



Meeting: **PLANNING COMMITTEE**
Date: **WEDNESDAY, 28 APRIL 2021**
Time: **2.00 PM**
Venue: **MICROSOFT TEAMS - REMOTE**
[\(Click here\)](#)
To: **Councillors J Cattanach (Chair), J Mackman (Vice-Chair),
M Topping, K Ellis, I Chilvers, R Packham, P Welch,
D Mackay and S Shaw-Wright**

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. Minutes (Pages 1 - 10)**

To confirm as a correct record the minutes of the Planning Committee meeting held on 7 April 2021.

5. **Planning Applications Received (Pages 15 - 16)**
 - 5.1. **2020/0776/FULM - Selby District Council - Old Civic Centre, Portholme Road, Selby (Pages 17 - 60)**
 - 5.2. **2020/1126/COU - Hillam Lane, Hillam, Leeds (Pages 61 - 88)**
 - 5.3. **2019/1027/EIA - Brownfield Site, Olympia Park, Barlby Road, Barlby (Pages 89 - 138)**
 - 5.4. **2021/0076/CPO - Drax Power Station, New Road, Drax (Pages 139 - 150)**

Janet Waggott

Janet Waggott, Chief Executive

Dates of next meeting (2.00pm) Wednesday, 12 May 2021

Enquiries relating to this agenda, please contact Victoria Foreman on 01757 292046 or vforeman@selby.gov.uk.

Live Streaming

This meeting will be streamed live online. To watch the meeting when it takes place, [click here](#).

Recording at Council Meetings

Selby District Council advocates openness and transparency as part of its democratic process. Anyone wishing to record (film or audio) the public parts of the meeting should inform Democratic Services of their intentions prior to the meeting by emailing democraticservices@selby.gov.uk

Minutes

Planning Committee

Venue: Microsoft Teams - Remote

Date: Wednesday, 7 April 2021

Time: 2.00 pm

Members present remotely via Teams: Councillors J Mackman (Vice-Chair), M Topping, K Ellis, I Chilvers, R Packham, P Welch, D Mackay and S Shaw-Wright

Councillor R Musgrave was also in attendance as a substitute for Councillor J Cattanach

Officers present remotely via Teams: Martin Grainger – Head of Planning, Ruth Hardingham – Planning Development Manager, Glenn Sharpe – Solicitor, Gareth Stent - Principal Planning Officer, Mandy Cooper – Senior Planning Officer, Rebecca Leggott – Senior Planning Officer, Elizabeth Maw – Senior Planning Officer, Victoria Foreman – Democratic Services Officer

74 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor J Cattanach. Councillor R Musgrave was in attendance as a substitute for Councillor Cattanach.

75 DISCLOSURES OF INTEREST

All Committee Members present, apart from Councillor R Musgrave, declared a non-pecuniary interest in agenda items 5.5 – 2020/1235/FUL – Birchwood Lodge, Market Weighton Road, Balrby and 5.6 – 2021/0107/FUL – Birchwood Lodge, Market Weighton Road, Balrby, as they had received an email representation from residents that resided near the application site on Market Weighton Road.

Councillor M Topping also declared an additional non-pecuniary interest in agenda items 5.5 – 2020/1235/FUL – Birchwood Lodge, Market Weighton Road, Balrby and 5.6 – 2021/0107/FUL – Birchwood Lodge, Market Weighton Road, Balrby, as he had been involved with the

application as Ward Councillor. Councillor Topping explained that he would be making representations in relation to items 5.5 and 5.6 as a public speaker in his capacity as Ward Councillor, and as such would be leaving the meeting during consideration thereof and would not take part in the debate, vote or decision on the items. The Solicitor confirmed that this arrangement had been discussed by him with Councillor Topping and agreed as an appropriate course of action.

Councillor I Chilvers declared a non-pecuniary interest in agenda item 5.3 – 2020/1263/FUL – The New Little Coffee Shop, 8 Brook Street, Selby as his wife Councillor J Chilvers had spoken against the application as Ward Member at the meeting of the Committee on 10 March 2021. Councillor Chilvers had left the meeting for the entirety of the application's consideration on 10 March 2021, and confirmed that he would be doing the same again.

76 CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair announced that an Officer Update Note had been circulated and that the business would be taken in the order as set out on the agenda.

It was also noted that details of any further representations received on the applications would be given by the Officers in their presentations.

Lastly, the Chair informed the meeting that, subject to the Committee's agreement at the appropriate point, Councillor R Musgrave had volunteered to step in to chair the meeting in an emergency should technical issues be encountered during the meeting.

77 MINUTES

The Committee considered the minutes of the Planning Committee meeting held on 10 March 2021.

RESOLVED:

To approve the minutes of the Planning Committee meeting held on 10 March 2021 for signing by the Chairman.

78 PLANNING APPLICATIONS RECEIVED

The Planning Committee considered the following planning applications:

78.1 2020/0061/FUL - LAND ADJACENT TO ST PAUL'S CHURCH, MAIN STREET, COLTON

Application: 2020/0061/FUL

Location: Land adjacent to St Paul's Church, Main Street, Colton

Proposal: Proposed erection of new Dwellinghouse with carport/stores outbuilding and associated landscaping including

new access to highway (amended plans)

The Senior Planning Officer presented the application which had been brought before Planning Committee as the previous application, which was recommended for refusal, was overturned by members at Planning Committee. The current proposal was a very similar scheme. A new site notice had been posted, which expired on 5 April 2021 as the proposal would directly impact on an existing Public Right of Way. Officers would update Committee of any comments arising from this notice. However, Officers were of the view that the scheme was still unacceptable and should be refused in any instance on other grounds.

Members noted that the application was for the proposed erection of new dwellinghouse with carport/stores outbuilding and associated landscaping including new access to highway (amended plans).

The Officer Update Note clarified that the reference to SP4a) had been included in error, as this was overridden by Green Belt policy SP3.

The Committee asked questions around concerns from the parish council or adjacent residents, the proposed design and materials to be used including the use of cladding versus render, the arrangement of windows, orientation of the building compared to the linear nature of the village, access to the Public Right of Way that was included in the application site and which was under the applicant's ownership, matters relating to fencing and the retention of hedgerows on the site and the potential effect of the proposal on nearby trees.

It was proposed that a site visit should be undertaken; this proposal fell as there was no seconder.

Members debated the application and expressed their concerns regarding the application, in particular the cramped nature of the site and the gable-ended design which was not in keeping with the rest of the village. The removal of the boundary hedgerow was also problematic for some Members.

In accordance with the Officer's report it was proposed and seconded to REFUSE the application; a vote was taken on the proposal and was carried.

RESOLVED:

The Committee REFUSED the application for the reason set out in paragraph 7.1 of the report.

78.2 2020/0467/FUL - THE HAVEN, WHITE STREET, SELBY

Application: 2020/0467/FUL

Location: The Haven, White Street, Selby

Proposal: Demolition of existing bungalow and construction of 5no. two-bedroomed and 2no. one-bedroom dwelling for retirement housing for the elderly, one unit will be a dwelling for a warden

The Senior Planning Officer presented the application which had been brought before Planning Committee at the request of Councillor Jennifer Shaw-Wright on the basis of loss of residential amenity due to potential noise disturbance; overdevelopment in a residential area that is detrimental to the street scene and impact on highways.

Members noted that the application was for the demolition of existing bungalow and construction of 5no. two-bedroomed and 2no. one-bedroom dwelling for retirement housing for the elderly, one unit will be a dwelling for a warden.

The Officer Update Note included the correction of an error at paragraph 5.25 relating to car parking spaces, and amended/additional conditions 3, 16, 17, 18 and 19.

The Committee asked questions relating to tree surveys and the protection of trees near the site, how Officers would ensure that the dwellings were sold to older/retired people and if there was sufficient space for car turning on site on refuse collection days.

Members debated the application and expressed their concerns regarding the protection of trees adjacent to the site but felt that the current controls as set out in the report should be sufficient if adhered to. Officers acknowledged some Members' concerns regarding turning circle space but explained that Highways were content with the tracking plans that had been submitted to them as part of the application.

It was proposed and seconded to GRANT the application; a vote was taken on the proposal and was carried.

RESOLVED:

To GRANT the application subject to the conditions set out at paragraph 7 of the report and the Officer Update Note.

78.3 2020/1263/FUL - THE NEW LITTLE COFFEE SHOP, 8 BROOK STREET, SELBY

Councillor I Chilvers left the meeting at this point.

Application: 2020/1263/FUL

Location: The New Little Coffee Shop, 8 Brook Street, Selby

Proposal: Continued use of ground and first floor cafe (being a variation to the opening hours)

The Principal Planning Officer presented the application which had been brought before Planning Committee as it had been deferred from the meeting of the Committee on 10 due to further considerations of noise and ventilation matters being necessary, particularly the outstanding response from the Environmental Health Officer. It was originally presented to Members at the request of Councillor J Chilvers, who had submitted the request in line with the respective call-in period and objected to the proposal.

Members noted that the application was for the continued use of ground and first floor cafe (being a variation to the opening hours).

The Officer Update Note included additional information about the extraction system, a revised response from the Environmental Health Officer and minor report corrections.

The Committee asked questions relating to the loudness of the speaker that had been proposed for use by the applicants, and how they would prevent patrons from turning it up. Officers accepted that the level of music could be hard to condition and control, particularly as background noise levels were unknown as no noise assessment had been undertaken as part of the application.

Aimi Brookes, objector, was invited remotely into the meeting and spoke in against the application.

Mr Tim Baldwin, applicant, did not join the meeting remotely; as a result the Democratic Services Officer read out the representation submitted by the applicant in full to the meeting.

Members debated the application and agreed that some smart speakers could be too noisy, and that should permission be granted it would be imperative that the noise was properly monitored as there was the potential for harm and nuisance to neighbouring properties. It was agreed that the application constituted a considerable change to the way in which the café operated in a residential area, and that monitoring and enforcement could be difficult.

It was proposed and seconded to GRANT the application; a vote was taken on the proposal and was lost.

It was proposed and seconded to REFUSE the application for the following reasons; that the proposal would be of detriment to residential amenity and was in conflict with policy ENV1 of the

Selby District Local Plan, policy SP14 of the Selby District Core Strategy and the relevant policy in the NPPF, and would also have a detrimental effect on the Conservation Area. A vote was taken on the proposal and was carried.

RESOLVED:

To REFUSE the application for the following reasons:

- 01. The proposed extension of opening hours into late evenings and Sundays, combined with the changing nature of the business, will lead to increased noise and disturbance from the premises. This is not considered to be a sustainable form of development and would have a detrimental impact on the residential amenity and the quality of life of the immediate residential occupiers. The proposal is therefore contrary to the saved Selby District Local Plan Policies ENV 1 (1) and ENV 2 (A) of the Selby District Local Plan 2005, and advice contained within Section 2 and Section 15 of the NPPF.**

- 02. The proposed extension of opening hours into late evenings and Sundays fails to preserve or enhance the character or appearance of the Selby Town Centre Conservation Area. The proposal is therefore contrary to saved Selby District Local Plan Policies ENV1 (1) and ENV25, Policies SP18 and SP19 of the Core Strategy and Section 16 of the NPPF.**

78.4 2020/1265/FUL - LAND ADJACENT TO 27 LOW STREET, SHERBURN IN ELMET

Councillor I Chilvers re-joined the meeting at this point.

Application: 2020/1265/FUL

Location: Land adjacent to 27 Low Street, Sherburn in Elmet

Proposal: Proposed residential development comprising 5 new build houses, with 11 parking spaces, and associated amenity

The Senior Planning Officer presented the application which had been brought before Planning Committee as 11 letters of representation had been received which raised material planning considerations, and Officers would otherwise determine the application contrary to these representations. The application had been deferred at the meeting of the Committee held on 10 March

2021 to allow Officers time to consider an amended plan and consult with the North Yorkshire County Council Highways Team. Officers reported to Members that the amended plan was considered acceptable, and Highways had raised no objections. The application had therefore been brought back to the Planning Committee for determination.

Members noted that the application was for a proposed residential development comprising 5 new build houses, with 11 parking spaces, and associated amenity.

The Committee asked a question relating to proposed hours of construction due to the proximity of the development to other properties. Officers advised Members that construction hours were yet to be agreed but advice would be taken on them from Environmental Health.

Beth Haywood, objector, did not join the meeting remotely; as a result the Democratic Services Officer read out the representation submitted by the objector in full to the meeting.

Members debated the application and agreed that issues with the site in the past had been vehicular access, which the Committee were pleased to see had been overcome. Members were content that the scheme before them was a reasonable solution for the site.

It was proposed and seconded that the application be MINDED FOR APPROVAL; a vote was taken on the proposal and was carried.

RESOLVED:

The Committee were MINDED TO APPROVE the application, subject to a S106 Agreement on Recreational Open Space and Waste/Recycling Contributions, and the conditions set out in paragraph 7 of the report.

78.5 2020/1325/FUL - BIRCHWOOD LODGE, MARKET WEIGHTON ROAD, BARLBY

Councillor M Topping left the meeting at this point and did not return in his capacity as Committee Member.

Application: 2020/1325/FUL

Location: Birchwood Lodge, Market Weighton Road, Barlby

Proposal: Erection of a new hangar

The Senior Planning Officer presented the application which had been brought before Planning Committee as it had been called in by the Ward Member Councillor K Arthur, due to concerns over the

adverse impact on the residential amenity of neighbouring occupiers through visual and noise impacts.

Members noted that the application was for the erection of a new hangar.

The Officer Update Note gave details of an additional letter of representation that had been received, that the Internal Drainage Board (IDB) had provided updated comments raising no objections, subject to a condition relating to the submission and agreement of surface water drainage works. Members noted that such a condition was already included within the report at Condition 6. Furthermore Condition 2, which related to the plans and drawings, would be updated to incorporate and condition the plan.

The Committee praised the clearly marked maps that had been provided with the application and asked if Officers knew which aircraft would be stored in the proposed hangar, as this would give an indication of the size of hangar required. Officers were not able to advise on this matter.

Councillor M Topping, Ward Member, was invited remotely into the meeting and spoke in against the application.

Councillor K Arthur, objector, was invited remotely into the meeting and spoke against the application.

Mr Jonathan Forman, agent, was invited remotely into the meeting and spoke in support of the application.

The Head of Planning informed Members that in relation to reported enforcement matters on the site, these had been investigated and legal advice sought, Members noted that any actions by Officers had been appropriate and timely.

It was proposed and seconded that the application be APPROVED. A vote was taken on the proposal and was carried.

RESOLVED:

To APPROVE the application subject to the conditions set out at paragraph 7 of the report and the Officer Update Note.

78.6 2021/0107/FUL - BIRCHWOOD LODGE, MARKET WEIGHTON ROAD, BARLBY

Application: 2021/0107/FUL

Location: Birchwood Lodge, Market Weighton Road, Barlby

Proposal: Erection of new workshop to replace temporary workshop

The Senior Planning Officer presented the application which had been brought before Planning Committee as it had been called in by Ward Member Councillor K Arthur due to concerns over the adverse impact on the residential amenity of neighbouring occupiers, through visual and noise impacts.

Members noted that the application was for erection of a new workshop to replace a temporary workshop.

Councillor K Arthur, objector, was invited remotely into the meeting and spoke against the application.

Mr Jonathan Forman, agent, was invited remotely into the meeting and spoke in support of the application.

Councillor M Topping, Ward Member, did not join the meeting remotely; as a result the Democratic Services Officer read out the representation submitted by Councillor Topping in full to the meeting.

The Committee debated the application and some Members felt that the concerns of the local residents were not being properly considered, and that existing conditions were not being adhered to. The Head of Planning again confirmed to Members that any enforcement issues had been properly investigated, legal advice had been sought and the appropriate action had been taken.

It was proposed and seconded that the application be REFUSED. A vote was taken on the proposal and was lost.

It was proposed and seconded that the application be APPROVED. A vote was taken on the proposal and was carried.

RESOLVED:

To APPROVE the application subject to the conditions set out at paragraph 7 of the report.

The meeting closed at 4.50 pm.

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Planning Committee – Remote Meetings

Guidance on the conduct of business for planning applications and other planning proposals

1. The reports are taken in the order of business on the agenda, unless varied by the Chairman. The Chairman may amend the order of business to take applications with people registered to speak, first, so that they are not waiting. If the order of business is going to be amended, the Chairman will announce this at the beginning of the meeting.
2. There is usually an officer update note which updates the Committee on any developments relating to an application on the agenda between the publication of the agenda and the committee meeting. Copies of this update will be published on the Council's website alongside the agenda.
3. You can contact the Planning Committee members directly. All contact details of the committee members are available on the relevant pages of the Council's website:

<https://democracy.selby.gov.uk/mgCommitteeMailingList.aspx?ID=135>

4. Each application will begin with the respective Planning Officer presenting the report including details about the location of the application, outlining the officer recommendations, giving an update on any additional representations that have been received and answering any queries raised by members of the committee on the content of the report.
5. The next part is the remote public speaking process at the committee. The following may address the committee for **not more than 5 minutes each, remotely**:
 - (a) The objector
 - (b) A representative of the relevant parish council
 - (c) A ward member
 - (d) The applicant, agent or their representative.

NOTE: Persons wishing to speak remotely on an application to be considered by the Planning Committee should have registered to speak with Democratic Service (contact details below) **by no later than 3pm on the Monday before the Committee meeting (this will be amended to the Tuesday if the deadline falls on a bank holiday). They must also submit a copy of what they will be saying by the same deadline.** This is so that if there are technical issues and speakers can't access the meeting, their representation can be read out on their behalf (for the allotted five minutes).

6. Persons wishing to speak will be able to access the meeting by joining the link to the Microsoft Teams meeting which will be supplied to them by Democratic Services. They will be admitted to a lobby where they will wait until they are

brought into the actual meeting when it is time to speak. Whilst waiting they can continue to watch the live stream of the meeting as it takes place via YouTube.

7. Once they have been admitted to the meeting, they will be given the five minutes in which to make their representations, timed by Democratic Services. Once they have spoken, they will be asked to leave the meeting/will be removed from the meeting. The opportunity to speak is not an opportunity to take part in the debate of the committee.
8. If there are technical issues and speakers are unable to access the meeting, their representation will be read out on their behalf for the allotted five minutes.
9. Each speaker should restrict their comments to the relevant planning aspects of the proposal and should avoid repeating what has already been stated in the report. The meeting is not a hearing where all participants present evidence to be examined by other participants.
10. The members of the committee will then debate the application, consider the recommendations and then make a decision on the application.
11. The role of members of the planning committee is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons in accordance with the statutory planning framework and the Council's planning code of conduct.
12. For the committee to make a decision, the members of the committee must propose and second a proposal (e.g. approve, refuse etc.) with valid planning reasons and this will then be voted upon by the Committee. Sometimes the Committee may vote on two proposals if they have both been proposed and seconded (e.g. one to approve and one to refuse). The Chairman will ensure voting takes place on one proposal at a time.
13. This is a council committee meeting which is viewable online as a remote meeting to the public.
14. Selby District Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform Democratic Services of their intentions prior to the meeting on democraticservices@selby.gov.uk
15. The arrangements at the meeting may be varied at the discretion of the Chairman.
16. Written representations on planning applications can also be made in advance of the meeting and submitted to planningcomments@selby.gov.uk. All such representations will be made available for public inspection on the Council's Planning Public Access System and/or be reported in summary to the Planning Committee prior to a decision being made.
17. The Remote Meetings Regulations provide flexibility in light of the Covid-19 pandemic, and allow meetings to be moved, called or cancelled without

further notice. For this reason, the public are encouraged to check the Council's website in case changes have had to be made at short notice. If in doubt, please contact either the Planning Department on planningcomments@selby.gov.uk or Democratic Services on democraticservices@selby.gov.uk for clarification.

18. A provisional Calendar of Meetings is operating, with Planning Committees usually sitting on a Wednesday every 4 weeks. However, this may change depending upon the volume of business as we emerge from lockdown. Please check the meetings calendar using this link for the most up to date meeting details:

<https://democracy.selby.gov.uk/mgCalendarMonthView.aspx?GL=1&bcr=1>

19. To view the meeting online, find the relevant meeting from the list of forthcoming Remote Planning Committee meetings. The list of forthcoming meetings is here:

<https://democracy.selby.gov.uk/ieListMeetings.aspx?CommitteeId=135>

Find the meeting date you want and click on it. This will take you to the specific meeting page. Under the section on the page called 'Media' is the link to view the online meeting – click on this link.

20. Please note that the Meetings are streamed live to meet with the legal requirement to be “public” but are not being recorded as a matter of course for future viewing. In the event a meeting is being recorded the Chair will inform viewers.

