2.8.4 It is considered by Officers that the provision of a roundabout would improve traffic queues on Oakney Wood Road and Bawtry Road during peak periods and this is a significant benefit to the proposal. It also demonstrates that the objections from business owners on Selby Business Park and residents views have been taken on board in this regard.
- 2.8.5 The roundabout would also make undeveloped land on Selby Business Park a more marketable proposition for prospective businesses to locate. This is a significant benefit the construction of a roundabout would bring to the locality.
- 2.8.6 North Yorkshire County Council Highways have considered the impact of the proposal on the highway network and have been involved in the discussion to construct a roundabout. The NYCC Highways officer has concluded that:

“The traffic impact at road junctions is measured in what is called the “ratio of flow to capacity” (RFC). Where this figure exceeds 0.85 the junction is nearing capacity and queuing starts to occur. Without the roundabout Oakney Wood Road junction was predicted to have an RFC of 2.38 in the future year of 2025 which equates to 60 queuing vehicles over the peak hour.

With the roundabout, the junction has been modelled for a future year of 2032 (15 years beyond the year of opening) and the RFC is predicted to drop to 0.68 with an average maximum queue of 2 vehicles over the peak hour.”

- 2.8.7 The NYCC has also confirmed that this Application has been considered cumulatively with planning application number 2015/1272/FUL. The NYCC has engaged in detailed scoping discussions with the Applicant and their Transport Consultant. These discussions have ensured that the Transport Assessment has been of an acceptable scope and adopts a methodology that has been agreed with the LHA in respect of trip rates, traffic generation and traffic distribution. The application as originally submitted proposed a priority junction with right turning lane to the south of Oakney Wood Road. The latest proposal is for the site to be accessed from a new roundabout directly opposite Oakney Wood Road. It is considered that this is a significant improvement from the original proposal. The roundabout will benefit both the application site and Oakney Wood Road by improving the flow of traffic compared to the priority junction arrangement. There will also be safety benefits associated with the roundabout through the reduction in traffic speeds and the likelihood of side and head-on collisions.
- 2.8.8 North Yorkshire County Council Highways have considered the impact of the proposal on the highway network and have been involved in the discussion to construct a roundabout and have no objection to the proposed development in principle subject to conditions which are awaited and will be reported to committee by update note.
- 2.8.9 Parking provision for new development is set out in the Selby Local Plan. The submitted plans indicate 64 parking spaces which includes 2 disabled parking bays. The site layout plan does not indicate any secure cycle provision. There is capacity on site to provide the cycle bay provision and this can be secured by condition. NYCC Highways had no objection to the parking provision on the site.
- 2.8.10 In conclusion the NYCC Highways Officer concludes that there are no objections to the proposals subject to conditions attached to any permission granted.

2.11 Nature conservation and protected species

- 2.11.1 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 NPP and accompanying PPG in addition to the Habitat Regulations and Bat and Great Crested Newt Mitigation Guidelines published by Natural England.
- 2.11.2 Protected Species are 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.
- 2.11.3 The application is accompanied with a Water Vole Survey as the site includes a ditch that runs along the northern perimeter of the site. The survey notes that the ditch is approximately 1m wide and 30cm deep and the flow is extremely slow to almost static. No evidence of water voles are recorded within the application site in addition to brown rat, wood mouse, bank and field vole, otters or mink.
- 2.11.4 A Phase 1 Habitat Survey was submitted to assess the impact on wildlife on the site and no ecology issues were raised as a result.

2.11.5 No further survey work was recommended. It is therefore considered that the proposed development would not adversely affect protected species in accordance with Policies ENV1(5) of Selby District Local Plan and SP18 of the Core Strategy and the NPPF.

2.12 Trees and Landscaping

2.12.1 Selby District Local Plan Policy ENV1(4) requires development to consider approaches on landscaping within the site and taking account of its surroundings.

2.12.2 Policy SP19(e) requires that proposals look to incorporate new landscaping as an integral part of the scheme.

2.12.3 There is a detailed landscaping plan which shows planting around the building and safeguarding existing planting on the southern boundaries. The species and location of the planting is considered to be acceptable and would accord with Policies ENV1(4) of Selby District Local Plan and SP19 of the Core Strategy.

2.13 Contamination

2.13.1 Policies ENV2 of the Local Plan and SP19 of the Core Strategy relate to contamination. These policies should be afforded significant weight.