21. These procedures are being regularly reviewed as we start to operate in this way.

Contact: Democratic Services

Email: democraticservices@selby.gov.uk

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Agenda Item 5

Items for Planning Committee

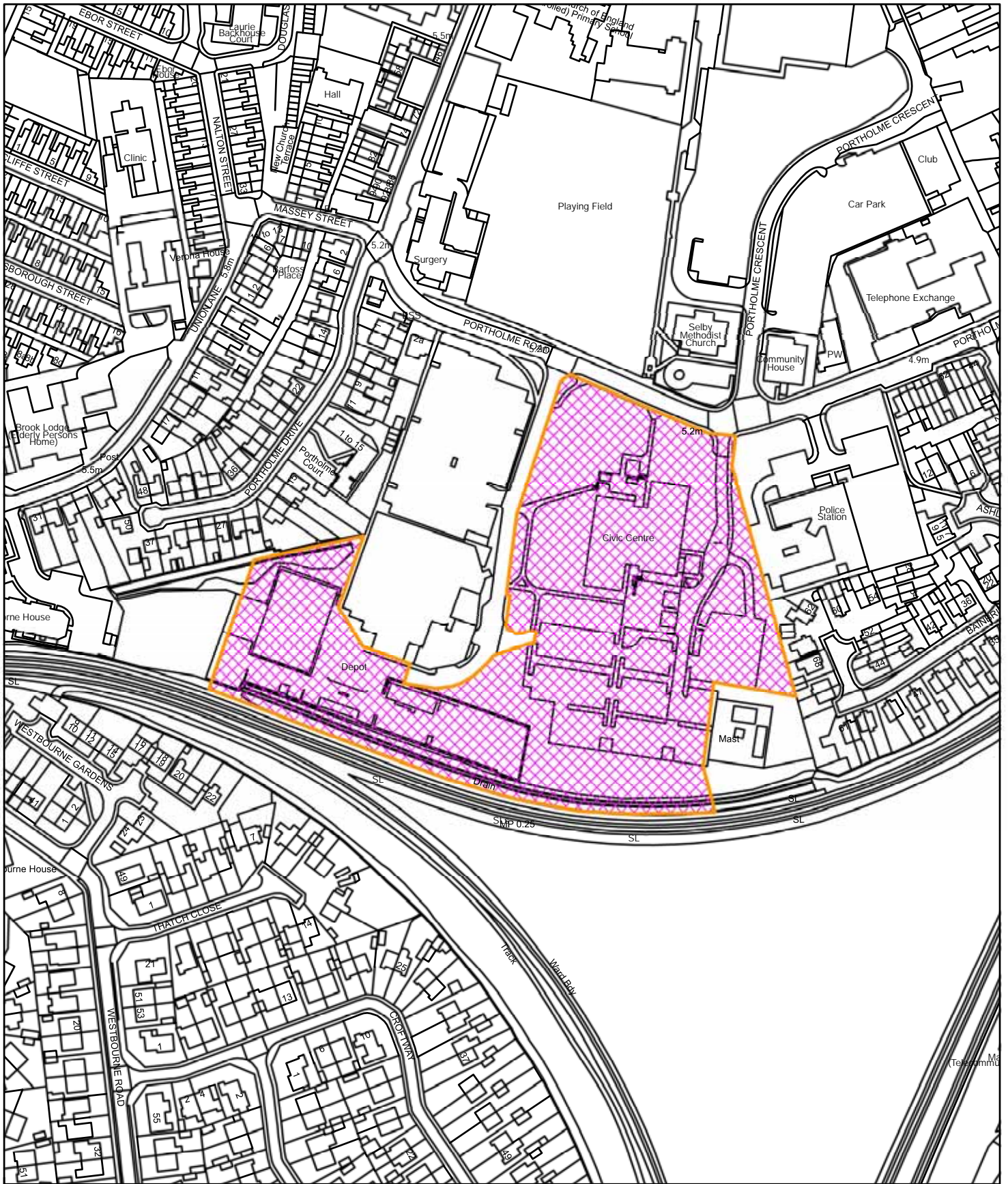
28 April 2021

Item No.	Ref	Site Address	Description	Officer	Pages
5.1	2020/0776/FULM	Selby District Council - Old Civic Centre, Portholme Road, Selby	Redevelopment of the Site to provide 102 residential units (Use Class C3), along with associated parking provision, construction of the vehicular access onto Portholme Road and laying out of open space	RELE	17 - 60
5.2	2020/1126/COU	Hillam Lane, Hillam Lane, Leeds	Change of use of land to use as a residential caravan site for 6 gypsy/traveller families, each with two caravans and an ancillary amenity building, together with the laying of hardstanding and construction of new access	DIHO	61 - 88
5.3	2019/1027/EIA	Brownfield Site, Olympia Park, Barlby Road Barlby	Proposed site preparation and construction of an access road to facilitate the wider Olympia Park development site with associated development and infrastructure including: modification of existing junctions; ground re-profiling and creation of an earth embankment; temporary site compound; drainage infrastructure including temporary and permanent drainage ditches, new culverts and discharge to watercourse; new landscaping and an ecological enhancement zone; creation of new junctions, pedestrian and cycle routes; a new gatehouse to the existing Potter Group Logistics site; and other associated infrastructure	GAST	89 - 138
5.4	2021/0076/CPO	Drax Power Station, New Road Drax	Drax Bioenergy with Carbon Capture and Storage Project (BECCS) – Nationally Significant Infrastructure Project	JETY	139 - 150

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Agenda Item 5.1

Site of former Civic Centre, Portholme Road, Selby
2020/0776/FULM



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Rev	Description	Date	Revised By	Checked By
P1	Draft Issue	18/03/20	NF	MB
P2	Draft Issue	19/03/20	NF	MB
P3	Draft Issue	23/03/20	NF	MB
P4	Draft Issue	25/03/20	NF	MB
P5	Draft Issue	27/03/20	NF	MB
P6	Draft Issue	31/03/20	NF	MB
P7	Draft Issue	01/04/20	NF	MB
P8	For Information	03/04/20	NF	MB
P9	For Information	24/04/20	NF	MB
P10	For Information	27/04/20	NF	MB
P11	For Information	30/04/20	NF	MB
P12	For Information	03/07/20	NF	MB
P13	For Information	02/06/20	NF	MB
P14	For Information	09/06/20	NF	MB
P15	For Information	26/06/20	NF	MB
P16	For Information	03/07/20	NF	MB
P17	For Information	06/07/20	NF	MB
P18	For Information	09/07/20	NF	MB
P19	Planning	10/07/20	NF	MB
P20	Amended to NYCC comments	28/09/20	NF	MB
P21	Amended to NYCC comments	29/09/20	NF	MB
P22	Amended to NYCC Comments	17/11/20	NF	MB
P23	Amended to NYCC Comments	18/11/21	NF	MB
P24	Amended to NYCC Comments	12/02/21	NF	MB
P25	Amended to NYCC Comments	25/03/21	NF	MB

**AMENDED
DRAWING**



Page 19



Project
 Portholme Road, Selby

Drawing
 Proposed Site Plan

Scale @ A1
 1 : 500

Date
 18/03/20

Drawn By
 NF

Checked By
 MB

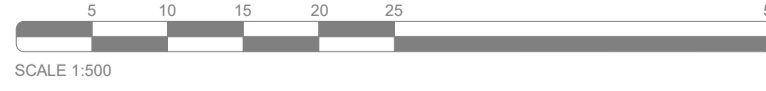
Job No.
 0008

Status
 S4

Rev
 P25

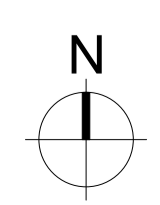
Drawing No.
 0008-LGMH-ZZ-XX-DR-A-3050

- Legend**
- Green Service Strip Boundary
 - Refuse Collection
 - Proposed Trees (Indicative sizes)
 - Hard Margin
 - Private Hard Surface
 - Soft Landscaping



Mix

1b apartment	3	Allocated Spaces	162
2b apartment	13	Unallocated Spaces	19
2b house	49	Total Parking	182
3b house	37		
Total Units	102		



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Report Reference Number: 2020/0776/FULM

To: Planning Committee
Date: 28 April 2021
Author: Rebecca Leggott (Senior Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2020/0776/FULM	PARISH:	Selby Town Council
APPLICANT:	Legal & General Modular Homes	VALID DATE:	22 nd July 2020
		EXPIRY DATE:	30 th April 2021
PROPOSAL:	Redevelopment of the Site to provide 102 residential units (Use Class C3), along with associated parking provision, construction of the vehicular access onto Portholme Road and laying out of open space		
LOCATION:	Selby District Council - Old Civic Centre Portholme Road Selby		
RECOMMENDATION:	APPROVE SUBJECT TO COMPLETION OF A S106		

This application has been brought before Planning Committee as directed by the Head of Planning due to the history of Selby District Council as a landowner for part of the site.

1. INTRODUCTION AND BACKGROUND

- 1.1. The application site is located within the defined development limits of Selby, which is a Principal Town as defined within the Core Strategy. The application site is located within an urban setting on brownfield land with Selby town centre to the north, residential dwellings to the east, the railway to the south and residential dwellings to the west. Further to this, the application site is located within Flood Zone 2, as confirmed by the Environment Agency.
- 1.2. The application site previously contained the former Civic Centre building, with a large area of car parking located to the south. The former Selby District Council Depot building was also located to the rear of the Tesco superstore, in the south west corner of the site. To the east of the site, is a former North Yorkshire Police building, which is now vacant. Residential development is located to the east and west, with the site boarded by the railway line to the south.

- 1.3. It is noted that the site is currently under construction in line with permission reference, 2019/0941/FULM, for 154 residential units.
- 1.4. There are no statutory national or local landscape or wildlife designations covering the application site. Though it is noted that the application site would be within proximity to the Selby Town Conservation Area and the Selby Town Archaeological Consultation Zone. In addition, the application site is located within the setting of the Grade I Listed Building, Church of St Mary and St Germain (Selby Abbey).
- 1.5. In landscape character terms the surrounding area is of an urban context. Though it is noted that there are a number of trees on site and a wet woodland to the South.

The Proposal

- 1.6. The development for which permission is being sought is a residential development of 102 residential units, along with associated parking provision, construction of the vehicular access onto Portholme Road and laying out of open space.

Relevant Planning History

- 1.7. The following historical applications are relevant to the determination of this application.
 - 2021/0380/DOC, Discharge of Conditions 04 (landscaping details), 21 (landscaping scheme) and 24 (landscape management plan) of approval 2019/0941/FULM Proposed redevelopment of site to provide 154 residential units (Use Class C3), construction of new vehicular access onto Portholme Road and laying out of open space, at Selby District Council, Civic Centre, Portholme Road, Selby, YO8 4BS, Decision: Pending Consideration
 - 2021/0114/DOC, Discharge of conditions 06 (emission mitigation) & 31 (lighting) of approval 2019/0941/FULM Proposed redevelopment of site to provide 154 residential units (Use Class C3), construction of new vehicular access onto Portholme Road and laying out of open space, at Selby District Council, Civic Centre, Portholme Road, Selby, YO8 4BS, Decision: Permitted, Decision Date: 08-April-21
 - 2020/0858/DOC, Discharge of conditions 07 (noise), 29 (fencing), 32 (waste & recycling) & 44 (EV Charging) of approval 2019/0941/FULM Proposed redevelopment of site to provide 154 residential units (Use Class C3), construction of new vehicular access onto Portholme Road and laying out of open space at Selby District Council, Civic Centre, Portholme Road, Selby, YO8 4BS, Decision: Permitted, Decision Date: 08-March-21
 - 2020/1064/DOC, Discharge of condition 39 (highway improvement works) of approval 2019/0941/FULM Proposed redevelopment of site to provide 154 residential units (Use Class C3), construction of new vehicular access onto Portholme Road and laying out of open space, at Selby District Council, Civic Centre, Portholme Road, Selby, YO8 4BS, Decision: Permitted, Decision Date: 29-January-21
 - 2020/0775/DOC, Discharge of conditions 09 (Construction Environmental Management Plan), 23 (Tree Protection Plan), 28 (Broadband) & 43

- (Construction Management Plan) of approval 2019/0941/FULM Proposed redevelopment of site to provide 154 residential units (Use Class C3), construction of new vehicular access onto Portholme Road and laying out of open space at Selby District Council, Civic Centre, Portholme Road, Selby, YO8 4BS, Decision: Permitted, Decision Date: 20-November-20
- 2020/0770/DOC, Discharge of conditions 11 (Remediation Strategy), 18 (SUDs maintenance scheme), 19 (Drainage design) and 33 (Full engineering pack) of approval 2019/0941/FULM Proposed redevelopment of site to provide 154 residential units (Use Class C3), construction of new vehicular access onto Portholme Road and laying out of open space at Selby District Council, Civic Centre, Portholme Road, Selby, YO8 4BS, Decision: Permitted, Decision Date: 20-November-20
 - 2020/0957/DOC, Discharge of condition 05 (materials) of approval 2019/0941/FULM Proposed redevelopment of site to provide 154 residential units (Use Class C3), construction of new vehicular access onto Portholme Road and laying out of open space, Decision: Permitted, Decision Date: 12-November-20
 - 2019/0941/FULM, Proposed redevelopment of site to provide 154 residential units (Use Class C3), construction of new vehicular access onto Portholme Road and laying out of open space. at Selby District Council, Civic Centre, Portholme Road, Selby, YO8 4BS, Decision: Permitted, Decision Date: 16-July-20
 - 2019/1100/DEM, Prior notification for proposed demolition of old Civic Centre, depot and associated outbuildings, at Selby District Council, Civic Centre, Portholme Road, Selby, YO8 4BS, Decision: Permitted, Decision Date: 15-NOV-19
 - 2019/0838/SCN, EIA Screening opinion request for demolition of two buildings and construction of a residential development of up to 165 modular homes, at Selby District Council, Civic Centre, Portholme Road, Selby, YO8 4BS, Decision: PER, Decision Date: 08-NOV-19
 - 2018/1126/FUL, Retrospective planning permission for 2 portacabins on the site next to Tesco Selby Superstore at, Tesco Supermarket, Portholme Road, Selby, YO8 4QQ, Decision: Permitted, Decision Date: 11-JUN-19
 - 2013/0291/FUL, Extension of time application of approval 2009/0724/FUL for the erection of replacement store with associated car parking, landscaping and ancillary works following demolition of council depot and existing store at, Tesco Supermarket, Portholme Road, Selby, YO8 4QQ, Decision: Permitted, Decision Date: 19-DEC-13
 - 2012/0276/DPC, Discharge of condition 12 (tanks and pipe works) of approval 2011/0243/FUL (8/19/107BD/PA) for a replacement store with petrol filling station and associated works including demolition works at, Tesco Supermarket, Portholme Road, Selby, YO8 4QQ, Decision: COND, Decision Date: 18-MAY-12

- 2012/0604/COU, Change of use of former Civic Centre car park to public pay and display car park at, Selby District Council - Old Civic Centre, Portholme Road, Selby, YO8 4SB, Decision: Permitted, Decision Date: 23-AUG-12
- 2011/0243/FUL, Planning permission for replacement store with associated petrol filling station, access works, landscaping, car parking and servicing including demolition of existing store, Civic Centre and council depot at, Tesco Supermarket, Portholme Road, Selby, YO8 4QQ, Decision: Permitted, Decision Date: 04-OCT-11
- 2007/1223/FUL, Renewal of previous approval 8/19/107AS/PA, for provision of temporary offices, toilets and staff mess room at Selby District Council Stores, Portholme Road, Selby, North Yorkshire, YO8 4QH, Decision: Permitted, Decision Date: 18-APR-08
- CO/2004/1019, Proposed renewal of previous approval 8/19/107AN/PA dated 25/07/2004 for the provision of temporary offices, toilets and staff messroom at, Selby District Council Store, Portholme Road, Selby, North Yorkshire, Decision: Permitted, Decision Date: 05-NOV-04
- CO/2001/1105, Proposed steel container to be used as a store on land at, Selby District Council Store, Portholme Road, Selby, North Yorkshire, Decision: Permitted, Decision Date: 20-FEB-02
- CO/2001/0635, Proposed renewal of planning permission 8/19/107AF/PA dated 1st October 1998 for the provision of temporary offices, toilets and staff messroom at, Selby District Council Store, Portholme Road, Selby, North Yorkshire, Decision: Permitted, Decision Date: 30-JUL-01
- CO/2000/0579, Installation of 2x300mm microwave antenna and 4xpole antenna on existing radio mast on, Radio Mast Rear of Council Offices, Portholme Road, Selby, North Yorkshire, YO8 4QH, Decision: Permitted, Decision Date: 10-AUG-00
- CO/1999/602, Retrospective application for retention of 7 lighting columns (being 2 pairs of floodlights on 10m high columns) within car park at, Civic Centre, Portholme Road, Selby, North Yorkshire, YO8 4SB, Decision: Permitted, Decision Date: 27-SEP-99
- CO/1998/0662, Proposed renewal of planning permission 8/19/107ad/pa dated 3 July 1995 for the provision of temporary offices, toilets and staff messroom at, Selby District Council Store, Portholme Road, Selby, North Yorkshire, Decision: PER, CASA Decision Date: 01-OCT-98
- CO/1995/0410, Proposed renewal of Planning Permission 8/19/107AB/PA dated 25th August 1992 for the provision of temporary office, toilets and staff messroom at, Selby District Council Store, Portholme Road, Selby, North Yorkshire, Decision: PER, Decision Date: 03-JUL-95
- CO/1992/0455, Proposed erection of temporary office, toilets and staff messroom in accordance with Minute 169 of the Policy and Finance Committee dated 9 June 1992 at, Selby District Council Store, Portholme Road, Selby, North Yorkshire, Decision: PER, Date: 25-AUG-92

- CO/1989/0576, Proposed erection of a single storey building and erection of sixteen aerials on existing tower at Civic Centre, Portholme Road, Selby, North Yorkshire, YO8 4SB, Decision: PER, Decision Date: 19-JAN-90
- CO/1989/0575, Proposed display of non- illuminated sign board at Selby District Council Stores, Portholme Road, Selby, North Yorkshire, YO8 4QH, Decision: PER, Decision Date: 06-APR-89
- CO/1987/0448, Erection of a chemical store, for the storage of Ministry of Agriculture approved herbicides and insecticides in accordance with Regulation Four at Selby District Council Store, Portholme Road, Selby, North Yorkshire, Decision: PER, Decision Date: 27-JAN-88
- CO/1987/0013, Proposed erection of Police radio mast and equipment building, to replace existing Selby District Council mast on land adjacent to, Civic Centre, Portholme Road, Selby, North Yorkshire, YO8 4SB, Decision: PER, Decision Date: 22-JUL-87
- CO/1986/0492, Proposed change of house types on Plots 25-34 and 36-48 at, Brayton Ash, Portholme Road, Selby, Decision: PER, Decision Date: 23-MAY-86
- CO/1985/0356, Erection of prefabricated building on prepared base for storage purposes at Civic Centre, Portholme Road, Selby, North Yorkshire, YO8 4SB, Decision: PER, Decision Date: 01-APR-85
- CO/1980/06122, Display of A Non-Illuminated Sign on East Elevation at New Depot Portholme Road, Selby, Decision: PER, Decision Date: 09-APR-80
- CO/1979/06113, Construction of A Temporary Access Road, Portholme Road, Selby, Decision: PER, Decision Date: 18-APR-79
- CO/1979/06111, Council Depot to Include Stores Offices Working Compound & Petrol Etc at, Portholme Road, Selby, Decision: PER, Decision Date: 07-MAR-79
- CO/1979/06112, Erection of A Temporary Building for Garaging of Council Vehicles & Storage at, Portholme Road, Selby, Decision: PER, Decision Date: 04-APR-79
- CO/1979/06114, Erection of A Temporary Site Notice Board, at New Depot Portholme Road, Selby, Decision: PER, Decision Date: 13-JUN-79
- CO/1979/06117, Temporary Staff Accommodation at, New Depot Site Portholme Road, Selby, Decision: PER, Decision Date: 10-OCT-79
- CO/1978/08134, Change of use of disused railway sidings and marshalling yard to temporary car and lorry park at Portholme Road at Street Record, Bainbridge Drive, Selby, Decision: PER, Date: 07-JUN-78
- CO/1977/06092, Erection of A 120ft Single Tubular Mast at Selby D C Headquarters Portholme Road, Selby, Decision: PER, Decision Date: 05-JAN-77

- CO/1975/06070, Erection of Headquarters Building & Associated Facilities & Caretakers House at, Portholme Road, Selby, Decision: PER, Decision Date: 30-JUL-75
- New Depot Portholme Road, Selby, Decision: PER, Decision Date: 13-JUN-79

2. CONSULTATION AND PUBLICITY

- 2.1. **HER Officer** – The Principal Archaeologist has raised no objections to the proposed development.
- 2.2. **Contaminated Land Consultant** - The Contaminated Land Consultant has raised no objections to the proposed development subject to the following conditions being attached to any permission granted: (1) Verification of Remedial Works, and (2) Reporting of Unexpected Contamination.
- 2.3. **Development Policy** - The Principal Planning Policy Officer has raised no objections to the proposed development.
- 2.4. **Environmental Health** – Following receipt of additional information, the Environmental Health Officer has raised no objections to the proposed development subject to a condition relating to details of any piling to take place on site.
- 2.5. **County Ecologist** – NYCC Ecology have raised concerns with the proposed development relating to lack of information relating to compensatory habitats, unclear landscape plans and that the proposed mitigation measures of 8.99% uplift in biodiversity would not meet the DEFRA recommended minimum 10% biodiversity net gain. Additional information has been requested relating to compensatory habitats and landscaping via a suggested condition has been advised requiring an ecological management plan be submitted for approval prior to commencement, providing further details of mitigation/ compensation/ enhancement measures and setting out how the habitats to be retained and created will be managed. The Condition should require adherence to the plan once approved.
- 2.6. **Designing Out Crime Officer** – The DOC Officer has raised no objections to the proposed development.
- 2.7. **North Yorkshire Fire & Rescue Service** - Have raised no objections to the proposed development and have stated that they will comment on the application further when the building control body submit a statutory Building Regulations consultation. However, they have commented that, it is noted that the Typical Upper Floor Plan shows bedrooms as inner rooms which would not comply with building regulations if this floor plan is used.
- 2.8. **Natural England** - Natural England have no comments to make on this application.
- 2.9. **Waste and Recycling Officer** – Following receipt of additional information, the W&R Officer has raised no objections to the proposed development. However, they have commented that, whilst the layout isn't ideal in terms of access for waste collection the vehicle tracking shows that they layout would be accessible provided there are no vehicles parked in the turning areas or out of dedicated parking bays.

Road markings or signage would help to prevent this. Furthermore, the developer would be required to pay for the waste and recycling bins.

- 2.10. **Housing Strategy/Rural Enabler** – Following negotiations and revised viability work the Housing Strategy Officer has raised no objections to proposals to provide a tenure split of 40% affordable rent and 60% Intermediate, within the 9.8% affordable provision.
- 2.11. **Yorkshire Water** – Yorkshire Water have raised no objections subject to the following conditions being attached to any permission granted: (1) No building or other obstruction including landscape features shall be located over or within 3.5 (three point five) metres either side of the centre line of the public sewer, (2) The site shall be developed with separate systems of drainage for foul and surface water on and off site, (3) Oil, petrol and grit interceptor, (4) Details of surface water drainage works. Furthermore, several informatives have been suggested relating to, altering/ diverting public sewers, surface water run-off from parking, and surface water disposal.
- 2.12. **Selby Area Internal Drainage Board** - The IDB have raised no objections to the proposed development subject to the standard conditions and informatives as follows: (1) Soakaways, (2) Mains sewers, (3) Discharge into an IDB water course, (4) no obstruction within 7 metres of an IDB water course and (5) works adjacent to a main river.
- 2.13. **Selby Town Council** – Selby Town Council have objected to the proposed development due to concerns regarding the access onto Portholme Road will lead to more congestion. Furthermore, Selby Town Council state that, consideration should be taken into account of the proposed neighbouring supermarket also feeding onto Portholme Road. There are also concerns for the lack of formal play areas with equipment.
- 2.14. **Education Directorate North Yorkshire County Council** – The Education Directorate have raised no objections to the principle of the development. However, have requested that contributions be made in respect of education in the area to the impacts on school places the proposed development will have.
- 2.15. **Network Rail** – Network Rail have raised no objections to the principle of the development. Subject to compliance with their standard requirements relating to the following:
- Drainage
 - Fail safe use of crane and plant,
 - Excavations/ Earthworks
 - Security of Mutual Boundaries
 - Armco Safety Barriers
 - Method Statements/fail safe/ possessions
 - Demolition
 - Vibro- impact Machinery
 - Scaffolding
 - Encroachment
 - Trees/ shrub/ landscaping

2.16. **Portholme Church** – Portholme Church welcomes and supports the redevelopment of this site for housing and the demolition of the Old Civic Centre. Specifically, the reduced density, affordable housing, screening in respect of noise attenuation and some increases in green space throughout the site. However, Portholme Church have raised concerns for the following:

- Increased traffic and impact on the junction of Portholme Road and Portholme Crescent.
- Highway safety in respect of visibility splay and moving the pedestrian crossing further east and the impact of subsequent queuing traffic past the Portholme Road and Portholme Crescent Junction.

Portholme Church have however suggested that other traffic calming measures could be incorporated as part of this development or by NYCC Highways separately.

2.17. **Public Rights of Way Officer** – No response has been received.

2.18. **North Yorkshire Bat Group** – No response has been received.

2.19. **Conservation Officer** – The Conservation Officer has raised no objections to the proposed development.

2.20. **The Environment Agency (Liaison Officer)** – No objections to the proposed development. Subject to compliance with the EA's Standing Advice and also the details provided in respect of site levels and the flood resilience strategy, which can be secured by way of condition.

2.21. **Yorkshire Wildlife Trust** – No response has been received.

2.22. **NYCC Flood Risk Officer** – The Local Lead Flood Risk Authority have raised no objections to the proposed development subject to a condition requiring compliance with the approved plans and drawings.

2.23. **Landscape Architect** – The Landscape Architect has raised no objections to the proposed development in principle. However, whilst the Landscape Architect notes that there have been some improvements to the original application (2019/0941/FULM) several landscape concerns remain:

- No Landscape and Visual Appraisal has been submitted
- Inconsistencies in the Arboricultural Assessment
- Landscape General Arrangement Plans lack clarity and are contrary to the principles set out within the Design and Access Statement
- Over development of the site
- Loss of mature trees and woodland
- Impact on residential amenity
- Lack of meaningful public open space

Overall, the Landscape Architect has raised no objections to the proposed development subject to a condition requiring further details relating to landscaping in order to address the above concerns.

- 2.24. **Urban Designer** – The Urban Designer has stated that on balance the scheme appears to have been improved in some important regards and appears to have retained a strong ambition for design quality. There are however aspects of the proposals which are not ideal, although it is recognised that in some instances these will represent a compromise between conflicting requirements, or in others a direct response to inflexible technical standards.

However, the Urban Designer goes on to comment that there are areas for further improvement in respect of links and connections with surrounding sites, public open space, parking, inconsistencies within the Design and Access Statement, landscaping, materials, architecture, boundaries, planning for future adaptation and change and security.

- 2.25. **North Highways** – NYCC Highways have raised no objection to the proposed development subject to the following conditions being attached to any permission granted:

- Detailed plans of road and footway layout
- Construction of adoptable roads and footways
- New access at Portholme Road
- Closing of existing access
- Visibility splays at Portholme Road
- Pedestrian visibility splays at Portholme Road
- Parking for dwellings
- Travel plan delivery
- Construction Management Plan

- 2.26. **Neighbour Summary** – All immediate neighbours were informed by letter; a site notice was erected, and an advert placed in the local press. This has resulted in no letters of representation being received.

3. SITE CONSTRAINTS

Constraints

- 3.1. The application site is located within the defined development limits of Selby, which is a Principal Town as identified within the Core Strategy. Further to this, the site is brownfield land within an urban setting.
- 3.2. There are no statutory national or local landscape or wildlife designations covering the application site. Though it is noted that the application site would be within proximity to the Selby Town Conservation Area and the Selby Town Archaeological Consultation Zone. In addition, the application site is located within the setting of the Grade I Listed, Church of St Mary and St Germain (Selby Abbey).
- 3.3. The site is located within Flood Zone 2 which has a medium probability of flooding. The sites former uses linking to the railway and the old Selby District Council Depot is likely to have given rise to some ground contamination.

4. POLICY CONSIDERATIONS

- 4.1. 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.

- 4.2. The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.
- 4.3. On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options would take place early in 2020. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4. The National Planning Policy Framework (February 2019) (NPPF) replaced the July 2018 NPPF, first published in March 2012. The NPPF does not change the status of an up to date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.
- 4.5. Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

"213..... existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, 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)."

Selby District Core Strategy Local Plan (CS)

- 4.6. The relevant Core Strategy Policies are:
 - SP1 - Presumption in Favour of Sustainable Development
 - SP2 - Spatial Development Strategy
 - SP4 – Management of Residential Development in Settlements
 - SP5 - The Scale and Distribution of Housing
 - SP8 - Housing Mix
 - SP9 - Affordable Housing
 - SP15 - Sustainable Development and Climate Change
 - SP16 - Improving Resource Efficiency
 - SP18 - Protecting and Enhancing the Environment
 - SP19 - Design Quality

Selby District Local Plan (SDLP)

- 4.7. The relevant Selby District Local Plan Policies are:
 - ENV1 - Control of Development

- ENV2 - Environmental Pollution and Contaminated Land
- ENV25 – Control of Development in Conservation Areas
- H2B – Housing Density
- T1 - Development in Relation to Highway
- T2 - Access to Roads
- RT1 - Protection of Existing Recreational Open Space
- RT2 – Open space requirements

4.8. **Other Policies/ Guidance:**

- Affordable Housing Supplementary Planning Document, 2013
- Developer Contributions Supplementary Planning Document March 200

5. **APPRAISAL**

5.1. The main issues to be considered when assessing this application are:

- Principle of Development
- Impact on the Character and Appearance of the Area
- Impact on the Surrounding Heritage Assets
- Impact on Residential Amenity
- Impact on Highway Safety
- Flood Risk, Drainage and Climate Change
- Impact on Nature Conservation and Protected Species
- Land Contamination
- Affordable Housing
- Recreational Open Space
- Education, Health Care, Waste and Recycling
- Other Matters

Principle of Development

- 5.2. The application site is located within the defined development limits of Selby, which is a Principal Town as identified in the Core Strategy and is part located within Flood Zone 1 and part located within Flood Zone 2. The application site is located within proximity to the Selby Town Conservation Area and within the setting of several listed buildings.
- 5.3. Policy SP1 of the Selby District Core Strategy Local Plan (2013) outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 11 of the NPPF and should be afforded significant weight.
- 5.4. The application site is situated within the defined Development Limits of Selby, which as the Principal Town is the focus for new housing, employment, retail, commercial and leisure facilities. The proposal is therefore in accordance with Policy SP2A (a) of the Core Strategy.
- 5.5. Policy SP4(a) states that *"in order to ensure that development on non-allocated sites contributes to sustainable development and the continued evolution of viable communities, the following types of residential development will be acceptable in*

principle within Development Limits" in different settlement types, adding that in respect of Selby this includes, "Conversions, replacement dwellings, redevelopment of previously developed land and appropriate scale development on greenfield land (including garden land and conversion/ redevelopment of farmsteads)."

- 5.6. NPPF paragraph 118(c) states that decisions should, *"give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land."*
- 5.7. As the proposal involves the creation of a new residential development consisting of a mix of dwelling houses and one apartment block associated infrastructure within the defined development limits it would comply with Policy SP4 (a) and would therefore be acceptable in principle. However, proposals that are acceptable in principle are still required to meet the policy test set in criteria (c) and (d) of Policy SP4 and all other relevant local and national policy tests.
- 5.8. The impact on acknowledged interests against the above policy tests is considered in the following parts of the report, including the issue of scale.

Impact on the Character and Appearance of the Area

- 5.9. SDLP Policy ENV1 requires the effect of new development on the character of the area and the standard of design in relation to the site and its surroundings to be considered when considering proposals for new development. Similarly, CS Policy SP19 expects new development to have regard to the local character, identity and context of its surroundings. Paragraph 127 of the NPPF states that, planning decisions should ensure that development; is visually attractive as a result of layout and landscaping; sympathetic to local character, while not preventing change, and establish a sense of place.
- 5.10. The application is accompanied by a Design and Access Statement, which assesses the site context and characteristics which then inform the overall principles for the site development. Further to this, a Landscape Appraisal has been submitted, which assess the site context in respect of the urban setting and green infrastructure in and around the site.
- 5.11. It is noted that the majority of trees have been removed from the site through the implementation of planning permission reference, 2019/0941/FULM. However, it is noted that this is due to the need for site clearance in order to raise site levels to address issues with flood risk and drainage.
- 5.12. Having sought specialist advice from the Council's Landscape Architect, it is considered that the proposal would have the potential to impact on the townscape. There are concerns regarding over development of the site; loss of mature trees and woodland; impact on residential amenity; and a lack of meaningful public open space. Furthermore, the Landscape Architect has noted that the application is not accompanied by a Landscape and Visual Appraisal.
- 5.13. Following discussions, the Landscape Architect has raised no objections to the proposed development in principle subject to a condition requiring further details to be provided. These details should include:

- Indications of all existing trees and hedgerows on the land;
- Identify those to be retained and set out measures for their protection throughout the course of development;
- Details of the species, location, planting density and stock size on planting of all trees and shrub planting;
- Details of the measures for the management and maintenance of the approved landscaping;
- Details of landscaping and trees to be located within 10 metres of the network rail boundary and in accordance with their guidance;
- Updated biodiversity metric calculations;
- A scheme for the laying out as of amenity areas including, open spaces and play areas including play equipment;
- Boundary treatments;
- Hard and Soft Landscaping Arrangements;
- A scheme for the laying out of open space including play areas and that land shall not thereafter be used for any purpose other than as an amenity area.
- Long term design objectives;
- Management responsibilities; and
- Maintenance schedules for all landscape areas.

- 5.14. It is considered reasonable to attach a condition to any consent granted requesting a further scheme of landscaping to be submitted, to allow for an acceptable landscape scheme to be agreed.
- 5.15. In terms of design, having sought specialist advice from the Council's Urban Designer. The response notes that the scheme is a welcomed improvement to permission reference, 2019/0941/FULM with a positive response in respect of the site layout. However, a number of concerns have been raised in respect of links and connections; public open space; parking; inconsistencies within the Design and Access Statement; landscaping; materials; architecture; boundaries; planning for future adaptation and change; and security. It is considered that some of these comments can be addressed via conditions relating to, boundary treatments, landscaping and details of the management of open spaces. The management of open spaces can also be further secured by the Council by way of a S106 Agreement.
- 5.16. Overall, in considering the proposed scheme Officers consider that the proposals include innovative designs which promote high levels of sustainability and help raise the standard of design in and around Portholme Road and the area of Selby.
- 5.17. Officers consider that great weight should be given to proposals of such high design quality subject to the proposals fitting in with the overall form and layout of their surroundings. In addition, the proposals should aim to create high quality buildings and places which improve the character and quality of the area and the way it functions through landscape and urban design.
- 5.18. Subject to aforementioned conditions, it is concluded that the design and the effect of the proposal upon the character of the area would be acceptable and in accordance with SDLP Policy ENV1 and CS Policy SP19 and national policy contained in the NPPF.

Impact on the Surrounding Heritage Assets

- 5.19. The application site is located within proximity to the Selby Town Conservation Area. When considering proposals which affect the setting of Conservation Areas regard should be made to Policy ENV1 (1), (4) and (5) and ENV25 of the Selby District Local Plan, and Policies SP18 and SP19 of the Core Strategy.
- 5.20. Significant weight should be attached to the Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF. However, less weight should be given to Policy ENV25, as it does not accord with the approach taken within the NPPF in relation to the emphasis on significance and on weighing harm to significance against other considerations, depending on whether there is substantial harm or less than substantial harm.
- 5.21. Relevant policies within the NPPF, which relate to development within a Conservation Area, include, 189, 190, 191, 192, 193, 194 and 196. Paragraph 190 of the NPPF requires that LPA's should identify and assess the significance of any heritage asset that may be affected by a proposal, including by development affecting the setting of a heritage asset. Paragraph 192 of the NPPF advises what the LPA should take into account when determining applications and of particular note to this the LPA's should take into account in any decision the desirability of new development making a positive contribution to local character and local distinctiveness.
- 5.22. Paragraph 193 of the NPPF requires that, "*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*" Further to this Paragraph 194 of the NPPF requires that, "*Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification....*"
- 5.23. At para 196 the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposals.
- 5.24. It is noted that a Heritage Assessment has been submitted. It is noted that this assesses the proposed scheme in respect of the surrounding heritage assets such as the Selby Town Conservation area and other surrounding listed buildings including the Grade I Listed, Church of St Mary and St Germain (Selby Abbey).
- 5.25. Having sought specialist advice from the Council's Conservation Officer, in giving great weight to the surrounding heritage assets and a review of the heritage assessment, it is considered that the proposed scheme would not harm the surrounding heritage assets.
- 5.26. In considering all of the above, the proposed development is acceptable in respect of impacts on the surrounding heritage assets. Therefore, the proposed development would comply with CS19 and SDLP ENV25 and paragraphs 196 of the NPPF.

Impact on Residential Amenity

- 5.27. SDLP Policy ENV1 requires a good standard of layout and design and that the effect of new development upon the amenity of adjoining occupiers to be taken into account. Paragraph 127 of the NPPF similarly seeks to ensure that developments; are attractive and welcoming places to live as a result of layout, building types and landscaping.
- 5.28. The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighboring properties, overshadowing of neighboring properties would occur from the size, scale and massing of the development proposed.
- 5.29. Having considered the proposed site plan, proposed floor plans and elevations, the proposals are in close proximity to surrounding residential development to the east and west of the site. However, in considering any impacts of overlooking and overshadowing of neighboring properties, given the separation distances and the orientation of the properties it is not considered that there would be any significant adverse impact on overlooking or overshadowing.
- 5.30. Furthermore, the proposed dwellings provide an appropriate level of private amenity space and it is considered there are suitable boundary treatments between existing and proposed dwellings.
- 5.31. In respect of noise and air quality, it is noted that a number of documents have been submitted including an Air Quality Assessment and an initial Noise Assessment.
- 5.32. In consulting Environmental Health they have raised no objections subject to a number of conditions requiring compliance with the information provided relating to, air quality, noise and the Construction Management Plan (CEMP). In addition, electric vehicle charging points will be incorporated on site in order to mitigate any air quality issues as detailed within drawing No, 0008-LGMH-ZZ-XX-DR-A-3078-S4-P02.
- 5.33. Subject to aforementioned conditions, the proposed development is acceptable in respect of the impacts on residential amenity. Therefore, the proposed development would comply with SDLP Policy ENV1 and paragraph 127, 181 of the NPPF.

Impact on Highway Safety

- 5.34. SDLP Policy T1 requires new development to be well related to the existing highway network and Policy T2 states that development resulting in the intensification of the use of an existing access will be supported provided there would be no detriment to highway safety. The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.35. It is proposed that the existing access to the Civic Centre site will be closed and a new access created where the pelican crossing is currently located. It is noted that an emergency access is located along the western boundary of the site onto the Tesco access road.

- 5.36. It is noted that a Transport Assessment and Travel Plan have been submitted.
- 5.37. North Yorkshire County Council Highways have been consulted on the proposed development. NYCC Highways have raised no objections to the proposed development, confirming the site is acceptable in respect of the submitted Transport Assessment, Parking, Travel Plan, highway works and site layout subject to a number of conditions being attached to any permission granted:
- Detailed plans of road and footway layout
 - Construction of adoptable roads and footways
 - New access at Portholme Road
 - Closing of existing access
 - Visibility splays at Portholme Road
 - Pedestrian visibility splays at Portholme Road
 - Parking for dwellings
 - Travel plan delivery
 - Construction Management Plan
- 5.38. Furthermore, it is considered reasonable to secure highway improvement works such as the relocation of the pedestrian crossing via a S106 agreement.
- 5.39. Subject to aforementioned conditions the proposed scheme is considered to be acceptable on balance and in accordance with policies ENV1(2), T1 and T2 of the Local Plan, Policy SP19 of the Core Strategy and Paragraph 39 of the NPPF with respect to the impacts on the highway network.

Flood Risk, Drainage and Climate Change

- 5.40. SDLP Policy ENV1 requires account to be taken of the capacity of local services and infrastructure and CS Policy SP19 seeks to prevent development from contributing to or being put at risk from water pollution.
- 5.41. The Environment Agency flood map for planning shows that the majority of the site is located within Flood Zone 2, with parts within Flood Zone 1, and the site, therefore, has a medium risk of flooding from rivers. The mapping for surface water shows the proposed development is within a very low risk area for surface water flooding with only depressions within the site having a low risk.
- 5.42. Paragraph 155 of the NPPF states that *“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.”*
- 5.43. Paragraph 158 of the NPPF states that *“The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.”* For individual planning applications where there has been no sequential testing of the allocations in the development plan, or where the use of the site being proposed is not in accordance with the development plan, the area to

apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed.

- 5.44. The Council's Flood Risk Sequential Test Developer Guidance Note - October 2019 states that, when applying the sequential test, proposals on sites where previously developed land (PDL) accounts for 50% or more of their area should only be compared against other previously developed sites (50%+ of their area) within the development limits of the same settlement. This is because it is not the intention of the Council to use the sequential test to reallocate development from PDL to greenfield sites. The majority of land within the Development Limits for Selby falls within Flood Zone 2 and 3 and the application site represents the only available site for 154 dwellings. As such, the site is considered to pass the sequential test.
- 5.45. The application has been supported by a flood risk assessment which recognises the risk of flooding from river as medium and assesses the site for all other sources of flooding as low or negligible. The document goes on to recommend appropriate mitigation measures which include; finished floor levels to the properties to be raised a minimum of 300mm above the 1 in 100 year flood level; ground floors to comprise solid concrete slabs or beam and block with screed construction, and; incoming electricity supplies to be raised above ground floor level. Further to this, the document goes on to refer to a lower finished floor level of 6.3 metres (AOD). This lower finished floor level would also be subject to the measures as set out in the Floor Resistance and Resilience Strategy document submitted.
- 5.46. Following consultation with the Environment Agency, it is confirmed that the rear apartment block should be set at a finished floor level of no lower than 6.8m AOD due to ground floor sleeping accommodation and the dwellings should be set at a finished floor level of between 6.3 meters and 6.5 meters AOD as they have no ground floor sleeping accommodation. Following discussions with the applicant, agent and EA, it is considered reasonable to attach a compliance condition stating the residential units with ground floor sleeping accommodation should be set no lower than 6.8 meters AOD. Furthermore, those units with no ground floor sleeping accommodation to be set no lower than 6.3 meters AOD and to comply with the measures as set out within the flood resistance and resilience strategy submitted.
- 5.47. Foul water is proposed to be discharged to the public sewer network on the site. Furthermore, surface water is proposed to be discharged via sustainable urban drainage systems.
- 5.48. It is noted from the consultation responses that, there are a number of comments from Yorkshire Water, Network Rail and the Local Lead Flood Authority (LLFA).
- 5.49. In respect of Yorkshire Water, there are no objections subject to conditions, which are considered reasonable. Furthermore, it is noted that the proposals would involve the diversion of the water course which runs through the site. However, this would be considered by Yorkshire Water separately.
- 5.50. In respect of Network Rail information has been provided with the application which addressed any concerns relating to surface water outfall towards the railway. A number of requirements have been advised by Network Rail.
- 5.51. In respect of the LLFA the applicant has provided a package of detailed drainage information, which have been considered by the NYCC Flood Risk Officer who has confirmed that sufficient information has been provided in accordance with National

and Local Planning Policy. Therefore, the LLFA have confirmed that they are satisfied subject to a compliance condition.

- 5.52. The Internal Drainage Board however have raised no objections subject to a number of standard informatives.
- 5.53. In considering all of the above the proposals are acceptable in respect of drainage and flood risk and therefore accords with Policies SP15, SP16, SP19 of the Core Strategy, and paragraphs, 158, 159 and 160 of the NPPF.

Impact on Nature Conservation and Protected Species

- 5.54. SDLP Policy ENV1 states that proposals should not harm acknowledged nature conservation interests and CS Policy SP18 seeks to safeguard the natural environment and increasing biodiversity. These policies are consistent with NPPF paragraphs 170 and 175, which seek to protect and enhance sites of biodiversity value.
- 5.55. Paragraph 170(d) of the NPPF expresses support for, *“minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.”* However, it is also noted that paragraph 170(f) of the NPPF is relevant in respect of contaminated land. These expresses support for, *“remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”*
- 5.56. Paragraph 175(a) of the NPPF states that, *“...if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused...”*
- 5.57. Protected species include those protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017. The presence of protected species is a material planning consideration.
- 5.58. Whilst the application site is not designated for nature conservation, or in close proximity to a designated site, a Preliminary Ecological Appraisal was submitted with the application.
- 5.59. Comments have been sought from NYCC Ecology and comments have been provided in respect of net gain in terms of biodiversity. The NYCC Ecologist has raised concerns that the proposals do not provide 10% biodiversity net gain on site. Further information has also been requested including further details in relation to biodiversity net gain and details of site habitat creation. However, the Ecologist has advised that a suitably worded condition could be attached to any consent granted requiring an ecological management plan to include details of mitigation, compensation, enhancement measures and setting out how the habitats to be retained and created will be managed.
- 5.60. It is noted that the applicant proposes an 8.9% biodiversity net gain. Whilst, Officers note the Ecologist's concerns in that the site does not provide 10% net gain, this is not a mandatory requirement at present. As there is to be no net loss on site with additional landscaping to be provided, it is not considered that the proposed development would have a significant adverse impact on ecology and would not warrant refusal of the application.

- 5.61. On balance, it is considered reasonable to attach a condition controlling compliance with the plans and documents provided in respect of ecology and mitigation measures which would ensure the proposed development would be acceptable. As well as, securing 8.99% net gain of biodiversity, additional landscaping, boundary treatments, landscape maintenance and management plans.
- 5.62. Subject to aforementioned conditions, the proposed development is acceptable on balance in respect of nature conservation and protected species. Therefore, the proposed scheme is in accordance with SDLP Policy ENV1, CS SP18 and paragraphs 170 and 175 of the NPPF.

Land Contamination

- 5.63. Policy ENV2 states development which would give rise to or would be affected by unacceptable levels of noise nuisance, contamination or other environmental pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme. Paragraph 178 of the NPPF states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.
- 5.64. The application has been accompanied by a Geotechnical and Geo- Environmental Desk Study as well as site investigation reports and a remediation strategy.
- 5.65. The Council's Contaminated Land Consultant has been consulted on the application and has raised no objections to the proposed development subject to a number of standard conditions relating to, (1) Verification of Remedial Works, and (2) Reporting of Unexpected Contamination.
- 5.66. Subject to aforementioned conditions, the proposed development is acceptable in respect of contaminated land. Therefore, the proposed scheme is in accordance with SDLP Policy ENV2 and paragraphs 170(f), 178 and 180 of the NPPF.

Affordable Housing

- 5.67. Core Strategy Policy SP8 sets out the housing mix policy context for the District. Policy SP8 requires that all proposals for housing must contribute to the creation of mixed communities by ensuring that the types and sizes of dwellings provided reflect the demand and profile of households evidenced from the most recent strategic housing market assessment and robust housing needs surveys whilst having regard to the existing mix of housing in the locality.
- 5.68. Core Strategy Policy SP9 and the accompanying Affordable Housing SPD sets out the affordable housing policy context for the District. Policy SP9 outlines that, that the Council will seek to achieve up to 40% on-site affordable housing provision on all market housing sites at or above the threshold of 10 dwellings (or sites of 0.3ha or more). Commuted sums will not normally be accepted. The actual amount of affordable housing to be provided will be a matter for negotiation at the time the planning application is submitted, having regard to any abnormal costs, economic viability and other requirements associated with the development.
- 5.69. However, paragraph 63 of the NPPF states that *"To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any*

affordable housing contribution due should be reduced by a proportionate amount". The proportionate amount is defined as the gross floorspace of the existing buildings.

5.70. The national policy is a clear incentive for brownfield development on sites containing vacant buildings as is the case with the application site and is a significant material consideration when considering the provision of affordable housing and the Council must have regard to the intention of the national policy. The approach effectively applies a 'credit' to be applied against the normal affordable housing contribution calculation. Any increase in floorspace over and above that existing will be subject to the normal contribution calculation.

5.71. The majority of dwellings proposed by the application are 1 or 2 bedrooms properties (64%), with the overall development mix proposed as follows:

- 1 bed flat = 3 units (3%)
- 2 bed flat = 13 units (13%)
- 2 bed house = 49 units (48%)
- 4 bed house = 37 units (36%)

5.72. In considering whether the mix of dwelling sizes is appropriate, consideration has been given to the Council's latest Strategic Housing Market Assessment (SHMA). The modelling outputs provide an estimate of the proportion of homes of different sizes that are needed and are identified as follows:

Need to different types and sizes of homes (SHMA, 2019):

	Affordable rented	Low-cost home ownership	Market housing
1 bed	25-30%	10-15%	0-5%
2 bed	35-40%	40-45%	25-30%
3 bed	25-30%	35-40%	45-50%
4 + bed	5-10%	5-10%	20-25%

5.73. When considering the information above against individual development proposals, regard should be had to the nature of the development site and character of the area, and to up-to-date evidence of need as well as the existing mix and turnover of properties at the local level.

5.74. The latest Authorities Monitoring Report (2017/18) provides up-to-date data on the size of dwellings delivered since the beginning of the plan period and this information (below) indicates the supply of dwelling has been skewed towards larger properties (3 and 4+ bedroom dwellings).