2.13.2 The land comprises an agricultural field with no known former industrial uses on the site. Nevertheless, a Phase 1 and 2 geo environmental assessment report has been submitted with the application and raises no adverse issues for the development and for future occupiers of the food store. No recommendations were suggested and it is therefore considered that the proposed development would not raise adverse contamination issues for the development.

2.14 Conclusion

2.14.1 The proposed development fails to accord with Policies EMP2 and BRAY/2 of Selby District Local Plan and paragraph 22 of the NPPF, by proposing the erection of a pub/restaurant on land allocated for employment purposes. There are material considerations that weigh in favour of supporting the application.

2.14.2 There would be significant benefits for the highway network by relieving congestion issues brought about by active businesses on Selby Business Park. In reducing the congestion levels and the strain on the Highways, the roundabout will make empty sites/premises on the Park more marketable for future businesses.

2.14.3 This application would bring forward time jobs when open which is a significant benefit to support the proposal and spending by construction workers in the locality. The use of the site as a food store will generate comparable levels of employment opportunities as a mix of B1/B2/B8 uses.

2.14.4 These benefits are considered to outweigh the loss of this allocated site for employment purposes.

2.14.5 It is considered that there are no other more sequentially preferable sites within Selby Town Centre that are available and suitable for the scale of a pub/restaurant

hereby proposed and as a result it is considered that the proposed development passes the retail sequential test criteria.

2.14.6 The new pub/restaurant is considered to be visually acceptable and would not detract from the character or visual amenity of the surrounding area, nor would it give rise to any significant or unacceptable issues relating to noise and disturbance for the nearby neighbouring occupiers. The proposals are also considered to be acceptable in respect of matters relating to access, parking and highway safety, flood risk and drainage, nature conservation and land contamination, subject to appropriate conditions where necessary.

3.0 Recommendation

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

- (i) Following Referral of the application to the Secretary of State, his confirmation that it is not to be called in for his consideration; and**
- (ii) Subject to any recommended conditions by NYCC SUDS Officer and the conditions detailed 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. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

H7556-51D Proposed Ground Floor Plan
H7556-52E Proposed First Floor Plan
H 7556-53D Proposed Roof Plan
H7556-54E Proposed Elevations
H7556-57 Cross Section
8238 – 90 – 05A Proposed Site Logistics Plan
8238 – 90 – 06B Site B Proposed Location Plan
8238 – 90 – 08B Existing Site Location & Layout Plan
13529-101-3DT(6) Topographical Survey
13529-5000-06 Typical Highway Construction
13529-5000-09A Attenuation Pond & Headwall Detail
13529-5000-14A FW Compound
13529-5000-15 Manhole Details
13529-5000-16A Watercourse Cross Section
13529-5000-19C Site Entrance Roundabout Plan
2522/1 – Existing trees on site
13529/5000/03 REV B – External levels plan
13529/5000/MP01 - Masterplan
2522/6 – Site Layout Plan
2522/4 – Detailed Landscape Proposals

Reason:

For the avoidance of doubt

03. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those specified on Drawing no. 8238-20-04. Any variation to these details shall be submitted to and approved in writing by the Local Planning Authority before development commences. Development shall then be carried out in accordance with the approved details.

Reason:

To ensure appropriate materials are used in the interests of the visual amenity of the area in accordance with Policies ENV1 of Selby District Local Plan and Policy SP19 of Selby Core Strategy.

04. There shall be no goods delivered to the building outside the hours of 07:00 - 22:00 Monday to Friday, 08:00 -13:00 Saturday and 08:00 to 10:00 on Sundays/Bank Holidays.

Reason:

To protect the amenity of the adjoining and nearby properties in accordance with Policy ENV1 of the Selby District Local Plan.

05. Opening hours for the development shall not be outside the hours 11:00 to 23:00 hours Monday to Saturday and 12:00 to 22:30 hours Sunday and Bank/Public Holidays.

Reason:

To protect the amenity of the adjoining and nearby properties in accordance with Policy ENV1 of the Selby District Local Plan.

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

Reason:

To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading in accordance with Policy SP15 of Selby Core Strategy.

07. 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 in accordance with Policy SP15 of Selby Core Strategy.

08. 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 Policies T1 and T2 of Selby and in the interests of highway safety.

09. 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 base course 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 T1 and T2 of Selby District Local Plan 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.