Net Housing Completions by Bedroom Number (April 2011 – March 2018) (AMR 2017/2018):

Number of beds	% of total dwellings completed
1 bed	3%
2 bed	20%
3 bed	37%
4+ bed	40%

- 5.75. On this basis, and given the site is located close to Selby Town Centre in a highly sustainable location, it is considered that the proposed mix of dwellings is broadly acceptable and that the site is appropriate for higher density development, such as that proposed. As such the scheme is considered to provide an appropriate type of accommodation in this location and is therefore considered to be in compliance with Core Strategy Policy SP8.
- 5.76. In respect of affordable housing contributions, the applicant's viability work, concludes that the site would not be viable should the applicant provide affordable housing contributions. On this basis zero affordable housing contributions were proposed within the applicant's original submission.
- 5.77. Having sought an independent review of the viability work, this review concludes that some level of onsite affordable housing is viable. The report details that between 10.78% and 19.61% (or 11 to 20 on site units) would be viable. This then concludes that it would be reasonable to seek a contribution within the mid- point range of 15.69% affordable units. As a result of the findings within this review and negotiations the applicant confirmed that they would be agreeable to a 12% provision with a split of 50% Affordable Rent and 50% Shared Ownership.
- 5.78. Furthermore, following the determination of the previous application there has been a recent change in national legislation that has now meant that the Council can now seek further contributions which are necessary for the development to be acceptable in planning terms. The Council are now able to ask for recreational open space and education contributions. As a result, the Council reentered into negotiations with the applicant in order to seek contributions for recreational open space and education. The applicant produced further viability work which again concluded that it would not be viable to provide contributions as requested.
- 5.79. Having sought an independent review of this updated viability works, this review concludes that the following is viable:
- 10 affordable units (9.80%) provided as 4 rented and 6 intermediate.
 - CIL £84,592
 - Open space £88,334
 - Education £107,123
- 5.80. In concluding the negotiations, the applicant is agreeable to the contributions as set out by the Council's independent viability expert. Therefore, the Council and the applicant have agreed to a 9.8% affordable housing contribution with a tenure split of 40% affordable rent and 60% Intermediate.

- 5.81. Following consultation with the Housing Strategy Officer they confirmed that this is tenure split is policy compliant and supports this proposal. Where it is noted that this is significantly lower than 40%, given the site constraints and viability it is considered that this is reasonable. The affordable housing levels, tenure and management details could be further secured by way of a S106 Agreement.
- 5.82. However, it is noted that an appropriate agreement will be secured at the time of granting planning consent to secure the long-term future of affordable housing.

Recreational Open Space

- 5.83. Policy in respect of the provision of recreational open space is provided by SDLP Policy RT2, this requires that proposals for new development comprising 5 or more dwellings will provide recreation open space at a rate of 60 sq. m per dwelling. For schemes of 50 dwellings or more, provision within the site will normally be required.
- 5.84. Furthermore, CS policies SP12 and SP19 together with the Developer Contributions Supplementary Planning Document (SPD). Paragraph 96 of the NPPF states that access to open spaces and opportunities for physical activity are important.
- 5.85. Policy RT2 (b) states that the following options would be available subject to negotiation and the existing level of provision in the locality.
- i. provide open space within the site;
 - ii. provide open space within the locality;
 - iii. provide open space elsewhere;
 - iv. where it is not practical or not deemed desirable for developers to make provision within the site the district council may accept a financial contribution to enable provision to be made elsewhere.
- 5.86. The submitted layout plan, as revised, incorporates on-site recreational open space as part of the development. The SPD and policy requirement is for 60sqm per dwelling to be provided on site which, in this case, would equate to 6,120sqm or 0.612 hectares. The open space element of the development amounts to 1280 sqm or 0.128 hectares and includes a pocket parks and a wet woodland area.
- 5.87. While it is noted that the proposal does not meet the required provisions for recreational open space having carefully considered Local Plan Policy RT2(b)(iv) given the proposed scheme is adjacent to a large open recreational open space. It is considered that the provisions for open space onsite are acceptable.
- 5.88. In this instance it is therefore considered acceptable to seek a financial contribution of £88,333.65 to enable the provision of recreational open space to be made elsewhere. This has been taken into account in the applicant's updated viability work which concludes that the proposals would not be viable should the developers be required to pay this commuted sum. However, the Council's independent viability expert has reviewed this information and has confirmed that the proposals would be viable should the developer be required to pay this sum. In concluding the negotiations, the applicant is agreeable to the recreational open space contribution of £88,333.65 as set out by the Council's independent viability expert.
- 5.89. No information regarding the play equipment throughout the site has been provided. Details of the some of the suggested play equipment have been provided

however it is considered to request and review the specific details at discharge of conditions stage.

- 5.90. While it is noted that the proposal does not meet the required provisions for open space as set out in Policy RT2 of the SDLP, having carefully considered the viability reports and also taken into account that the proposed scheme is adjacent to a large open recreational open space it is therefore considered that the provisions for open space onsite are acceptable.
- 5.91. Officers consider it reasonable to request further details of the open spaces within the site via conditions to include the laying out of open spaces and play areas, boundary treatments, hard and soft landscaping arrangements and secure the use of the land in question as amenity space. Officers also consider it reasonable to further secure this by including details of the management of open space via a S106 Agreement.
- 5.92. In considering all of the above the scheme is acceptable in respect of recreational open space within the site and therefore the scheme is considered acceptable in respect of SDLP Policy RT2.

Other Matters

- 5.93. CS Policy SP15 states that schemes should aim to improve energy efficiency, minimise energy consumption, incorporate sustainable construction techniques and include new tree and hedge planting. CS Policy SP16 requires residential schemes of 10 dwellings or more to provide a minimum of 10% of energy requirements from renewable, low carbon or decentralised sources. Subject to a planning condition seeking details of the way in which the requirements for 10% of energy to be sourced as set out in Policy SP16, the development is considered to be in accordance with CS Policies SP15 and SP16.
- 5.94. The adopted Developer Contributions Supplementary Planning Document (DCSPD) sets out the criteria for when contributions towards education and health care facilities are required.
- 5.95. It is noted that North Yorkshire County Council's Children and Young Peoples' Service has requested contributions of £107,122.50. This has been included in the applicant's viability work which concludes that the proposals would not be viable should the developers be required to pay this sum. However, the Council's independent viability expert has reviewed this information and has confirmed that the proposals would be viable should the developer be required to pay this sum although the Council would have need to request a lower amount of affordable housing in order to meet this. In concluding the negotiations, the applicant is agreeable to the education contribution of £107,122.50 as set out by the Council's independent viability expert.
- 5.96. The Community Infrastructure Levy (CIL) has been introduced and this is a material consideration in determining the current application. As the current application is a full planning application, CIL must be applied to it and this means that money would be collected towards education, health care, infrastructure etc at the rate of £10 per sq metre.
- 5.97. On all schemes that would result in 4 or more new residential units, the Council seeks to ensure that, prior to the occupation of any dwelling, storage bins and

boxes for waste and recycling are provided. This provision is in line with SDLP Policy ENV1(3) and can be secured through an appropriately worded planning condition.

6. CONCLUSION

- 6.1. Having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the principle of the proposed development is acceptable and the proposed development would not have a detrimental impact on the character and appearance of the area or the surrounding Heritage Assets, the residential amenity of the occupants of neighbouring properties, flood risk, drainage and climate change, nature conservation and protected species, land contamination, affordable housing, recreational open space, education, health care, waste and recycling.
- 6.2. Furthermore, in applying the planning balance, the benefits of the proposed scheme would outweigh all other issues. Therefore, the proposals are on balance considered acceptable.
- 6.3. The application is therefore considered to be compliant with the NPPF and the following SDC policies:
- SP1 - Presumption in Favour of Sustainable Development
 - SP2 - Spatial Development Strategy
 - SP4 – Management of Residential Development in Settlements
 - SP5 - The Scale and Distribution of Housing
 - SP8 - Housing Mix
 - SP9 - Affordable Housing
 - SP15 - Sustainable Development and Climate Change
 - SP16 - Improving Resource Efficiency
 - SP18 - Protecting and Enhancing the Environment
 - SP19 - Design Quality
 - ENV1 - Control of Development
 - ENV2 - Environmental Pollution and Contaminated Land
 - ENV25 – Control of Development in Conservation Areas
 - H2B – Housing Density
 - T1 - Development in Relation to Highway
 - T2 - Access to Roads
 - RT1 - Protection of Existing Recreational Open Space
 - RT2 – Open space requirements

7. RECOMMENDATION

- 7.1. This application is recommended to be APPROVED subject to the prior completion of a Section 106 Agreement relating to affordable housing; education contributions; maintenance and management of open space; waste and recycling; and highway improvement works and subject to the following conditions and informatives:

01. The development for which permission is hereby granted shall be begun within a period of 3 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 approved shall be carried out in accordance with the below listed plans and drawings:

- 0008-LGMH-ZZ-XX-DR-A-3001-S4-P5- Site Location Plan
 - 0008-LGMH-ZZ-XX-DR-A-3002-S4-P4- Existing Site Plan
 - 0008-LGMH-ZZ-XX-DR-A-3050-S4-P25- Proposed Site Plan
 - 0008-LGMH-ZZ-XX-DR-A-3053-S4-P03 - House Type Key Plan- House Type Key Plan
 - 0008-LGMH-ZZ-XX-DR-A-3200- S4-P2 - Proposed Apartment Block Elevation
 - 0008-LGMH-01-ZZ-DR-A-3100-s4-P01- Proposed Apartment Block Ground and Typical Floor Plan
 - 0008-LGMH-13-ZZ-DR-A-3062-S4-P1 - House Type 13A-13B Floor Plans & Elevations
 - 0008-LGMH-12-ZZ-DR-A-3061-S4-P1 - 3B5P House Type 12A/12B
 - 0008-LGMH-11-ZZ-DR-A-3060-S4-P1 - 3B5P House Type 11B
 - 0008-LGMH-10-ZZ-DR-A-3059-S4-P1 - 3B5P House Type 10A/10B
 - 0008-LGMH-09-ZZ-DR-A-3058-S4-P1 - 3B5P House Type 09A/09A
 - 0008-LGMH-08-ZZ-DR-A-3057-S4-P1 - 3B5P House Type 08A/08B
 - 0008-LGMH-09-ZZ-DR-A-3058 -S4-P1 - 3B5P House Type 09A/09A
 - 0008-LGMH-08-ZZ-DR-A-3057-S4-P1 - 3B5P House Type 08A/08B
 - 0008-LGMH-07-ZZ-DR-A-3056 -S4-P1 - 3B5P House Type 07B
 - 0008-LGMH-06-ZZ-DR-A-3055-S4-P1 - 2B4P House Type 06A/06B
 - 0008-LGMH-05-ZZ-DR-A-3054-S4-P1 - 2B4P House Type 05B
 - 0008-LGMH-04-ZZ-DR-A-3053 -S4-P1 - 2B4P House Type 04A/04B
 - 0008-LGMH-03-ZZ-DR-A-3052 -S4-P1 - 2B4P House Type 03A/03B
 - 0008-LGMH-02-ZZ-DR-A-3051 -S4-P1 - 2B4P House Type 02A/02B
 - 0008-LGMH-01-ZZ-DR-A-3050 -S4-P1 - 2B4P House Type 01A/01B
 - 0008-LGMH-ZZ-XX-DR-A-3057-S4-P08 - Proposed Refuse Strategy
 - 0008-LGMH-ZZ-XX-DR-A-3079-S4-P02 - Proposed Recreational Space
 - 0008-LGMH-ZZ-XX-DR-A-3082-S4-P01 - Trespass Fence
 - 0008-LGMH-ZZ-ZZ-RP-A-3500 Design and Access Statement
 - 0008-LGMH-ZZ-XX-DR-A-3078-S4-P02 - Proposed EV Charging 102 scheme
 - Topographical Survey Sheets 1 to 5 Dwg No. LNBS0825_T01
 - PHR-ARP-XX-XX-SP-G-00003 Earthworks specification draft
 - Street Lighting - Portholme Road, Selby - Rev A
-
- Historic Environment Desk-Based Assessment Addendum, received 8th April 2021
 - Planning Statement, 16th July 2020
 - Geo technical and Geo- Environmental Desk Study P03 27th August 2019

Reason:

For the avoidance of doubt.

03. Notwithstanding the indicative visuals the development hereby approved must be undertaken in accordance with the Design and Access Statement submitted to and approved by the Local Planning Authority received on the 6th April 2021.

Reason:

For the avoidance of doubt

04. The development hereby approved must be undertaken in accordance with the materials as detailed within the materials plan drawing No. 0008-LGMH-00-XX-DR-A-3080 and only the approved materials shall be utilised.

Reason:

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

05. The development hereby approved must be undertaken in accordance with the Air Quality Assessment dated, 17th July 2020.

Reason:

To protect an AQMA from emissions to air in accordance with local and national policy.

06. The development hereby approved must be undertaken in accordance with the Noise and Vibration Assessment dated, 2nd November 2020.

Reason:

To protect residential amenity from noise impact for future occupants in accordance with local and national policy.

07. Demolition or construction works shall take place only between 7.30 to 17.30 on Monday – Friday and 8.00 to 14.00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

Reason:

To ensure that the amenities of adjacent land/buildings and occupiers are retained prior to the commencement of the construction of development.

08. The development hereby approved must be undertaken in accordance with the Construction Environmental Management Plan, received on the 7th April 2021 (CEMP v2_4 Final Planning Version Apr 21). The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason:

To ensure that the amenities of adjacent land/buildings and occupiers are retained prior to the commencement of the construction of development.

09. There shall be no piling for foundations on the site until a schedule of works identifying those plots affected and setting out mitigation measures to protect residents from noise, dust and vibration has been submitted to and approved in writing by the local planning authority. The proposals shall thereafter be carried out in accordance with the approved scheme.

Reason:

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

10. The development hereby approved must be undertaken in accordance with the Remediation Strategy dated April 2021 (3518_2C Rem Strat - Apr 21). This includes

the following components which deal with the risks associated with contamination of the site:

- A site investigation scheme, based on the desk study to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- The results of the site investigation and the detailed risk assessment referred to in and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The strategy shall be implemented as approved. Any amendments to the above components or the strategy shall be approved in writing by the Local Planning Authority.

Reason:

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

11.No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason:

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

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

Reason:

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

13. No building or other obstruction including landscape features shall be located over or within 3.5 (three point five) metres either side of the centre line of the public sewer. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

Reason:

In order to allow sufficient access for maintenance and repair work at all times and to prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity, in accordance with policy.

14. 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.

15. Surface water run-off from hardstanding (equal to or greater than 800 square metres) and/or communal car parking area (s) of more than 50 spaces must pass through an oil, petrol and grit interceptor/separator, prior to any discharge to an existing or prospectively adoptable sewer.

Reason:

In order to prevent pollution of the aquatic environment and protect the public sewer network and the interest of satisfactory and sustainable drainage, in accordance with policy.

16. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to: -

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical.
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1-year storm event, to allow for climate change.

Reason:

To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

17. The development hereby approved must be undertaken in accordance with the details provided in relation to the scheme for surface water drainage and the maintenance of the proposed this scheme

- Flood Risk Assessment and Drainage Strategy P07 received 6th April 2021
- Drainage S104 - NPD02-ARUP-XX-XX-DR-D-AA-2013 Rev08
- Attenuation Tank (50Kn/m2) - SEL-FPM-AA-XX-DR-X-0004 P03
- Attenuation Tank 1 (50Kn/m2) - SEL-FPM-AA-XX-DR-X-0001 P03
- Surface Water Microdrainage - NPD02-ARUP-XX-XX-RP-D-AA-2000 P01
- Headwall Details - NPD02-ARUP-XX-XX-DR-D-AA-3002 Rev01
- MH S5 - NPD02-ARUP-XX-XX-DR-D-AA-3011 Rev01
- Drainage Vertical Alignments 1 of 4 - NPD02-ARUP-XX-XX-DR-D-AA-2002 Rev04
- Drainage Vertical Alignments 2 of 4 - NPD02-ARUP-XX-XX-DR-D-AA-2003 Rev04
- Drainage Vertical Alignments 3 of 4 - NPD02-ARUP-XX-XX-DR-D-AA-2004 Rev04
- Drainage Vertical Alignments 4 of 4 - NPD02-ARUP-XX-XX-DR-D-AA-2005 Rev04
- Impermeable & Permeable Areas - NPD02-ARUP-XX-XX-DR-D-AA-2001 Rev07
- Existing Drainage & Catchments - SW-ARP-ZZ-XX-DR-D-1831 Rev P02
- Manhole Schedule - NPD02-ARUP-XX-XX-SH-D-AA-2001_6
- Standard Details - NPD02-ARUP-XX-XX-DR-D-AA-3000 Rev06
- Standard Details - NPD02-ARUP-XX-XX-DR-D-AA-3001 Rev07
- Standard Details - NPD02-ARUP-XX-XX-DR-D-AA-3003 Rev07
- SW Flow Path - NPD02-ARUP-XX-XX-DR-D-AA-2014 Rev01

The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed. Note that further restrictions on surface water management may be imposed by Yorkshire Water, Local Highways Authority and the Local Planning Authority.

The agreed details shall secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.

Reason:

To ensure the provision of adequate and sustainable means of drainage and to prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system in the interests of amenity and flood risk.

18. The finished floor levels of the residential units with ground floor sleeping accommodation shall be set no lower than 0.3 metres above Ordnance Datum (AOD) adjacent ground level thus giving a height of 6.8 metres AOD. The finished floor levels of the residential units without ground floor sleeping accommodation shall be set no lower than 6.3 metres AOD and shall incorporate the measures as set out within the Flood Resistance and Resilience Strategy contained within the Flood Risk Assessment and Drainage Strategy P07 received 6th April 2021.

Reason:

In the interests of flood risk and flood risk reduction and in order to comply with the advice contained within the NPPF and NPPG.

19. No occupation of any part of the permitted development shall take place until details of the landscaping of the site have been submitted and approved by the local planning authority. This shall include details of:

- a scheme for the laying out as of amenity areas including, open spaces and play areas including play equipment.
- Boundary treatments
- Hard and Soft Landscaping Arrangements
- a scheme for the laying out of open space including play areas and that land shall not thereafter be used for any purpose other than as an amenity area.
- Phasing plan

Reason:

To ensure that the amenities of adjacent land/buildings and occupiers are retained prior to the commencement of the construction of development.

20. No occupation of any part of the permitted development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include:

- a. Indications of all existing trees and hedgerows on the land
- b. Identify those to be retained and set out measures for their protection throughout the course of development
- c. Details of the species, location, planting density and stock size on planting of all trees and shrub planting
- d. Details of the measures for the management and maintenance of the approved landscaping
- e. Details of landscaping and trees to be located within 10 metres of the network rail boundary and in accordance with their guidance.
- f. Updated biodiversity metric calculations to demonstrate the scheme of landscaping achieves no net loss of biodiversity on site.

Reason:

In the interests of visual amenity and railway safety and in order to comply with PolicySP19 of the CS and Policy ENV1 of Selby District Local Plan.

21. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees which die, are removed or become seriously damaged or diseased within the first five years shall be replaced in the next planting season with others of similar size and species.

Reason:

In the interests of visual amenity and in order to comply with PolicySP19 of the CS and Policy ENV1 of Selby District Local Plan.

22. The development hereby approved must be undertaken in accordance with the details provided in relation to the scheme for the protection of the retained trees at section 4.6 of the Arboricultural Report dated July 2020 and in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: 2012 Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced). The scheme for the protection of the retained trees shall be carried out as approved and maintained until the scheme is completed.

Reason:

This is a pre commencement condition in order to ensure for the preservation and planting of trees in accordance with s.197 of the Act and in order to comply with saved Policy ENV1 of the Selby District Local Plan.

23. Before the development is first occupied or brought into use a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved.

Reason:

To ensure appropriate management and maintenance of all landscaped areas in the interests of visual amenity and in order to comply with Policy SP19 of the CS and Policy ENV1 of Selby District Local Plan.

24. The development hereby permitted must be carried out in accordance with the mitigation measures contained within section (5) of the Ecology Report dated, July 2020 and the Biodiversity Metric received 22nd July 2020.

Reason:

In the interests on nature conservation interest and the protection of protected species and in order to comply with Policy ENV1(5) of the Selby District Local Plan, Policy SP18 of the CS, The Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017.

25. In the event that protected species are discovered on the application site upon commencement of the approved development, which were not previously identified, it must be reported in writing immediately to the Local Planning Authority. A protected species survey and assessment must be undertaken and where mitigation is necessary, a mitigation scheme must be prepared, which is subject to approval in writing of the Local Planning Authority.

Reason:

In the interests on nature conservation interest and the protection of protected species and in order to comply with Policy ENV1(5) of the Selby District Local Plan, Policy SP18 of the CS, The Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017.

26. The development hereby permitted must be carried out in with GTC UltraStream 360 Broad band in accordance with the details provided, GTC UltraStream 360 received on the 20th January 2021. Development shall be carried out in accordance with the approved details prior to occupation of each dwelling.

Reason:

In the interests of providing a sustainable form of development and economic growth and in order to ensure compliance with paragraph 112 of the National Planning Policy Framework and Policy SP12 of the adopted CS.

27. The development hereby permitted must be carried out in accordance with the scheme for the installation of a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) drawing No, 0008-LGMH-ZZ-XX-DR-A-3082-S4-P01. The fencing detailed shall be maintained for the lifetime of the development to ensure Network Rail's existing fencing/ wall is not removed or damaged.

Reason:

To ensure railway safety is maintained at all times in accordance with guidance from Network Rail.

28. Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority in consultation with the railway undertaker prior to the commencement of such works and the works shall only be carried out in accordance with the approved method statement.

Reason:

To ensure railway safety is maintained at all times in accordance with guidance from Network Rail.

29. The development hereby approved shall be carried out in accordance with the details provided relating to electric vehicle charging drawing No, 0008-LGMH-ZZ-XX-DR-A-3078-S4-P02. Thereafter the approved charging points shall be provided prior to occupation of each dwelling 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 Plan Policy SP15.

30. No dwelling shall be occupied until a scheme of detail to reduce the carbon emissions of the predicted energy use of the proposed development by at least 10% shall be submitted to and approved in writing by the Local Planning Authority. This shall include details and a timetable of how this is to be achieved and details of any physical works on site. The approved details shall be implemented in accordance with the approved details and timetable and retained as operational thereafter.

Reason:

In the interest of sustainability, to minimise the development's impact and to accord with Policies SP15 and SP18 of the CS.

31. The development hereby permitted must be carried out in accordance with this refuse strategy provided, drawing number, 0008-LGMH-ZZ-XX-DR-A-3057-S4-P08. The agreed scheme thereafter carried out in its entirety Prior to the occupation of the dwellings.

Reason:

In accordance with Plan Policy ENV1 and to provide for waste disposal in the interests of the general amenity of the area.

32. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority.

The development must only be carried out in compliance with the approved engineering drawings.

Reason:

To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.

33. The development hereby permitted must be carried out in accordance with the following highway related documents and plans:

- Transport Assessment, Issue 2, 15 July 2020
- Travel Plan, REP/TP-02 Issue 2, 15th July 2020
- 0008-LGMH-ZZ-XX-DR-A-3050 Rev P25 - Proposed Site Plan,
- NPD02-ARUP-XX-XX-DR-D-AA-1000 Rev 11 – Section 38 Highway Works, General Arrangement
- NPD02-ARUP-XX-XX-DR-D-AA-1001 P 13, Section 38 Highway Works Carriageway Horizontal Alignments
- NPD02-ARUP-XX-XX-DR-D-AA-1002 Rev 09 – Carriageway Vertical Alignments
- NPD02-ARUP-XX-XX-DR-D-AA-1004 Rev 9 – Proposed Highway Contours
- NPD02-ARUP-XX-XX-DR-D-AA-1005 Rev 11 – Proposed Paving
- NPD02-ARUP-XX-XX-DR-D-AA-1006 Rev 11 – Proposed Kerbing
- NPD02-ARUP-XX-XX-DR-D-AA-1007 Rev 7 – Highway Sections Sheet 1 of 2
- NPD02-ARUP-XX-XX-DR-D-AA-1008 Rev 9 – Section 38 Highway Works, Road Markings and Signage
- NPD02-ARUPS-XX-XX-DR-D-AA-1010 Rev 7 - Section 38 Highway Works, Vehicle Tracking, Refuse Vehicle
- NPD02-ARUPS-XX-XX-DR-D-AA-1011 Rev 7 - Vehicle Tracking – HG Rigid
- NPD02-ARUP-XX-XX-DR-D-AA-1012 Rev 7 – Highway Sections Sheet 2 of 2
- NPD02-ARUP-XX-XX-DR-D-AA-1014 Rev 7 – Extents of Section 38 Highway Works
- NPD02-ARUP-XX-XX-DR-D-AA-3004 Rev 8 – Kerbing Standard Details
- NPD02-ARUP-XX-XX-DR-D-AA-2013 Rev 9 – Proposed Drainage Network, Section 104
- 18/AP/20 Rev A - Road Lighting Layout
- 0008-19-LGMH-A1-0008-19-004 Rev P07 – Plot Drainage Plan – Sheet 1
- 0008-19-LGMH-A1-0008-19-005 Rev P07 – Plot Drainage Plan – Sheet 2
- 0008-19-LGMH-A1-0008-19-006 Rev P07 – Plot Drainage Plan – Sheet 3

Reason:

To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.

34. No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation.

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

Reason:

To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

35. The development must not be brought into use until the new access to the site and associated highway alteration works at Portholme Road have been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:

The access, that part of the access road extending 30 metres into the site and Highway works must be formed broadly in accordance with the specified and associated drawings:

- NPD02-ARUP-XX-XX-DR-D-AA-1020 Rev10 - S278 GA
- NPD02-ARUP-XX-XX-DR-D-AA-1000 Rev11 - S38 GA Plan

All works must accord with the approved details.

Reason:

To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

36. The development must not be brought into use until the existing access onto Portholme Road has been permanently closed off in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of highway safety and the amenity of the area.

37. There must be no access or egress by any vehicles between the highway and the application site at Portholme Road until splays are provided giving clear visibility of 70m metres measured along both channel lines of Portholme Road from a point measured 2.4m metres down the centre line of the access road as shown on NPD02-ARUP-XX-XX-DR-D-AA-1020 Rev10 - S278 GA. In measuring the splays, the eye

height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In the interests of highway safety.

38. There must be no access or egress by any vehicles between the highway and the application site at Portholme Road until visibility splays providing clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of Portholme Road have been provided. In measuring the splays the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In the interests of highway safety.

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

Reason:

To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

40. The development must be carried out and operated in accordance with the approved Travel Plan. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.

Reason:

To establish measures to encourage more sustainable non-car modes of transport.

41. No development for any phase of the development must commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan.

- The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:
- wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- the parking of contractors' site operatives and visitor's vehicles;
- areas for storage of plant and materials used in constructing the development clear of the highway;
- measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;

- details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
- protection of carriageway and footway users at all times during demolition and construction;
- protection of contractors working adjacent to the highway;
- details of site working hours;
- erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
- means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
- measures to control and monitor construction noise;
- an undertaking that there must be no burning of materials on site at any time during construction;
- removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
- details of the measures to be taken for the protection of trees;
- details of external lighting equipment;
- a detailed method statement and programme for the building works; and
- contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason:

In the interest of public safety and amenity.

INFORMATIVES:

INFORMATIVE:

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

HIGHWAYS:

You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

There must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and the Highway Authority.

ECOLOGY:

Should any Newts and/or protected species be encountered during the removal of any existing hard surface area or the construction of the proposed development advice in terms of mitigation measures should be sought from a qualified Ecologist.

Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In addition, certain species such as the Barn Owl are included in Schedule 1 of the Act and are protected against disturbance while nesting and when they have dependent young. Offences against birds listed in Schedule 1 of the Wildlife and Countryside Act are subject to special penalties. An up-to-date list of the species in Schedule 1 is available from Natural England:

<http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/speciallyprotectedbirds.aspx>

Further information on wildlife legislation relating to birds can be found at www.rspb.org.uk/images/WBATL_tcm9-132998.pdf.

CONSENT – GENERAL:

Under the terms of the Land Drainage Act. 1991 and the IDB's Byelaws, the prior written consent of the Board is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of any watercourse.

CONSENT – OUTFALL:

Any new outfall to a watercourse requires the prior written consent of the IDB under the terms of the Land Drainage Act. 1991 and should be constructed to the satisfaction of the IDB.

CONSENT – DISCHARGE:

Under the IDB's Byelaws the written consent of the IDB is required prior to any discharge into any watercourse within the IDB's District.

DRAINAGE:

As an informative, the proposal includes oversized pipes greater than 900mm in diameter. NYCC does not currently adopt roads with oversized pipes exceeding 900mm in diameter. The applicant should liaise with NYCC Highways at the earliest opportunity should they want the estate roads adopted.

COAL:

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

NETWORK RAIL- Fail Safe Use of Crane and Plant:

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

NETWORK RAIL - Method Statements/Fail Safe/Possessions:

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally, if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

NETWORK RAIL – Demolition and refurbishment:

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

NETWORK RAIL – Earth Works and Excavations:

Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

NETWORK RAIL- Security of Mutual Boundary:

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager. Armco Safety Barriers an Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway. This is in accord with the new guidance for road/rail vehicle incursion NR/LV/CIV/00012 following on from DfT advice issued in 2003, now updated to include risk of incursion from private land/roadways.

NETWORK RAIL- Demolition and refurbishment works:

No development shall take place until details of all demolition, any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

NETWORK RAIL – Scaffolding:

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

NETWORK RAIL – Encroachments:

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail airspace and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or airspace is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

NETWORK RAIL – Trees and shrubs:

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:

a. Acceptable:

Birch (*Betula*), Crab Apple (*Malus Sylvestris*), Field Maple (*Acer Campestre*), Bird Cherry (*Prunus Padus*), Wild Pear (*Pyrs Communis*), Fir Trees – Pines (*Pinus*), Hawthorne (*Cretaegus*), Mountain Ash – Whitebeams (*Sorbus*), False Acacia (*Robinia*), Willow Shrubs (*Shrubby Salix*), Thuja Plicatat “Zebrina”

b. Not Acceptable:

Acer (*Acer pseudoplatanus*), Aspen – Poplar (*Populus*), Small-leaved Lime (*Tilia Cordata*), Sycamore – Norway Maple (*Acer*), Horse Chestnut (*Aesculus Hippocastanum*), Sweet Chestnut (*Castanea Sativa*), Ash (*Fraxinus excelsior*), Black poplar (*Populus nigra var, betulifolia*), Lombardy Poplar (*Populus nigra var, italica*), Large-leaved lime (*Tilia platyphyllos*), Common lime (*Tilia x europea*)

8.0 Legal Issues

8.1 Planning Acts

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

8.2 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.

8.3 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.

9 Financial Issues

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

10 Background Documents

Planning Application file reference 2019/0941/FULM and associated documents.

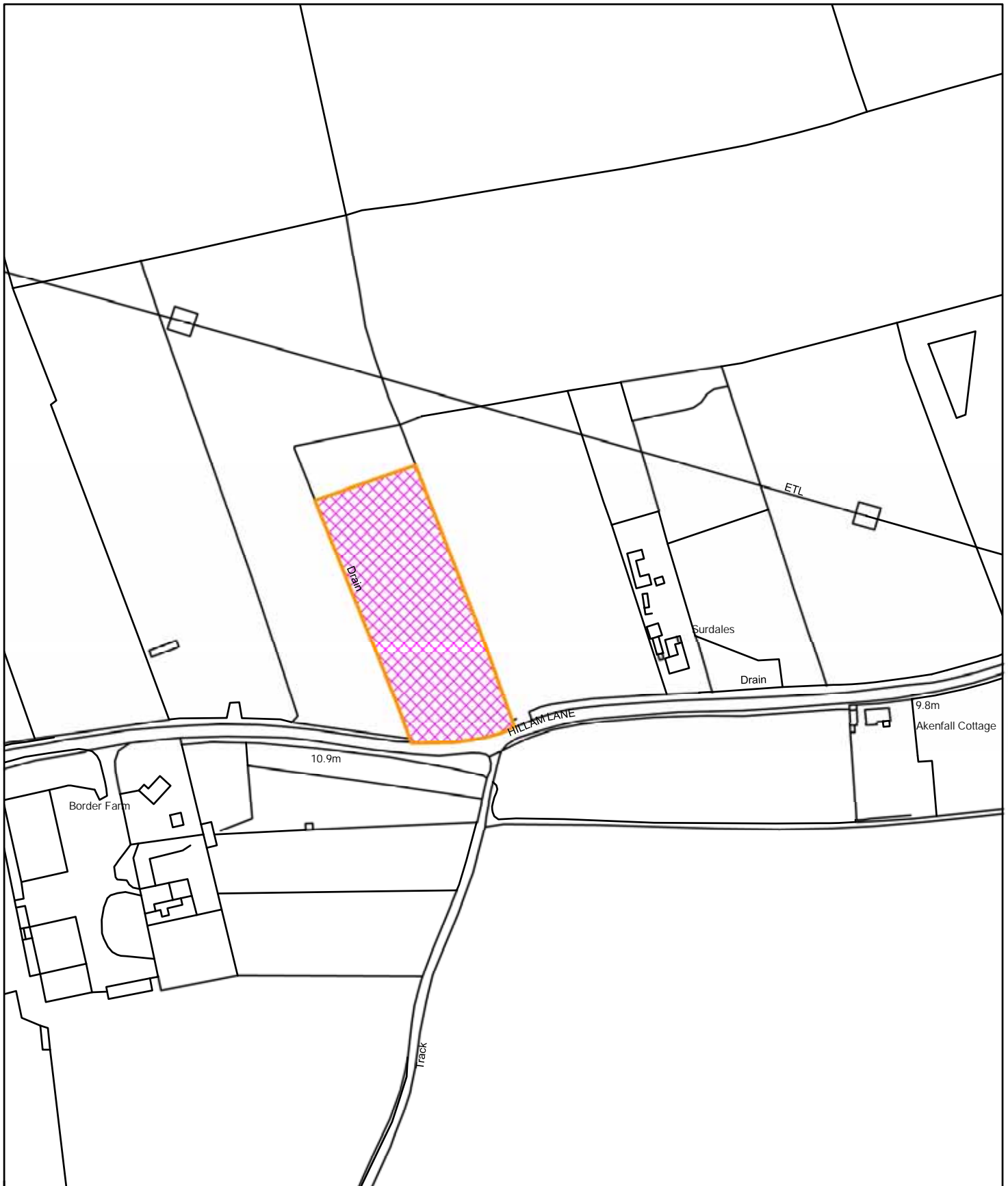
Contact Officer:

Rebecca Leggott (Senior Planning Officer)
rleggott@selby.gov.uk

Appendices: None

Agenda Item 5.2

Hillam Lane, Hillam
2020/1126/COU



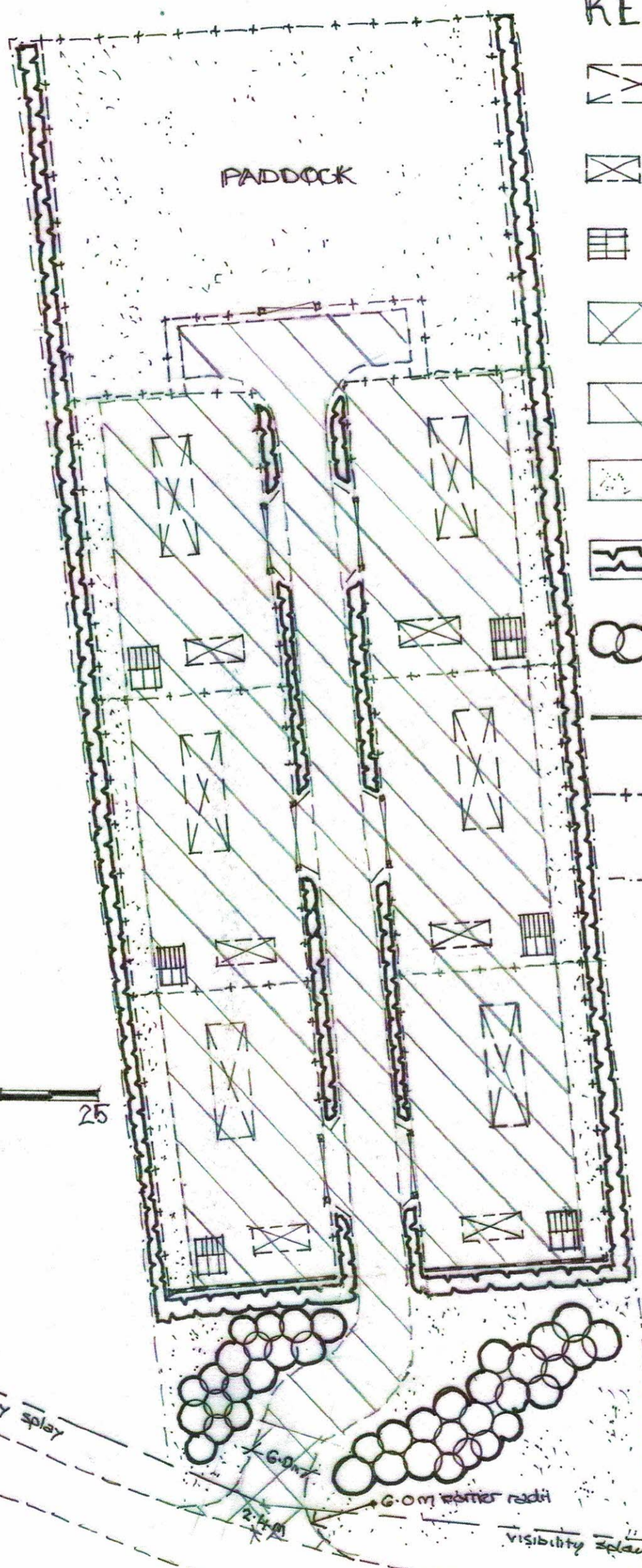
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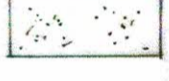




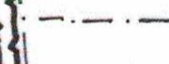
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SITE LAYOUT PLAN

SCALE 1:500



KEY:

-  MOBILE HOME
-  TOURER
-  AMENITY BUILDING
-  POROUS TARMAC
-  PERMEABLE STONE
-  GRASS
-  NEW HEDGE ROW
-  TREE PLANTING
-  SCREEN FENCING
-  POST & RAIL FENCING
-  OWNERSHIP BOUNDARY



HILLAM LANE

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Report Reference Number: 2020/1126/COU

To: Planning Committee
Date: 28 April 2021
Author: Diane Holgate, Principal Planning Officer
Lead Officer: Ruth Hardingham Planning Development Manager

APPLICATION NUMBER:	2020/1126/COU	PARISH:	Hillam Parish Council
APPLICANT:	Mr Francis Quilligan	VALID DATE: EXPIRY DATE:	2nd November 2020 28th December 2020
PROPOSAL:	Change of use of land to use as a residential caravan site for 6 gypsy/traveller families, each with two caravans and an ancillary amenity building, together with the laying of hardstanding and construction of new access		
LOCATION:	Hillam Lane Hillam Leeds West Yorkshire		
RECOMMENDATION:	REFUSE		

This application has been brought before Planning Committee at the request of the Head of Planning as the site is located within the Green Belt as defined by the Selby District Local Plan 2005, the application is controversial and there is significant interest in the application.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The site is located on Hillam Lane in the open countryside, around 0.5 miles (0.80 km) to the west of Hillam and around 1 mile (1.6 km) to the east of the A162 (Ferrybridge to Sherburn). Google images of the site prior to the unauthorised works shows the site as being a flat, open parcel of agricultural land with no real physical features of note and was covered in scrub grassland. At the time of writing, the site comprises of an area of hard standing, post and rail fencing around the perimeter of the site, screen panel fencing to the front, vehicular access, 4 no portable toilets, two wooden poles with lights and two touring caravans, hence the application is retrospective. A blue van is parked at the entrance road to the site

which appears to have become stuck in the mud/standing water and has been left there. The applicant has advised that the occupiers have left the site to go travelling as they do in March every year. It is understood that the families left the site in February. Within the immediate vicinity of the site existing agricultural holdings, a small stable to the west and a temporary Gypsy and Traveller site to the east.

- 1.2 The site amounts to around 0.68 ha of land as identified by the application form. The form states that the proposal is for change of use of the site as a caravan site for 6 gypsy/traveller families each with two caravans and ancillary amenity building.
- 1.3 The site is classified as being within flood zone 1 (low risk of flooding) as defined by the Flood Maps for Planning.Gov website and is defined as open countryside and Green Belt by the Selby District Local Plan 2005 and the Core Strategy.
- 1.4 The former use of the land is defined by the applicant as agriculture, and it is not known if any of the land is contaminated. There are no trees or hedges on the site that would influence the proposal. Surface water is proposed to be managed by Sustainable Urban Drainage Systems (SUDS) and foul sewerage by a package treatment plans. There are no details or arrangements for storage and collection of waste.

The Proposal

- 1.5 The proposal is for the change of use of land for the siting of a residential caravan site for 6 gypsy/traveller families, each with two caravans and an ancillary amenity building, together with the laying of hardstanding and formation of a new access. The site plan shows the plots to the front of the site running in two parallel rows of three and a turning area and a paddock to the rear of the site. Unauthorised works have been undertaken on site, these take the form of the creation of a hard standing, post and rail fencing, screen fencing, wooden poles with lighting and the use of land for parking of touring caravans/mobile homes. No pre-application engagement has been undertaken with the Council. The ownership certificates are signed by the agent on behalf of the applicant confirming that the site is owned by the applicant.
- 1.6 The proposed amenity buildings amount to 72 m² of internal floor space and the materials are specified as red facing brick, dark grey slates or tiles, white UPVC window frames and timber boarded doors. The application proposes the retention of the 2.0 metre high screen fence and the 1.2 metre high post and rail fencing along with new hedgerows. The entrance is created with porous tarmac and porous stone forms the hard standing.
- 1.7 The proposal puts forward 6 parking spaces for cars and 6 for light goods vehicles.
- 1.8 The application is accompanied by the following:
 - Location Plan ref LOC01
 - Layout Plan LAY02
 - Floor Plans and Elevations 03
 - Details of screen fencing PDA04
 - Details of post and rail fencing 05
 - Foul Drainage Assessment Form

- 1.9 As noted above, the application involves retrospective works as the use of the land as a Gypsy/Traveller site is already occurring. National planning practice guidance states that retrospective applications must be considered in the normal way.

Relevant Planning History

- 1.10 There is no planning history relating to the site.

2. CONSULTATION AND PUBLICITY

Consultation Responses

2.1 Parish Council – Burton Salmon

The Parish Council strongly object to the application on the grounds that it constitutes unsustainable and inappropriate development in the green belt. The application is not in accordance with adopted Local Plan (2013) policies; SP1, SP2, SP3, SP4 and SP11.

In addition, the Parish Council comments that the application is not compliant with the NPPF (2019) and the associated Government Planning Policy for Traveller Sites, Policy E. Also, there is no evidence of 'very special circumstances' to demonstrate that the need for this site in this location, might be considered to be acceptable. The Parish Council also raise serious concerns about the vehicle parking on the road, outside the site which is causing a highway safety issue.

The Parish Council understands that the Council have provided adequate sites elsewhere in the district (in line with their assessment of need) some of which still have capacity. As such, this demonstrates that there are alternative locations that could be utilised in the first instance.

Burton Salmon Parish Council are fully supporting Hillam Parish Council going forward in this process.

2.2 Parish Council – Hillam – Represented by Cunnane Town Planning

The detailed and supporting information accompanying the planning application is inadequate for the Council to arrive at a robust recommendation and properly determine the proposals.

It is unclear what the applicant is seeking to develop of the site as there is a mismatch between the application form and the Design and Access Statement (DAS). The application form states 6 gypsy/traveller families and the DAS states eight gypsy/traveller families. An assumption is made that the application form is correct.

The proposed development is contrary to a number of important planning policies and guidance within the Development Plan and government policy. It is the Parish Council's belief that this conflict with policy has not been outweighed by material considerations and that planning permission should therefore be refused. Detailed consideration of the issues are set out and paraphrased below.

Proposal - No details are provided with regards to the exact nature of the proposal, including the number and layout of pitches, number of families and the total number of inhabitants. Without this information the consultee response are limited to the principle of a residential caravan site rather than an assessment of the likely impact such as vehicle movements, foul sewerage, noise and activity.

Planning Policy – the site is in the open countryside and Green Belt. The emerging Local Plan is at an early stage but critical information about the Council's proposed strategy for meeting the needs of travellers in the District is provided. The Council have completed a 'Call for Sites' exercise. The site is not being promoted through the plan preparation or process nor has the applicant made any attempt to promote an alternative site within the District as part of this process. A Gypsy and Traveller Accommodation Assessment (GTAA) undertaken by the Council as part of the Emerging Plan provides pertinent data with regards to existing facilities and forecast for the need for new facilities.

The Planning Policy for Travellers (PPTS) March 2012 updated in August 2015 represents specific guidance with regards to the development of traveller sites throughout England. The NPPF encourages a presumption in favour of sustainable development where there is conflict with an up-to-date plan. But only material considerations in a particular case indicate that the plan should not be followed.

The representation sets out the issues with the application and are paraphrased below:

The site is outside the development limits in the open countryside. The proposal is inappropriate in the open countryside and will appear and alien and incongruous feature in the local area. As such the proposals cannot reasonably be considered to be well designed. The site is not a rural exception site.

The site is located in the Green Belt, the DAS states that the applicant accepts the proposal constitutes inappropriate development in the Green Belt. The applicant's case on Green belt confirms the inappropriateness of the proposal and bases a case for Very Special Circumstances (VSC) on the bases of unmet need, Council acknowledgement of securing permission due to local opposition, few available sites in the district due to Green Belt and flooding constraints the nearby Designated Service Village of Monk Fryston makes the location sustainable. Having regard to the considerations the PC are firmly of the view that the circumstances cited by the applicant in support of the proposal are insufficient to be considered either 'very special' or to attract sufficient weight to 'clearly outweigh the harm to the Green Belt by reason of inappropriateness. VSC have not been demonstrated and therefore planning permission should be refused.

Despite the NPPF being clear that prematurity to an emerging plan being seldom justified at this stage the application proposal has the potential to fundamentally undermine the Council's Emerging Strategy in relation to Gypsy and Traveller accommodation and I consider that a refusal on this ground is justified.

The site does not drain sufficiently, the occupiers will be affected by noise, vibration and light impacts due to the lack of landscaping and comings and goings between Hillam and the A162.

There are no formal assessments with the application in regard to safe access and egress of the site. There have been accidents outside the site and as such

concerns raised about increasing vehicle movements and the creation of a new junction to be used by large vehicles towing potentially long caravans and trailers alongside other vehicles associated with the various businesses proposed to operate from the site which will conflict with other road users in this location.

There are no details as to how the proposed visibility splays have been arrived at and to what specification they are designed to.