10. There shall be no movement by construction or other vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until that part of the access extending 20 metres into the site from the carriageway of the existing highway has been made up and surfaced in accordance with the approved details and the published Specification of the Highway Authority. All works shall accord with the approved details unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority. Any damage during use of the access until the completion of all the permanent works shall be repaired immediately.

Reason:

In accordance with Policies T1 and T2 of Selby District 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.

11. No part of the development shall be brought into use until the existing access on to Bawtry Road has been permanently closed off and the highway restored. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority in consultation with the Highway Authority. No new access shall be created without the written approval of the Local Planning Authority in consultation with the Highway Authority

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These works shall include, where appropriate, replacing kerbs, footways, cycleways and verges to the proper line and level.

Reason:

In accordance with Policies T1 and T2 of Selby District Local Plan and in the interests of highway safety.

12. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing (Reference 13529/5000/01 Rev. A) 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 T1 and T2 of 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.

13. Unless otherwise approved in writing by the Local Planning Authority, 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 Policies T1 and T2 of Selby District Local Plan and in the interests of highway safety and the general amenity of the area.

14. Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:

- (i) the appointment of a travel co-ordinator
- (ii) a partnership approach to influence travel behaviour
- (iii) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
- (iv) provision of up-to-date details of public transport services
- (v) continual appraisal of travel patterns and measures provided through the travel plan
- (vi) improved safety for vulnerable road users
- (vii) a reduction in all vehicle trips and mileage
- (viii) a programme for the implementation of such measures and any proposed physical works
- (ix) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

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 T1 and T2 of Selby District Local Plan and to establish measures to encourage more sustainable non-car modes of transport.

15. 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 in consultation with the Highway 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:

- 1) Details of the routes to be used by HCV construction traffic.
- 2) Traffic Management Plan
- 3) Loading/unloading of materials and plant.
- 4) Storage of materials and plant.
- 5) Parking of contractors vehicles
- 6) Programme for the works
- 7) Measures to prevent mud/dirt being deposited on the highway.

Reason:

In accordance with Policies T1 and T2 of 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.

16. Prior to the site preparation and construction work commencing, a scheme to minimise the impact of noise, vibration, dust and dirt on residential property in close proximity to the site, shall be submitted to and agreed in writing with the Local Planning Authority.

Reason:

To protect the residential amenity of the locality and in order to comply with Policies ENV2 of Selby District Local Plan and SP19 of Selby Core Strategy.

17. The development permitted by this planning permission shall only be carried out in accordance with the approved flood risk assessment (ref-13529-5000) and the following mitigation measures detailed within the FRA:

1. Finished floor levels are set no lower than 5.3m above Ordnance Datum (AOD).
2. Floor to be of solid construction, underlain with 1200g visqueen damp proof membrane, with lapped and taped joints.
3. Boilers, gas and electrical meters to be placed a minimum of 700mm above finished floor level.
4. Electrical sockets to be placed a minimum of 300mm above FFL and wired from above.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

To reduce the risk of flooding to the proposed development and to increase the resilience of the structure to flooding facilitating faster post flood recovery in accordance with Policy SP15 of Selby Core Strategy.

18. Details of any flood lighting shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details for the lifetime of the development.

Reason:

In order to protect the living conditions of neighbouring residents, in accordance with Policy ENV1 of Selby District Local Plan.

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

1. The programme and methodology of site investigation and recording
2. Community involvement and/or outreach proposals
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason:

In order to safeguard archaeological remains in accordance with Section 12 of the NPPF as the site is of archaeological interest.

20. No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 19.

Reason:

In order to safeguard archaeological remains in accordance with Section 12 of the NPPF as the site is of archaeological interest.

21. 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 under condition 19 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason:

In order to safeguard archaeological remains in accordance with Section 12 of the NPPF as the site is of archaeological interest.

22. No part of the development shall be brought into use until secure cycle parking facilities for the proposed retail unit to accommodate all cyclists likely to visit the premises have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall thereafter be retained.

Reason:

In order to provide a sustainable development in accordance with Policy T1 of Selby District Local Plan.

23. Development shall not commence until a scheme, detailing the treatment of all surface water flows from parking areas and hardstandings through an oil interceptor, reedbed or alternative treatment system, has been submitted to and approved in writing by the Local Planning Authority. Use of the parking areas/hardstandings shall not commence until the works comprising the approved treatment scheme have been completed. Roof water shall not pass through the treatment scheme. Treatment shall take place prior to discharge from the treatment scheme. The treatment scheme shall be retained, maintained to ensure efficient working and used throughout the lifetime of the development.