There are no assessments of the proposed junction arrangement to demonstrate that vehicles are able to use the carriage way and complete manoeuvres without undue risk to the public.

There is no ecology assessment, and the proposal involves the permanent removal of the grasses and vegetation that previously occupied the site. The neighbouring sites provide opportunities for protected species. The proposal is contrary to the NPPF and provisions of the Wildlife and Countryside Act due to a lack of information to assess the impact on protected species.

The site is defined as 'very good' land quality of agricultural land and therefore should be maintained and protected into the future. Therefore, its permanent development for use as a gypsy and traveller site is contrary to policy SP18 of the Core Strategy.

Reference has been made to the ill health of the occupants in other legal proceedings. There is no claim being made in the planning application documents with regards to this. All proposals should look for opportunities to achieve the aims of the NPPF with regards to achieving healthy, inclusive and safe places. The site would establish an isolated and inward looking community with the fear of crime in relation to quality of life of the occupiers of the proposal as well as existing residents and the ability of the proposal to support a healthy lifestyle.

The response on behalf of Hillam Parish Council concludes that there are no material considerations identified by the application that would outweigh the development plan. The application package is incomplete. The onus lies with the applicant to demonstrate to the Council that the application is appropriate and justified. It is self-evident that any decision to approved would be based on incomplete information, unsafe and potentially capable of challenge.

2.3 The Environment Agency (EA)

No comments, detailed advice provided with regards to drainage, waste water and water supply.

Domestic effluent discharged from a treatment plant/septic tank at 2 cubic metres or less to ground or 5 cubic metres or less to surface water in any 24 hour period must comply with General Binding Rules provided that no public foul sewer is available to serve the development and that the site is not within an inner Groundwater Source Protection Zone. A soakaway used to serve a non-mains drainage system must be sited no less than 10metres from the nearest watercourse, not less than 10 metres from any other foul soakaway and not less than 50 metres from the nearest potable water supply.

Where the proposed development involves the connection of foul drainage to an existing non-mains drainage system, the applicant should ensure that it is in a good

state of repair, regularly de-sludged and of sufficient capacity to deal with any potential increase in flow and loading which may occur as a result of the development. Where the existing non-mains drainage system is covered by a permit to discharge an application to vary the permit will need to be made to reflect the increase in volume being discharged. It can take up to 13 weeks before the EA decide whether to vary a permit.

2.4 Waste and Recycling Officer

Collection vehicles will not access private drives or use them for turning and so a bin presentation points would need to be provided at the junction with the highway. External bin store at each new plot should be large enough to accommodate 4 x 240 litre wheeled bins (refuse, green waste and 2 x recycling) and the presentation points should be large enough to accommodate two bins per plot each collection day. Finally, as there are 4 properties, the developer will be required to pay for the waste and recycling containers.

2.5 NYCC Highways

The Highways Authority has provided the following advice:

Visibility Splay - Although the applicant has provided a plan showing a 6m wide access road, 6m radius kerbs, a turning head and 2.4m visibility splay measurement, the simple wording of visibility splay is not enough for the County Council to fully assess the application.

A measurement for the visibility splay along Hillam Lane is required, which as it stands will require a measurement of 215m unless a speed survey is undertaken to allow a lesser distance depending upon the results. Further advice will be provided upon receipt of the information.

2.6 Yorkshire Water

Yorkshire Water have provided the following advice:

Water Supply

A water supply can be provided under the terms of the Water Industry Act, 1991.

Waste Water

This proposal is in an area not served by the public sewerage network. In this instance, the application should be referred to the Environment Agency and the Local Authority's Environmental Health Section for comment on private treatment facilities.

2.7 Selby Area Internal Drainage Board

The IDB has provided the following comments/recommendations:

If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that

percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.

If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow.

If the surface water is to be discharged to any ordinary watercourse within the Drainage District, consent from the IDB would be required in addition to Planning Permission, and would be restricted to 1.4 litres per second per hectare or greenfield runoff.

No obstructions within 7 metres of the edge of an ordinary watercourse are permitted without Consent from the IDB. If surface water or works are planned adjacent to a Main River within the Drainage District, then the Environment Agency should be contacted for any relevant Permits.

Advice/recommendations:

SHOULD Consent be required from the IDB as described above then we would advise that this should be made a CONDITION of any Planning DECISION. ANY surface water discharge into ANY watercourses in, on, under or near the site requires CONSENT from the Drainage Board.

2.8 **SDC Environmental Health**

No objections.

2.9 **SDC Planning Policy**

Selby District Council Policy Team provided the following advice with regards to the Local and National Planning Policy.

Inappropriate development in the Green belt is, by definition, harmful and must be given substantial weight. Added to this is the actual harm cause to the openness of the Green Belt.

Based on the above and unless it can be demonstrated that very special circumstances exist to outweigh harm to the Green Belt, this application cannot be supported from a planning policy perspective. This is because:

- Officers are confident that a 5-year supply of pitches can currently be demonstrated; and
- The delivery of sites is being dealt with through the emerging Local Plan which is programmed to reach Publication stage early next year.

Publicity

2.10 The application has been advertised by posting a site notice near to the site, 227 letters of objection have been received. A further round of advertisement has been undertaken for completeness based on the proposal being a departure from the Adopted Development Plan, this expires after the planning committee.

2.11 Objectors have raised the following issues:

- Conflict with Green Belt Policy
- Noise
- Traffic and highways implications
- Impact on the character and appearance of the countryside
- No need
- Impact on residential amenity
- No footpaths or street lighting between the site and the village
- Visual impact
- Impact on openness
- Contrary to the development plan
- Out of keeping with the area
- Loss of quality agricultural land
- Negative effects on wildlife
- Unauthorised development in the Green Belt
- Impact of infrastructure
- No very special circumstances
- Impact on village infrastructure
- Pressure on schools
- Prospect of expansion with further impact

A comment has been received about the impact of the proposal on house values, for clarity this is a non-material planning comment and cannot be taken into account as part of the decision-making process.

3 SITE CONSTRAINTS

- 3.1 The site is not allocated in the Local Plan; it is located outside of the defined development limits of nearby settlements and is therefore defined as open countryside and the site falls within the Green Belt. There are no protected trees on the site. The site is identified as a low-risk development coal area and an area affected by overhead lines. To the north west is a Site of Importance for Nature Conservation and the site was formerly covered in surface vegetation.

4 POLICY CONSIDERATIONS

- 4.1 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.
- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of

a new Local Plan in 2023. Consultation on issues and options took place early in 2020. Consultation on preferred options took place in early 2021. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.

4.4 The National Planning Policy Framework (February 2019) (NPPF) replaced the July 2018 NPPF, first published in March 2012. The NPPF does not change the status of an up-to-date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.

4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

“213....existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, 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).”

Selby District Core Strategy Local Plan

4.6 The relevant Core Strategy Saved Policies are:

- SP1 Presumption in Favour of Sustainable Development
- SP2 Spatial Development Strategy
- SP3 Green Belt
- SP11 Travellers
- SP15 Sustainable Development and Climate Change
- SP18 Protecting and Enhancing the Environment
- SP19 Design Quality

Selby District Local Plan

4.7 The relevant Selby District Local Plan Saved Policies are:

- ENV1 Control of Development
- ENV5 Flood Risk
- ENV2 Environmental Pollution and Contaminated Land
- ENV9 Site of Importance for Nature Conservation
- T1 Development in Relation to the Highway Network
- T2 Access to Roads

Other Policies/Guidance

4.8 The following are also considered relevant:

- Planning policy for traveller sites (DCLG, August 2015)
- National Planning Policy Framework (NPPF)

5 APPRAISAL

5.1 This report will consider the harms and benefits of the proposal and the main issues are considered to be:

- The Principle of Development including need and supply
- Impact on the Openness of the Green Belt
- Very Special Circumstances

The Principle of Development

5.2 Paragraph 2 of the NPPF confirms the legal position that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 re-emphasises that an up-to-date development plan is the starting point for decision-making, adding that development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should not usually be granted, unless other material considerations indicate otherwise.

5.3 CS Policy SP2 of the Core Strategy sets out the spatial development strategy for the District and provides that the majority of new development will be directed to the towns and more sustainable villages. The application site lies within the Green Belt. Part A.(d) of Policy SP2 states that development in the Green Belt must conform to CS Policy SP3 and national Green Belt policies.

5.4 Policy SP3 B states “In accordance with the NPPF, within the defined Green Belt, planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted.”

5.5 CS policy SP11 provides guidance with regards to traveller sites and states the following:

- A. In order to provide a lawful settled base to negate unauthorised encampments elsewhere, the Council will establish at least a 5-year supply of deliverable sites and broad locations for growth to accommodate additional Traveller sites/pitches/plots required through a Site Allocations Local Plan, in line with the findings of up to date assessment of other robust evidence.
- B. Rural Exception Sites that provide Traveller accommodation in perpetuity will be considered in accordance with Policy SP10. Such sites will be for residential use only.
- C. Other applications for Traveller development will be determined in accordance with national policy.

5.6 CS policy SP10 refers to small scale ‘rural affordable housing’ and states that permission will be granted for such schemes as an exception to normal planning policy provided all the following criteria are met:

- i) The site is adjoining Development Limits in the case of Designated Service Villages;
- ii) A local need has been identified by a local housing needs survey, the nature of which is met by the proposed development; and

- iii) The development is sympathetic to the form and character and landscape setting of the village in accordance with normal development management criteria.

Government planning policy for Gypsies and Travellers was updated in 2015

- 5.7 The main change in policy is that the definition of what constitutes a Gypsy / Traveller for planning purposes now excludes those people that have ceased to travel permanently, i.e. a Gypsy / Traveller now only comprises those that are nomadic. It is those Gypsies and Travellers, that are able to demonstrate that they travel for work, that Local Planning Authorities must deliver pitches for in the Local Plan and it is their needs that require consideration when setting out the 5 year supply of pitches. However, it should be noted that those that don't meet the definition are still likely to culturally identify as Gypsies / Travellers and will still have accommodation needs.
- 5.8 Policy H of PPTS sets out how planning applications for traveller sites should be determined. The policy reiterates that applications should be assessed and determined in accordance with the presumption in favour of sustainable development and that planning law requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.9 Para 24 states that local planning authorities should consider the following issues amongst other relevant matters when considering applications:
 - a) The existing level of local provision and need for sites
 - b) The availability (or lack) of alternative accommodation for the applicants
 - c) Other personal circumstances of the applicant
 - d) That the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
 - e) That they should determine applications for sites from any travellers and not just those with local connections
- 5.10 Para 25 states that local planning authorities should very strictly limit new traveller site development in the open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on local infrastructure.
- 5.11 Para 26 requires that when considering applications, weight should be given attached to the following matters:
 - a) Effective use of previously developed, untidy or derelict land
 - b) Sites being well planned or soft landscaped in such a way to positively enhance the environment and increase its openness
 - c) Promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
 - d) Not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

- 5.12 Para 27 confirms that if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the temporary grant of planning permission. PPTS notes that there is no presumption that a temporary grant of permission should be granted permanently.
- 5.13 Para 28 identifies that local planning authorities should consider how they can overcome planning objections to particular proposals, using planning conditions or planning obligations including:
- a) Limiting which parts of the site may be used for any business operations, in order to minimise the visual impact and limit the effect of noise
 - b) Specifying the number of days the site can be occupied by more than the allowed number of caravans (which permits visitors and allows attendance at family or community events)
 - c) Limiting the maximum number of days for which caravans might be permitted on a transit site

5-year supply of Gypsy and Traveller Pitches

- 5.14 As the section above indicates, in determining planning applications for windfall gypsy and traveller sites, it is important to consider the existing level of local provision and need for sites along with the availability (or lack) of alternative accommodation for the applicant, including whether the Council are able to demonstrate a 5 year supply of deliverable pitches.
- 5.15 The Council's latest evidence is contained in the Gypsy and Traveller Accommodation Assessment (GTAA) (2018) which is based on site work undertaken in March 2018. The level of need identified in the GTAA is five pitches in the period to 2028, which increases to 8 pitches by 2033. It is important to note that this need is generated only from those households that meet the government's definition and does not include those households which exist in the district where the occupants either don't meet the definition or where their status is unknown (a household interview was not possible).
- 5.16 Since the GTAA was published, the Council has approved two planning applications for gypsy and traveller pitches at The Smallholdings in Kellington (permanent consent for 8 pitches) South Milford Caravan Park (temporary consent for 12 pitches). As part of negotiations on these applications, the authority has agreed to an updated need figure of 21 pitches for the district (up to 2033). This is due to:
- The GTAA approach undertaken to "unknown households", specifically the 10% applied was challenged and considered to be too low. On this basis, it has been increased to 25% to reflect recent appeal decisions and Local Plan Examinations. This increases the 5-year figure to 7 pitches and the total need to 2033 increases to 11 pitches.
 - Evidence was submitted by the agent for the South Milford site demonstrating that households that were currently living on the site could demonstrate that they met the definition (previously in the GTAA they did not).

The supply of pitches is currently as follows:

- South Milford Caravan Park – 12 pitches consented until June 2025 (ref. 2019/0030/COU). Furthermore, the Council are proposing the removal of this site from the Green Belt for its permanent use as a gypsy and traveller site (for 12 pitches) through the Local Plan process.
- The Small Holdings, Kellington – permanent consent granted for 8 pitches (ref. 2018/1299/FUL).

5.17 The above permitted schemes provide a supply of 20 pitches. In addition to these through the Local Plan process, there is the potential to create additional pitches on the North Yorkshire County Council (NYCC) owned sites at Burn and Carlton. Selby District Council (SDC) believe that within the existing sites (areas of 0.05ha and 0.04ha) there is the potential based on an initial assessment that this could provide between 2-4 pitches in total.

5.18 SDC have approached NYCC concerning the options that may be available for the expansion of their existing sites at Burn and Carlton. NYCC has indicated a willingness to work with SDC to investigate whether small-scale expansion of these sites is feasible. There may be options for a small-scale increase in pitches subject to reaching agreement on a suitable delivery mechanism, timing, funding and the formal approval process.

On the basis of the above, Officers are confident that they can demonstrate a 5-year supply of pitches.

Green Belt

5.19 The application site is located in the Green Belt and therefore relevant Green Belt policy applies. As mentioned above Policy SP4 (d) of the Core Strategy states that in Green Belt, including villages washed over by Green Belt, development must conform to Policy SP3 and national Green Belt policies. Policy SP3 B states “In accordance with the NPPF, within the defined Green Belt, planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted.”

Policy E of PPTS provides guidance specific to traveller sites in the Green Belt. It confirms that traveller sites in the Green Belt are inappropriate development and inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

5.20 Para 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5.21 Para 144 states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and other harm resulting from the proposal, is clearly outweighed by other considerations

5.22 The proposal includes operational development and the construction of new buildings. Paragraph 145 sets out that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt unless they fall within the exceptions set out:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and⁴³
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

5.23 The proposal does not fall within any of the above categories.

5.24 Given the above, it is clear that the proposal constitutes inappropriate development in the Green Belt which is, by definition, harmful and such harm carries substantial weight. The proposal is therefore considered to be unacceptable in principle. Other material considerations and the weight applied to each consideration is discussed below.

Impact on Openness of the Green Belt

5.25 Core Strategy Policy SP 3 Green Belt and Chapter 13 Protecting Green Belt land of the NPPF set out the importance of Green Belts and openness being a fundamental characteristic. The essential characteristic of Green Belts is their ‘openness’ and their ‘permanence’ for which the Government attaches great importance. The fundamental aim is to keep Green Belt land “open”. Selby District Council local planning policy contained in the Core Strategy and the Local Plan remains in alignment with national planning policy and as such considered to be up to date.

5.26 Paragraph 134 of the NPPF sets out the 5 purposes of the Green Belt:

- a) To check the unrestricted sprawl of large built up areas.
- b) To prevent neighbouring towns merging into one another.
- c) To assist in safeguarding the countryside from encroachment.
- d) To preserve the setting and special character of historic towns; and
- e) To assist in urban regeneration, by encouraging the recycling or derelict and other urban land.

In regard to this proposal purposes a, b and c are relevant. The site does not relate to a historic town (d) and is not derelict land (e).

5.27 The Government's Planning Practice Guidance (PPG) sets out what factors can be taken into account when considering the potential impact of development on the openness of the Green Belt. Assessing the impact requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.

Spatial and Visual Aspects

5.28 The site was previously un-developed and devoid of any particular features, being flat and particularly 'open' in nature. Images taken from Google Maps are shown in the presentation (Image Capture August 2012). The site, prior to any development, was clearly both visually and spatially open and flat, also absent from any natural boundary features or changes in topography. The site takes a prominent location along a well-used route from Hillam to the A612. The development clearly and demonstrably alters both the spatial and visual aspect of the site. As the PPG suggests, the visual impact of the development may be relevant. In this particular case the visual impact is considered to be important due to the original open nature of the site and its location with an area that is characterised by open fields. The introduction of any form of development on this site would result in encroachment of the countryside.

5.29 The retrospective works includes the laying of hard core, formation of the access, erection of fencing and siting of the portable toilets. The proposal also includes the erection of amenity buildings. The DAS is clear that *'the access would be from Hillam Lane which, although having bends to the north and south of the site, has an open frontage, providing clear visibility in both directions from the access'*. The DAS goes on to accept that *'the site is clearly visible from Hillam Lane, but only over a short length of the public road because of the bends in the road and intervening vegetation'*. The applicant suggests that the proposed development would include structural landscaping, hedgerows and trees, along site boundaries, additional hedgerow and tree planting is proposed within the site to provide privacy for residents and to break up the mass of the caravans, despite stating the Planning Policy for Traveller Sites August 2015 (PPTS) does not require sites to be hidden from view or adequately screened from the outset. Whilst the suggestion of screening and landscaping may soften the appearance of the site this would not change the fact that the proposal has a direct impact on openness spatially and visually until such a time that the landscaping is matured enough for the site to blend into the rural surroundings. View points from various locations are shown in the presentation.

Duration

- 5.30 The applicant has not made reference to whether the proposal is for a permanent or temporary permission, as such it is assumed that a permanent permission is sought. The development applied for includes the erection of amenity buildings and other works (such as infrastructure and sewerage treatment plant) that would be deemed as permanent structures and as such the proposal resulting in the impact on the Green Belt being permanent. The duration of the development is therefore permanent and there is no likelihood that the site would be returned back to its original state.

Degree of Activity

- 5.31 Whilst there are no details supplied with regard to comings and goings and traffic impact, the application form states that parking is required for 12 vehicles. 6 Cars and 6 light goods vehicles. Taking account of the degree of activity on the site originally, which may amount to periodic agricultural traffic, the degree of activity associate with the comings and goings of 12 vehicles, along with the very nature of the Gypsy and Traveller lifestyle will significantly change.
- 5.32 Taking into account the above assessment the proposal will have a significant impact on the openness of the Green Belt. The applicant agrees that the development will reduce openness and encroaches into the countryside, however, states that Very Special Circumstances (VSC) exists in the applicant's particular case that outweighs the impact on the Green Belt through openness and the encroachment into the countryside. VSC are discussed below.

Very Special Circumstances

- 5.33 The development is considered to be inappropriate and is by definition harmful to the Green Belt. It is clear, and the applicant agrees, that the proposal is harmful by reason of it constituting inappropriate development in the Green Belt added to is the harm to openness. It is appropriate therefore to consider whether the identified harm to the Green Belt is 'clearly' outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

The applicant has asserted that the following factors, when taken together, amount to very special circumstances.

1. Identified unmet need.
2. Lack of alternative sites.
3. Absence of a five-year supply.
4. Failure of policy to bring forward and adequate supply of gypsy sites.
5. Residents' personal needs including the needs of the children.

5-year supply of deliverable sites

- 5.34 In the situation where the Council are unable to demonstrate a 5-year supply of deliverable pitches, this provides a significant material consideration, which could with other material considerations, weigh in favour of the proposal.
- 5.35 However, recent consents at South Milford Caravan Park and The Smallholdings, Kellington, along with the proposed expansion of the Burn and Carlton sites, means that Officers are confident that they can demonstrate a 5-year supply of pitches.

Personal circumstances of the existing occupants

- 5.36 The benefits of a settled base for travellers, along with the need for access to healthcare, education, welfare and employment infrastructure are a material consideration. Whilst these are arguably the benefits that any settled base would provide, this site does provide an existing home for two households. The result of refusing this application, along with enforcing the site, would result in their displacement.
- 5.37 However, PPTS makes clear that, subject to the best interests of the child, personal circumstances are unlikely to clearly outweigh harm to the Green Belt and any other harm as to establish very special circumstances.

Officers have also requested information with regards to:

1. The efforts made by the applicants to find land outside the Green Belt.
2. Details of “residents’ personal circumstances” together with any evidence to support any circumstances given.

- 5.38 No information has been supplied despite the efforts of officers. On this basis, it is considered that no details have been provided with regards to personal circumstances and as such it is not possible to determine if there are any very special circumstances or what weight should be afforded to them.

Summary

- 5.39 Based on the above, Officers are of the view that there are no very special circumstances by way of need/supply of sites or any personal circumstances identified and as such the proposal is inappropriate development and harmful to the Green Belt.

Other considerations

Flooding and Drainage

- 5.40 Policy ENV 5 Development in Flood Risk Areas of the SDLP, policy SP15 SDCS and Chapter 14 of the NPPF meeting the challenge of climate change, flooding and coastal change set out the key considerations with regards to flooding and drainage. The site is located within Flood Zone 1 (low risk) as identified by the Government Flood Maps for Planning and as such there are no concerns with regards to flooding impact. There is no evidence to suggest that there are any critical drainage issues in the area. The applicant proposes non mains drainage. The Environment Agency, Yorkshire Water and The Council’s Environmental Health Team have been consulted.
- 5.41 Yorkshire Water have advised that a Water Supply can be provided under the terms of the Water Industry Act 1991 and that the area is not served by the public sewerage network.
- 5.42 The Environment Agency have provided advice with regards to the requirements for non mains drainage and advise that the site is not within an inner Groundwater Source Protection Zone.

- 5.43 The Council's Environment Health Team have been consulted and raise no objections to the proposal with regards to the proposed non mains drainage system for sewerage.
- 5.44 The Selby Area IDB, as part of the Shire Group of IDB's has been consulted and have provided advice with regards to the disposal of surface water drainage. Guidelines are provided should planning permission be granted.
- 5.45 Taking into account the above considerations, the proposal would not be at risk of flooding or increase flood risk elsewhere. A water supply can be provided and the principle of a non mains sewerage treatment plant is acceptable in principle. Further details would be required via condition should planning permission be granted.

Highways

- 5.46 Saved Policies T1a and T2 of the Selby District Local Plan set out the local planning policies with regards to development in relation to the highway network and access to roads. Paragraph 109 of the NPPF, states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the highway would be severe.
- 5.47 North Yorkshire County Council Highways Officers have been consulted. Whilst the plan submitted with the application shows a 6-metre-wide access road, 6 metre radius kerbs a turning head and 2.4 metre visibility splay measurement the details provided are insufficient to enable Highways Officers to fully assess the application. A measurement is required for the visibility splay along Hillam Lane. Details have been requested however, none provided despite officers' efforts.
- 5.48 It is on this basis that the suitability and safety of the proposed access cannot be fully assessed and as such the proposal is contrary to saved Policies T1 and T2 of the Selby District Local Plan and paragraph 109 of the NPPF.

Waste and Recycling

- 5.49 Saved Core Strategy Policy SP15, the Developer Contributions Supplementary Planning Document (SPD) and the National Planning Policy for Waste set out the considerations with regards to waste and recycling. The SPD sets out the detailed guidance with regards to the handling of waste and recycling. The NPP for Waste states that waste management is to be considered alongside other spatial planning concerns recognising the positive contribution that waste management can make to the development of sustainable companies.
- 5.50 The Waste and Recycling Team have advised that collection vehicles will not access private drives or use them for turning and so a bin presentation points would need to be provided at the junction with the highway. External bin store at each new plot should be large enough to accommodate 4 x 240 litre wheeled bins (refuse, green waste and 2 x recycling) and the presentation points should be large enough to accommodate two bins per plot each collection day. They have also advised that as there are 4 properties, the developer will be required to pay for the waste and recycling containers. Therefore, should planning permission be granted a financial contribution would be required to provide for waste and recycling services.

Ecology and the Natural Environment

- 5.51 Policy SP18 of the Core Strategy, ENV9 and ENV14 of the Local Plan and paragraphs 175 to 177 of the NPPF set out the key considerations with regard to the impact of the development on ecology, biodiversity and the natural environment.
- 5.52 No ecological assessment has been undertaken or submitted with the application to assess potential harm to biodiversity resulting from the development. Whilst the site was devoid of boundary hedgerows and trees it was covered in surface vegetation and located within an agricultural area with a Site of Importance for Nature Conservation to the north. Policy ENV9 is a saved policy within the Local Plan and states that proposals for development which would harm a site of local importance for nature conservation will not be permitted unless there are no reasonable alternative means of meeting the development need and it can be demonstrated that there are reasons for the proposal which outweigh the need to safeguard the intrinsic local nature conservation value of the site or feature.
- 5.53 As there has been no Preliminary Ecological Appraisal of the site and the nearby it is not possible to assess the harm that the development has had or will have on the harm to biodiversity either on the site or the Site of Importance to Nature Conservation.
- 5.54 Paragraph 170 of the NPPF requires that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character of the countryside along with minimising impacts on and providing net gains for biodiversity including establishing coherent ecological networks. The NPPF is considered to be more up to date with regards to the Governments aspirations for enhancing the local environment and as such weight should be added to the lack of proper assessment to establish the harm to the biodiversity and any minimising impacts.

Loss of Agricultural Land

- 5.55 Saved SP18 of the Core Strategy and paragraph 170 b) of the NPPF places importance on the economic benefits of the best and most versatile agricultural land.
- 5.56 The Government has provided advice on when and how the loss of agricultural land should be assessed. Even smaller sites (under 20 hectares) should be considered if they are significant when making the decision.
- 5.57 The Yorkshire and the Humber Region Agricultural Land Classification identifies the site as 'Very good' agricultural land.
- 5.58 There has been no justification provided for the loss of the 'very good' agricultural land. It is therefore considered that the proposal is contrary to policy SP18 of the Core Strategy and paragraph 170 b) of the NPPF that it does not recognise the economic benefits of the best and most versatile agricultural land.

Impact on Residential Amenity

- 5.59 Saved policies ENV1 (1) and ENV2 of the Selby District Local Plan 2015 and Paragraph 127 of the NPPF set out the key considerations with regards to the impact of development on residential amenity.
- 5.60 The proposal will lead to an increased level of comings and goings that have the potential to have an unacceptable impact on occupiers of existing residential properties within the vicinity of the site and wider areas subject to noise and nuisance. Detailed information has not been supplied with regards to the exact comings and goings and the development would not trigger the need for a transport assessment or transport statement, however, due to the nature of the proposal as a site for Gypsies and Travellers, the traffic movements will increase from the previous use of the site as an agricultural field along with a change in the vehicle types. There are no details with regards to routing and as such the nearby residents and those within the settlement of Hillam are likely to expect an increase in traffic movements along with a change in the type and frequency of movements which have the potential to create impacts in terms of noise and nuisance.
- 5.61 It is considered that there will be an impact on residential amenity due to the change in nature of the use on the site, however, insufficient details have been provided to fully assess the level of impact of the development on residential amenity.

Sustainability

- 5.62 Sustainable development is at the heart of the role of the Planning System. Chapter 2 of the NPPF sets out the purpose of the planning system is to contribute to the achievement of sustainable development.
- 5.63 Planning decisions should take local circumstances into account, to reflect character, needs and opportunities in each area.
- 5.64 Whilst PPTS states at para 25 that local authorities should very strictly limit new traveller site development in the open countryside, it does not explicitly preclude it.
- 5.65 The site is located in the open countryside but closely located to the settlement of Hillam / Monk Fryston which is identified as a Designated Service Village and has the benefit of a range of facilities including a primary school, village shop and GP surgery, however, the nearest bus stops are located at the junction of Hillam Lane/Ledgate Lane to the west and Hillam Lane round 400 metres (taken from Google Maps) from the site. The walking distances are potentially acceptable considering the advice in the Institute of Highway and Transport (IHT) guidance, however Hillam Lane is subject to a national speed limit (30 mph), there are no footpaths towards the village of Hillam or Burton Salmon and both routes are unlit. The desirability of pedestrians using the route would be limited particularly for those that may be less able bodied or during inclement weather. Realistically, occupiers of the site would rely upon the private vehicles to access services.
- 5.66 Furthermore, consideration needs to be given to whether the proposal respects the scale of, and does not dominate, the nearest settled community of Hillam / Monk Fryston. The proposal is for 6 pitches, taking into account the vacant parcels of land either side of the site, the proposal may set an undesirable present which may

result in the expansion of the site, which would potentially dominate the settlement of Hillam.

- 5.67 The NPPF sets out that there are three overarching objectives in achieving sustainable development, an economic objective, a social objective and an environmental objective. No economic benefits have been identified, the proposal does not put forward any environmental benefits and there has been no details put forward to demonstrate any social needs for present and future generations.
- 5.68 Officers are therefore of the view that the proposal is an unsustainable form of development as set out in Chapter 2 of the NPPF.

Procedural

- 5.69 A revised Design & Access Statement to correct inaccuracies, in particular relating to the number of pitches to correspond with the application description has been requested, despite the officers' efforts this has not come forward. For clarity, the proposal has been considered on the application form description and email from the agent confirming the proposal is for 6 pitches.
- 5.70 The application has been re-advertised as a Departure from the Development Plan, Members are advised that if they are minded to approve the application contrary to the officer recommendation as set out below, that the Head of Planning is authorised to issue the decision after the expiry of the additional advertisement, subject to no further representations being received raising new material planning issues.

6 CONCLUSION AND PLANNING BALANCE

- 6.1 Taking into account all of the material planning considerations set out above, it is considered that the proposal is unacceptable on the basis that the Council can justify that there is no unmet need, lack of alternative sites or an absence of 5-year supply, significant weight has been attached to the lack of need for the site and the alternatives available.
- 6.2 The proposal is in direct conflict with both National and Local Planning Policy with regard to the protection of Green Belts. The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their 'openness' and their 'permanence'. Inappropriate development is harmful to the Green Belt and the Government is clear that it should not be approved except in very special circumstances.
- 6.3 The proposed use is harmful to the Green Belt by means of inappropriateness and has a harmful impact to the openness of the Green Belt. The proposed new buildings do not fall within any of the exceptions set out in paragraph 145 of the NPPF, and as such the new buildings are also considered to be inappropriate and by definition harmful. Substantial weight has been attached to the harm to the Green Belt.
- 6.4 Whilst the applicant suggests that personal circumstances exist, including the needs of children, no details have been supplied. As such officers are of the view that there are no very special circumstances that can be considered in the weights and balances of this proposal.

6.5 Significant weight has also been attached to The Planning Policy for Traveller Sites which sets out considerations for which weight should be applied. Each consideration is assessed below.

a) effective use of previously developed (brownfield), untidy or derelict land

The site is not classed as previously developed, untidy or derelict land prior to the unauthorised works. This weighs against the proposal.

b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness.

The application puts forward the principle of landscaping but not firm details have been provided. The development would not increase the openness of the site. Limited weight is attached based on the lack of details and the impact on openness weighs against the proposal.

c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children.

Landscaping details have been put forward in principle but no details. A paddock area is shown but no play areas specifically for children. The lack of details and lack of play area weighs against the proposal.

d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

The site is covered in hard landscaping and a 2 metre high fence has been installed which gives the impression of separation. The remainder of the site is screened by post and rail fencing which forms part of the proposed retention. This weighs against the proposal.

6.6 In addition to the weight attached to the main issues set out above, the proposal has also failed to take account of the impact on and enhancement to biodiversity, the value and loss of the agricultural land, impact on highway safety and the wider transport network and the impact on residential amenity of both the occupiers of the site and of properties close to the site and the nearby villages of Hillam and Burton Salmon.

Taking into account of the weight attached to the material planning issues as set out above, on balance officers recommend that planning permission is refused.

7 RECOMMENDATION

Planning permission be **REFUSED** for the following reasons:

1 Green Belt

The proposal is considered to be inappropriate development and harmful to the Green Belt. It has not been demonstrated that there are any very special circumstances that would outweigh the harm to the Green Belt by inappropriateness. The proposal will have an impact on the openness of the Green Belt visually and spatially along with the level of permanence. The proposal is

therefore contrary to Policy SP3 of the Core Strategy Local Plan (2013) and paragraphs 133, 134, 143-145 of the NPPF.

2 Lack of need

The proposal in principle as a Gypsy and Traveller Site is considered to be unacceptable as the Local Planning Authority can demonstrate a 5 year supply and alternative sites that are available and as such there is no unmet need. The proposal is therefore contrary to Policy SP11 of the Core Strategy (2013) and the Planning Policy for Traveller Sites (DCLG, August 2015).

3 Unsustainable development

The proposal is considered to be unsustainable development as set out by Chapter 2 of the NPPF, in that it does not deliver the overarching objectives as set out by Paragraph 8 of the NPPF by virtue of failing to reflect the character, needs and opportunities of the area. The proposal would occupy a site which is classified as very good agricultural land and as such will sterilise its future use compromising the ability of future generations to meet their own needs. The proposal will be wholly reliant on private vehicles to access local facilities to meet the occupiers day to day needs.

4 Insufficient information – Ecology

Insufficient information has been provided for the Local Planning Authority to properly assess the impact of harm or mitigation required with regards to biodiversity. The proposal is therefore considered to be contrary to Policy SP18 Protecting and Enhancing the Environment of the Core Strategy, saved Policies ENV9 and ENV14 of the Local Plan and paragraphs 175 to 177 of the NPPF.

5 Insufficient information – Highways and amenity

Insufficient information has been provided for the Local Planning Authority to properly assess the impact on highway safety, the impact on the wider transport network and impact on residential amenity. The proposal is therefore considered to be contrary to Saved policies ENV1 (1) and ENV2, T1a and T2 of the Selby District Local Plan 2015 and Paragraphs 109 and 127 of the NPPF.

INFORMATIVE

The Local Planning Authority has requested further information from the applicant in order to consider if any Very Special Circumstances can be identified. Despite the efforts no further information has been received. Without further information the development would not improve the economic, social and environmental conditions of the area and therefore does not comprise sustainable development. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

8 Legal Issues

8.1 Planning Acts

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

8.2 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.

8.3 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.

9 Financial Issues

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

10 *Background Documents*

Planning Application file reference 2020/1126/COU and associated documents.

Contact Officer:

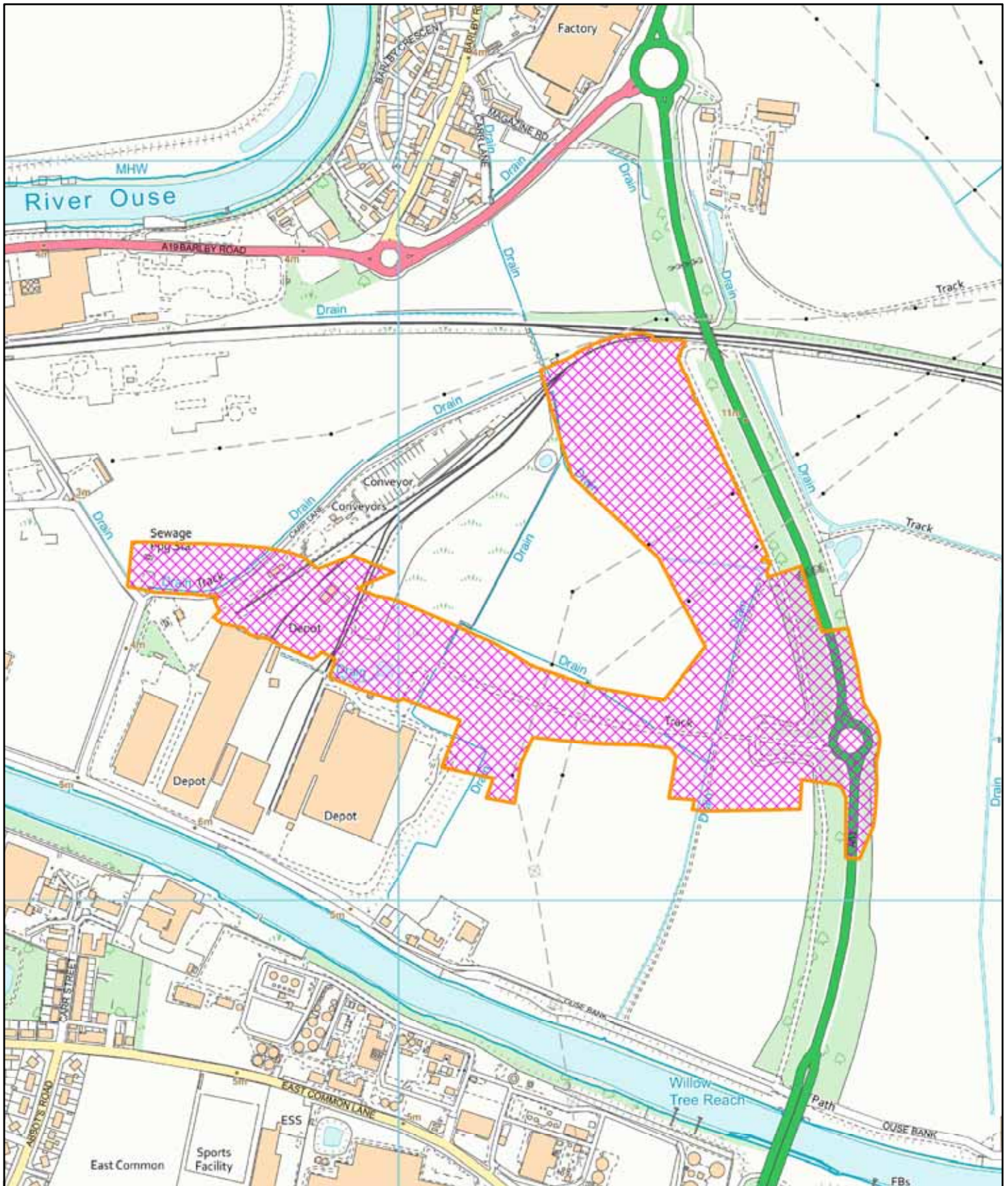
Diane Holgate, Principal Planning Officer

dholgate@selby.gov.uk

Appendices: None

Agenda Item 5.3

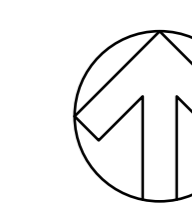
Brownfield Site, Olympia Park, Barlby Road, Barlby
2019/1027/EIA



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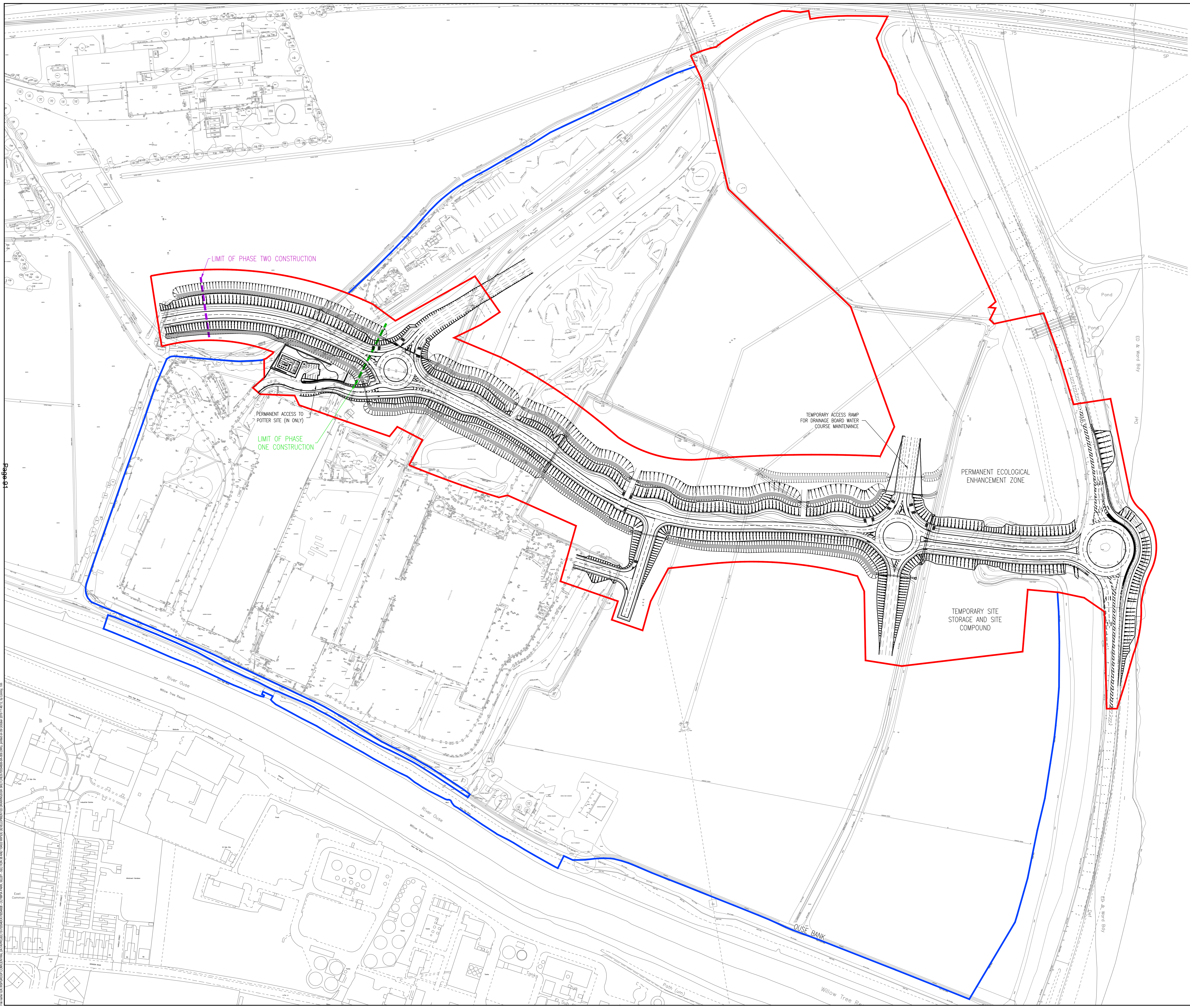
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DO NOT SCALE

KEY

- RED LINE BOUNDARY (15.55ha, 155555.94m², 38.44 ACRES)
- OPD LTD LAND BOUNDARY (60.38ha, 603814.10m², 149.21 ACRES)



AMENDED DRAWING

REV	DATE	BY	DESCRIPTION	CHK	APP
FOE	09/10/2019	KD	FOR INFORMATION SCALE		
FOF	24/09/2019	KD	POTTERS GROUP BUILDING ADDED		
FOG	11/09/2019	KD	SITE COMPANES RELOCATED		
FOH	21/08/2019	KD	LAYOUT AMENDED TO PROVIDE GREATER BUFFER ON THE BROOK		
FOI	15/08/2019	KD	LAYOUT AMENDED TO SIA LAYOUT		
FOJ	01/08/2019	KD	FIRST ISSUE		
REV	DATE	BY	DESCRIPTION	CHK	APP

DRAWING STATUS: **S2 - FOR INFORMATION**



CLIENT: **OLYMPIA PARK DEVELOPMENTS LTD**

ARCHITECT: **DLA DESIGNS**

PROJECT: **OLYMPIA PARK, SELBY ACCESS ROAD**

TITLE: **SITE OVERVIEW PLAN**

SCALE: 1:1250	DRAWN: TC	CHECKED: TC	APPROVED: DE
PROJECT NO: 70054608	DESIGNED: TC	DRAWN: KD	DATE: September 19
DRAWING NO: 70054608-SK-009			REV: P06
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Report Reference Number: 2019/1027/EIA

To: Planning Committee
Date: 28 April 2021
Author: Gareth Stent (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2019/1027/EIA	PARISH:	Barlby And Osgodby Town Council
APPLICANT:	Olympia Park Developments Ltd	VALID DATE: EXPIRY DATE:	4th October 2019 24th January 2020
PROPOSAL:	Proposed site preparation and construction of an access road to facilitate the wider Olympia Park development site with associated development and infrastructure including: modification of existing junctions; ground re-profiling and creation of an earth embankment; temporary site compound; drainage infrastructure including temporary and permanent drainage ditches, new culverts and discharge to watercourse; new landscaping and an ecological enhancement zone; creation of new junctions, pedestrian and cycle routes; a new gatehouse to the existing Potter Group Logistics site; and other associated infrastructure		
LOCATION:	Brownfield Site Olympia Park Barlby Road Barlby Selby North Yorkshire		
RECOMMENDATION:	Grant subject to the completion of a S106		

This application has been brought before Planning Committee as it is for a key major strategic development within the Selby District, and it is accompanied by an Environmental Impact Statement.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 This full application relates to the construction of a new access road to facilitate the future development of Olympia Park, which is a 60h regeneration site allocated for major mixed-use development comprising of potentially residential, employment,

community and retail uses. The site plays a key part in the Local Planning Authority's strategy for growth and a substantial expansion to the main urban area.

- 1.2 The proposal is the outcome of a collaborative approach through pre-application discussions between the Applicant (Olympia Park Development Ltd), Selby District Council as Local Planning Authority ('LPA') and North Yorkshire County Council as Local Highways Authority ('LHA').
- 1.3 Olympia Park's strategic importance to the district is set out in the 2013 Core Strategy. The Spatial Development Strategy for the district recognises that Selby is the principal town and provides the main focus for housing, employment, shopping, leisure, health and culture and serves a large rural catchment. It is the most self-contained settlement within the district and is also the most sustainable location for further growth. The Spatial Development Strategy sets out that, as a settlement, Selby is an important location to accommodate growth stemming from the Leeds and York City Regions and help contain the level of outward commuting to larger urban centres.
- 1.4 The road proposed by this application was initially being brought forward with the benefit of funding secured through the Housing Infrastructure Fund (HIF), which is a Government capital grant programme to help secure the delivery of housing. However, the emphasis changed early in the life of the application, as the residential use of this part of the site is no longer appropriate. The road will now provide the platform for key strategic future employment generation for Selby and will assist in securing the delivery of the Olympia Park development and unlock the site's regeneration benefits. The proposed road will also help consolidate the existing businesses within Olympia Park and significantly reduce vehicle movements on Barlby Road.
- 1.5 In terms of the site characteristics, the red line boundary primarily comprises of land that is predominately in agricultural use. The red line boundary does extend to include some employment land at the Potters site. Access is taken from the partially built spur from the A63, which is surfaced, and laid out for approximately 65m, before turning to a gravel road of poor quality.
- 1.6 The gradient of the site is largely flat, however there is a considerable difference in levels between that of the A63 and the land in agricultural use. To achieve a suitable form of development, which mitigates flood risk, earthworks will be required to deliver the road. The site comprises a number of features associated with electricity and water infrastructure. Pylons of varying heights dissect the site from north to south. A number of drainage ditches are also present, with a pumping station located outside the red line boundary.