Reason:

To prevent pollution of the water environment in accordance with Policy SP15 of Selby Core Strategy.

24. The development permitted by this planning permission shall only be carried out in accordance with the approved Construction Environmental Management Plan dated April 2016.

Reason:

To protect the amenity of the adjoining and nearby properties in accordance with Policy ENV1 of the Selby District Local Plan.

25. Development shall not commence until a scheme, detailing the treatment of all surface water flows from parking areas and hardstandings through an oil interceptor, reedbed or alternative treatment system, has been submitted to and approved in writing by the Local Planning Authority. Use of the parking areas/hardstandings shall not commence until the works comprising the approved treatment scheme have been completed. Roof water shall not pass through the treatment scheme. Treatment shall take place prior to discharge from the treatment scheme. The treatment scheme shall be retained, maintained to ensure efficient working and used throughout the lifetime of the development.

Reason:

To prevent pollution of the water environment in accordance with Policy SP15 of Selby Core Strategy.

26. Prior to occupation of the development hereby permitted, details of charging points for electric cars and for mobility scooters shall be submitted to and approved in writing by the Local Planning Authority, and thereafter shall be provided in accordance with the approved details and subsequently retained for that purpose.

Reason:

To encourage the use of low emission vehicles, in turn reducing CO2 emissions and energy consumption levels in accordance with Policy SP15 of Selby Core Strategy.

27. The development hereby permitted shall be carried out in accordance with recommendations, findings and mitigation measures outlined in the Extended

Phase 1 Habitat Survey dated May 2014 and the Water Vole Survey of September 2015 by Wold Ecology Ltd.

Reason:

In the interests of nature conservation and the protection of protected species and in order to comply with Policy ENV1 (5) of the Local Plan and Policy SP18 of the Selby District Core Strategy Local Plan (2013).

28. 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 T1 of Selby District Local Plan and in the interests of highway safety.

29. 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 accordance with Policy T1 of Selby District Local Plan and in the interests of both vehicle and pedestrian safety and the visual amenity of the area

30. 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 in connection with the construction of the access road or building(s) or other works until:

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

(ii) An independent Stage 2 Safety Audit has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations.

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

The required highway improvements shall include:

a. Provision of roundabout at the junction with Oakney Wood Road.

b. Provision of Pedestrian Island and footway to access the bus stop on the western side of Bawtry Road.

c. Relocation of bus stop on the western side of Bawtry Road to include appropriate infrastructure.

Reason:

In accordance with Policy T1 of Selby District Local Plan and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

31. 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 30.
- a. Provision of roundabout at the junction with Oakney Wood Road.
 - b. Provision of Pedestrian Island and footway to access the bus stop on the western side of Bawtry Road.
 - c. Relocation of bus stop on the western side of Bawtry Road to include appropriate infrastructure.

Reason:

In accordance with T1 of Selby District Local Plan and in the interests of the safety and convenience of highway users.

32. 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 in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority:
- (i) vehicular and cycle parking
 - (ii) vehicular turning arrangements
 - (iii) manoeuvring arrangements
 - (iv) loading and unloading arrangements.

Reason:

In accordance with Policy T1 of Selby District Local Plan and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

33. 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:
- 1) Details of the routes to be used by HCV construction traffic.
 - 2) Traffic Management Plan
 - 3) Management and control of HCV construction traffic
 - 4) Measures to prevent mud/dirt being deposited on the highway.
 - 5) Parking / Storage areas

Reason:

In accordance with Policy T1 of 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.

34. 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 Bawtry Road has been carried out in a manner approved in writing by the Local Planning Authority.

Reason:

In accordance with Policy T1 of Selby District Local Plan and in the interests of highway safety and the general amenity of the area.

35. Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority.

Reason:

In accordance with Policy T1 of Selby District Local Plan and to establish measures to encourage more sustainable non-car modes of transport.

36. Prior to the occupation of the pub/restaurant hereby permitted, the public footpath link to the Staynor Hall residential area shown on drawing number 8238-90-06 REV B shall be constructed and available for use.

Reason:

To ensure the provision of the pedestrian link in the interests of sustainability, in accordance with Policy T1 of Selby District 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 2015/1217/FUL and associated documents.

Contact Officer: Mr Keith Thompson (Senior Planning Officer)

Appendices: None

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.



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