The Proposal

- 1.7 The proposal is essentially for the construction of a central road with 2 roundabouts and spurs leading to separate parcels of land for development. The proposal includes all essential infrastructure which includes:
 - the modification of existing roundabout where it meets the bypass;
 - ground re-profiling and creation of an earth embankment;
 - temporary site compound;

- drainage infrastructure including temporary and permanent drainage ditches, new culverts and discharge to watercourse;
- new landscaping and an ecological enhancement zone;
- creation of new junctions, pedestrian and cycle routes; and
- a new gatehouse to the existing Potter Group Logistics site.

1.8 The red line site extends only to include land necessary to facilitate the delivery of the access road and supporting infrastructure, with additional land required for ecological mitigation and temporary site works (23.06 ha). This includes a western spur for the new road and land required to modify the junction of the A63. The remainder of the 60 ha site (36.9 ha) is excluded from the site and would come forward with separate planning submissions.

1.9 The application is accompanied by a full Environmental Impact Assessment ('EIA') presented within the Environmental Statement ('ES'). The form and content of the ES has been agreed following the submission of a Scoping Report.

Relevant Planning History

1.10 Below is the relevant planning history connected to the site.

- CO/2001/0741 - Proposed construction of a roundabout connection to the Selby Bypass and an access road into the Potter Group Site, Barlby Road, Barlby, Selby. Permitted 05.04.02.
- 2012/0541/EIA - Hybrid planning application was submitted by BOCM Pauls Limited for : "Application for Olympia Park comprising of 863 dwellings, Public House/Restaurant, food retail unit, fast food unit, primary school, public open space, landscaping works and other associated infrastructure works (outline application) and highway & drainage infrastructure (including road bridge over the existing railway line and new access road from A63 Bypass), landscaping works, demolition, remediation and restoration of site, construction of playing field, bowling green, play spaces, sports and community hub building, allotments and noise mitigation. The application was approved 17.12.2015 and has since lapsed.
- 2016/1325/ADV - Description: Advertisement consent for display of 3 No non-illuminated sponsorship signs placed on the roundabout, Selby Bypass, Selby, Decision: Permitted 05.01.17.
- 2018/0875/SCP - Description: EIA scoping request for the proposed residential led mixed use development at Olympia Park, Barlby Road, Barlby, Selby: Issued 16-NOV-18.
- 2019/0360/SCP -EIA Scoping request for access Road. Issued 30.5.19.

2. CONSULTATION AND PUBLICITY

2.1 **Contaminated Land Consultant** – No objections based on the Preliminary Sources Study Report / Phase 1 Preliminary Risk Assessment supplied, which review previous Phase 1 and 2 reports for the wider Olympia Park site.

Parts of the proposed Olympia Park access road cross land with past industrial/commercial uses, including sugar factory lagoons, an asphalt plant and a

distribution depot. Made ground and peat deposits are also known to be present at the site. The report states that the contaminated land risk to the proposed access road development is low. However, it does acknowledge that there is the potential for contaminated land to be present due to the historical localised industrial land use.

- 2.2 The report recommends that a supplementary intrusive ground investigation is undertaken to support the findings of the combined Preliminary Sources Study Report / Phase 1 Preliminary Risk Assessment and refine the conceptual site model. This can be controlled by suitable planning conditions.
- 2.3 **Historic England** – No objections.
- 2.4 **Conservation Officer** – No response received.
- 2.5 **HER Officer (Archaeology)** - The EIA includes the necessary information within chapter 9 on Archaeology and Cultural Heritage and is supported by an archaeological desk-based assessment (Appendix 9.1) and a geophysical survey (Appendix 9.3).
- 2.6 The County Archaeologist was concerned that the palaeoenvironmental aspects are addressed in the archaeological desk based assessment but are barely mentioned in the EIA chapter and non-technical summary. In 2013 AECOMM produced a filenote on an Archaeological Mitigation Strategy for Olympia Park. This is referenced in the archaeological desk-based assessment but has not been revised or resubmitted with this application. This document sets out a programme for palaeoenvironmental and geoarchaeological works to advance our understanding of this dynamic landscape, particularly in the prehistoric and early historic periods. It is presumed that it is the intention for the guidance set out in this document to be followed but this is not clear from the application.
- 2.7 It is concerning that the EIA chapter and non-technical summary set out the mitigation in the form of geophysical survey (already completed) and trial trenching (which is unlikely to be appropriate due to depths of deposits). Section 9.2 of the non-technical summary specifically states that no further archaeological work will be required once trial trenching has taken place.
- 2.8 The County Archaeologist agrees with the overall outcome of the assessment, i.e. that archaeological deposits are likely to be of local interest and any loss can offset by appropriate mitigation, the application understates the likely extent and purpose of the mitigation. On this basis the County Archaeologist recommends that a Written Scheme of investigation is necessary to secure the archaeological recording.
- 2.9 **North Yorkshire Bat Group** – No response received.
- 2.10 **Yorkshire Wildlife Trust** - The Trust feels that the plans for this link road, cannot realistically be viewed without taking account of the future environmental implications of the wider Olympia site itself. The Trust notes the site has been promoted by the Selby Local Development Framework as it's only strategic site for a mixed-use development. As such, the Trust will not be objecting to the development of this site, based on the overall size and loss of arable land within the central area of Selby, as otherwise may have been the case.

- 2.11 The Trust has no immediate concerns re the development of the access road and notes the mitigation measures suggested in the latest survey re water vole activity on site across the various drainage ditches, including the construction of culverts. As far as plans for the wider site are concerned, we would only ask that sensitive landscape schemes with deliverable long-term plans for management are provided, which would best support a future net gain for biodiversity.
- 2.12 Yorkshire Wildlife Trust would expect and encourage any development of this size to retain at its' core, the development principle stated in Section 5 of the Selby District Local development Framework, Policy CP2A - "to maximise and opportunity to retain, enhance and create green infrastructure," to best maintain any green corridors for wildlife.
- 2.13 **County Ecologist** –The County Ecologist was content with the survey work undertaken but required ecology chapter of the Environmental Statement be revised accordingly to take account of some deficiencies in the report. The reports needed updating following the discovery of opposite-leaved pondweed.
- 2.14 Further information was required in terms of the future management of ditches in section 8.111 of the ecology chapter of the Environmental Statement, it is observed that, "A lack of appropriate management could result in the colonisation of ditches by tall ruderal and scrub species, as seen in other ditches on the wider development. Conversely, over management could remove vegetation. This impact is likely, medium scale and adverse and would act in the long term.
- 2.15 They have stated that the ES should identify what the future management arrangements for the watercourses will be and assess impacts accordingly and do not support re-planting of ditches with aquatic or emergent plants if this is what is implied in para 8.123 of the ecology chapter. There is adequate flora in nearby ditches to ensure natural colonization.
- 2.16 Impact on Grass Snake - The potential impact of road casualties and habitat degradation on the Grass Snake population is assessed as 'Minor Adverse at the Local Level'.
- 2.17 It is their belief that this understates the level of impact as there is anecdotal evidence of Grass Snake road deaths in the local area. Grass Snakes have been recorded frequently in the area around Staynor Wood in the past and it is likely that animals on the Olympia Park site form part of the same meta-population. The County Ecologist suggests that there would be at least a Moderate impact at a local level.
- 2.18 Cumulative impacts - Section 8.136 of the ES states that, "As they are intrinsically linked, it is important to be able to view the proposed Access Road development within the framework of the wider site, therefore the in-combination assessment considers these two developments together, including all assumed elements of the wider Olympia Park Development site". However, there is no consideration of cumulative impacts on Water Vole, which has been identified as a key ecological receptor. Water Voles are likely to be vulnerable to human disturbance and predation by domestic pets once the associated development is completed. This impact needs to be addressed.
- 2.19 Overall impact - The claim that "Following the development of the Ecology Enhancement Area the Access Road development will comfortably deliver a

biodiversity net gain" seems reasonable, provided all the proposed mitigation and compensation measures are delivered.

2.20 If Selby District Council is minded to approve this application, it is recommended that a Condition requiring that a Landscape and Ecology Management Plan and Construction Environment Management Plan be agreed prior to commencement. These plans should incorporate all the relevant recommendations of a revised ecology chapter of the ES.

2.21 16.3.2021 – Response to applicants’ comments that no update of the EIA was necessary - Concern from NYCC ecologist view that the applicant was understating the significance of certain ecological receptors, for the reasons explained. It is asked for the revision of the ecology chapter of the ES to reflect more accurately the importance of receptors such as Opposite-leaved Pondweed and Grass Snake. For example, failing to identify the significance of a nationally-threatened plant species is remiss and has the effect of under-valuing the ecological sensitivity of the ditch system.

If this was a Preliminary Ecological Appraisal or Ecological Impact Assessment for a non-EIA scheme, it would normally be expected that appropriate revisions to be made, not least for the sake of transparency, so that interested members of the public could understand accurately the implications of the proposed development and can't comment on how this fits in procedurally with EIA requirements.

In practical terms, however, NYCC Ecology are happy that these matters can be resolved by giving them appropriate weight and consideration in the Construction Environmental Management Plan (Biodiversity) and Biodiversity Environmental Management Plan.

2.22 **Designing Out Crime Officer** – No objections in principle but concerns the future permeability of the site. There are advantages in some road layout patterns over others, especially where the pattern frustrates the searching behaviour and limits escape opportunities of the criminal. Whilst it is accepted that through routes will be included, the designer must ensure that the security of the development is not compromised by excessive permeability by providing too many or unnecessary segregated footpaths. Movement frameworks based upon 'primary routes' and shared spaces, remove the need for underused alleyways, short-cuts, footpaths and a large number of minor access points that can become vulnerable to/or facilitate crime.

2.23 **North Yorkshire Fire & Rescue Service** – The means of escape appear satisfactory, and the North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority have no further comments.

2.24 **Public Rights Of Way Officer** – No response. (Officer note – No PROW are affected by this proposal).

2.25 **Development Policy** - No response received.

2.26 **North Yorkshire County Council (CPO)** – No objections, but wanted to highlight that the Olympia Park site and surrounding land includes two established businesses (Potter Group Logistics, Clipper Logistics and Bowker Group) which are minerals related and are safeguarded under the emerging Minerals and Waste Joint

Plan (MWJP) which is being produced by North Yorkshire County Council, York City Council and North York Moors National Park Authority.

- 2.27 The Potter Group Logistics site is safeguarded under emerging MWJP Policy S04 – Transport Infrastructure Safeguarding which states:

Railheads, rail links and wharves identified on the Policies Map, with a 100m buffer zone, will be safeguarded against development which would prevent or frustrate the use of the infrastructure for minerals or waste transport purposes, unless:

i) The need for the alternative development outweighs the benefits of retaining the facility; and ii) Where the minerals or waste transport infrastructure is in active use on the land, a suitable alternative location can be provided for the displaced infrastructure; or

iii) The infrastructure is not in use and there is no reasonable prospect of it being used for minerals or waste transport in the foreseeable future.

Where development, other than exempt development as defined in the Safeguarding Exemption Criteria list, is proposed within an identified buffer zone permission will be granted where adequate mitigation can, if necessary, be provided to reduce any impacts from the existing or proposed adjacent minerals or waste transport infrastructure uses to an acceptable level, and the benefits of the proposed use outweigh any safeguarding considerations.

- 2.28 The Cemex asphalt plant and depot is safeguarded under emerging Policy S05 – Minerals ancillary infrastructure safeguarding which states:

Minerals ancillary infrastructure sites identified on the Policies Map, with a 100m buffer zone, will be safeguarded against development which would prevent or frustrate the use of the site for minerals ancillary infrastructure purposes, unless: i) The need for the alternative development outweighs the benefits of retaining the site; and ii) Where minerals ancillary infrastructure is in active use on the land, a suitable alternative location can be provided for the displaced infrastructure; or iii) The site is not in use and there is no reasonable prospect of it being used for minerals ancillary infrastructure in the foreseeable future.

Where development, other than exempt development as defined in the Safeguarding Exemption Criteria list, is proposed within an identified buffer zone permission will be granted where adequate mitigation can, if necessary, be provided to reduce any impacts from the existing or proposed adjacent minerals ancillary infrastructure uses to an acceptable level, and the benefits of the proposed use outweigh any safeguarding considerations.

- 2.29 Emerging Policy S06 – Consideration of applications in Consultation Areas states:

Where development, other than exempt development as defined in the Safeguarding Exemption Criteria list, is proposed in an area safeguarded on the Policies Map for minerals resources, minerals transport infrastructure, minerals ancillary infrastructure and waste infrastructure, and the proposed development site is located outside the City of York and North York Moors National Park areas, consultation with North Yorkshire County Council will be required before permission is granted.

- 2.30 These policies need to be taken into account to safeguard these two minerals sites and Policy S06 ensures that North Yorkshire County Council are consulted when required.
- 2.31 In terms of National Policy paragraph 182 states;
- Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.*
- 2.32 This needs to be taken into account as it will ensure that mitigation is put in place by the developer to prevent adverse impact on the new development from existing businesses. This will also be important during the development of the wider Olympia site, not just the installation of the new access road.
- 2.33 **Network Rail** - No observations to make.
- 2.34 **The Environment Agency** - No objection to the proposal, subject to conditions.
- 2.35 **Flood Risk** - all comments / conditions below, relate only to the access road and associated red line boundary, and not to any of the wider Olympia Park development (for which Selby District Council is in the process of updating its level 2 SFRA). The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.
- 2.36 The development shall be carried out in accordance with the submitted flood risk assessment (FRA) by Alan Wood and Partners, referenced JAG/AD/JD/40961-RP001-RevB, dated September 2019 and the following mitigation measures it details:
- Finished floor levels for the office shall be set no lower than 600 mm above existing ground levels.
 - The embankment is to be designed and built to incorporate suitable erosion protection in the event of flooding occurring.
 - Culverts are to be placed under the proposed road embankment (running North to South) to maintain the flow of water through the existing drainage network.
- 2.37 The EA provided further advice on flood warning and emergency response. The EA also indicated surface water drainage should be agreed with both the IDB and North Yorkshire County Council in their role as Lead Local Flood Authority. The Agency's only interest in surface water drainage is in the rate of runoff / discharge to main river. The proposed works should be completed in accordance with the submitted CEMP. Further advice to applicant regarding - Environmental Permits is included as an informative.

- 2.38 Groundwater and Contaminated Land – The previous use of the proposed development site presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a principal aquifer. The application's supporting evidence demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. The proposed development will only be acceptable if the following planning conditions are included. Without these conditions we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.
- 2.39 Conditions included the need for - Remediation strategy, verification report and unidentified contamination. (*Officer note- these were similar to those suggested by the Contamination officer*)
- 2.40 The application form indicates that at present the design plans for foul drainage is currently unknown. New development should connect to the public mains sewer, wherever possible. The applicant should contact the relevant water company about connecting to their mains sewerage system.
- 2.41 Government guidance contained within Planning Policy Guidance and building regulations drainage and waste disposal approved document H provides a hierarchy of drainage options that must be considered and discounted in the following order:
1. Connection to the public sewer
 2. Connection to a private sewer, communicating with a public sewer,
 3. Either a septic tank or another wastewater treatment system,
 4. A cesspool
- 2.42 Additional information
- There are three sites that the Environment Agency regulates as 'installations' close to the area of proposed development. All three are classed as 'food and drink' sites.
- 2.43 The three sites have the potential to have amenity issues on occasion e.g. odours, noise, dust. Please be advised that whilst this planning application is for groundworks in this area for future development in these three sites are located close to the development and may have an impact on future development of this area.
- 2.44 **The Ouse & Derwent Internal Drainage Board** – No objections subject to conditions.
- 2.45 **Waste and Recycling Officer** – No response received.
- 2.46 **The Council's Landscape Officer** – No objections: Requested sight of the tree survey which seemed to be missing from the planning portal. Conditions for: Tree protection, a detailed landscaping scheme and Landscape and biodiversity maintenance and management plan (should reflect aims and objectives of the landscape strategy, not just a maintenance schedule).

- 2.47 Consideration will need to be given to the long term maintenance and management of all areas not to be adopted by Highways as part of a legal agreement. It is normally expected that this is undertaken by a management company for the life of the scheme. A plan will be required showing the areas to be managed.
- 2.48 **Planning Casework Unit** – No response received.
- 2.49 **Barlby and Osgodby Parish Council** – No objections.
- 2.50 **North Yorkshire Fire & Rescue Service** – No objections.
- 2.51 **Highways England** – No objection.
- 2.52 **NYCC Highways** – No objections subject to conditions and a Section 106 Legal Agreement.
- 2.53 The link road proposed in the application is to serve a wider mixed development of the site allocated in the adopted Selby Local Plan. The applicant's Transport Assessment considers the impact of this wider development on the highway network and is proposing amendments to the A63 site access roundabout to accommodate the wider long term development within the current proposals.
- 2.54 Whilst the Local Highway Authority (LHA) welcomes this approach, as it will minimise the disruption to the travelling public on the A63, there is the potential for situations to change and for the proposed mitigation to be insufficient to accommodate the traffic generated by the development that is eventually brought forward. Given the design year and expected build out date are both 2033, there is much that can alter in the intervening 13 years. Consequently, the LHA would seek to have obligations included in a Section 106 Agreement which constrained the traffic generated by the overall site to the levels set out in the current Transport Assessment (TA). It is expected that this will in turn be linked to a Travel Plan for the wider site, which will propose measures to monitor the level of traffic leaving the site and to constrain the traffic generated to the levels in the TA. This would ensure that the amended roundabout on the A63 would be adequate to accommodate the traffic generated by the wider development without interference with the flow of traffic on the A63 Selby by-pass.
- 2.55 The use of the DMRB (Design Manual for Roads and Bridges) standards for the design of the A63 roundabout alterations and the proposed spine road is welcomed. The LHA considers this is the appropriate standard in a location where movement of vehicles will take priority over 'place making'. The assurances that the road will be set at the appropriate levels to provide a flood free exit route from the site is welcomed given the location. The LHA will be guided by the LLFA on the appropriate levels to deliver this.
- 2.56 In the short term the spine road will be a private road serving a limited number of properties and a construction access for the development of the wider site. Adoption of the road prior to the completion of the construction of the whole site would be inappropriate. The LHA would seek to cover the timing of the adoption of the spine road as highway maintainable at the public expense and the undertaking of remedial works to bring the road to the required standard for adoption in a Section 106 obligation.

- 2.57 The Local Highway Authority recommends that the following matters are addressed through inclusion in a Section 106 Agreement:
1. A mechanism to restrain the traffic generated by the site below the levels assessed in the TA.
 2. A mechanism for the future adoption of the spine road as highway maintainable at the public expense including timing (to follow construction of the wider site) and repairing damage prior to adoption
- 2.58 Conditions
- Detailed Plans of Road and Footway Layout
 - Construction of Adoptable Roads and Footways
 - Construction Management Plan
 - Delivery of off-site highway Works
- 2.59 **Yorkshire Water Services** – No response received.
- 2.60 **North Yorkshire Flood Risk Officer** – No objections; The submitted documents demonstrate a reasonable approach to managing surface water on site and the LLFA has no objections to the proposal. The submitted drawings are comprehensive and the LLFA recommend that they should be secured via compliance condition ensure that the site is built in accordance with the approved documents. Therefore, please can the list of documents reviewed above be added to an approved list of drawings for any permission granted. This is to ensure that the development of this site does not increase flood risk on or off site.
- 2.61 **Environmental Health** – No objection subject to condition.
- 2.62 Air Quality: Chapter 13 of the EIA, associated figures and appendices have been assessed and the following comments made. It is recommended that a condition requiring the provision of a Construction Environmental Management Plan (CEMP) is applied to any permission given.
- 2.63 The condition should include the requirement for monitoring during the construction period and a feedback mechanism to ensure results not meeting the required standard are taken into account. It is noted that the assessment has predicted that during the operational phase the development will result in a positive, if only slightly, effect on the air pollution levels in the AQMA on New Street, Selby and that increases in levels in other areas will not lead to exceedances in other areas.
- 2.64 Noise and Vibration: It is noted that due to the distance between the site and the nearest residential receptors being over 400m from the site that no further consideration has been given to noise and vibration from the construction operations. This figure is not agreed and would suggest that properties to the south of West View are under 300m to the redline boundary and properties on Ousebank are under 350m to the red line boundary. Therefore, this aspect is not agreed and is not considered further and have asked for noise and vibration to be considered as part of the CEMP.
- 2.65 As the demolition and construction works have only been considered as occurring during proposed operating hours of 07:30 and 18:00 on weekdays and with the first 30 minutes will not entail work that is noise or vibration inducing it is recommended that these times are conditioned or entail part of the CEMP recommended below.

- 2.66 The assessment of noise from the operational phase does not identify the traffic levels that it considers to be appropriate in this case but states that the 18-hour AAWT has been provided by Fore Consulting. It is assumed that this is the same information as provided in Appendix 12.1 Transport Assessment. These figures are not disputed but if amendments to the assessment are made following consultations then this may impact on the outcome of the operational noise section of Chapter 14: Noise and Vibration. It is therefore recommended that if amendments are made as assessment of the impact on this chapter is carried out and re-consulted on this application takes place.
- 2.67 It is noted that a more detailed assessment of traffic flows should be undertaken as part of any application for the wider development of the Olympia Park site as alluded to in paragraph 14.72 of Chapter 14.
- 2.68 This chapter also advises that currently there is no information on building positioning and locations but when considering a residential development to the north of this access road site mitigation measures would be required possibly in the form of uprated glazing, trickle vents, and utilising buildings to provide screening. There are also concerns as to the resultant noise level in private garden spaces. It is, therefore, recommended that a noise assessment is carried out in relation to the development of other areas of the site considering the noise from this access road in combination with current industrial uses around the site and other transport noise.
- 2.69 Construction Environmental Management Plan (CEMP): it is noted that an Outline CEMP has been produced and submitted as part of the application. Also, that prior to the commencement of the scheme a final CEMP will be produced by the Principal Contractor which will contain more detailed information and methodologies on the design and construction. It is recommended that this CEMP is required by condition, as given below and agreed with the local planning authority.
- 2.70 **Economic Development** - The proposal represents a significant investment in the district. The allocation of Olympia Park will result in additional jobs created during the construction and operation of the site, with most jobs benefiting local residents. The proposal will also include a provision of new business space which is currently highly desirable in Selby town and is in very short supply.
- 2.71 **Urban Design officer** - Response awaited and Members will be updated at Committee.
- 2.72 **3rd Party comments** - The application was widely advertised with site notices erected alongside the site and on adjacent roads. All current business within the Olympia Park site were notified by letter. No third-party responses were received.

3 SITE CONSTRAINTS

Constraints

- 3.1 The application site lies within the defined Development Limits, has 2 policy designations i.e Special Policy Area Bar/2 of the Local Plan and Core Strategy Policy SP7, known as Olympia Park. The site is within Flood Zone 3a and benefits from flooding defences. The A63 lies to the east, railway line to the north and the existing employment of sites of Cemex and Potter Group to the south west. The

River Ouse runs to the south and wraps around to the north west of the site. The site is crossed by several power lines and within low-risk coal mining area.

4 POLICY CONSIDERATIONS

- 4.1 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.
- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. Consultation on preferred options took place in early 2021. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The National Planning Policy Framework (February 2019) (NPPF) replaced the July 2018 NPPF, first published in March 2012. The NPPF does not change the status of an up to date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

"213....existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, 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)."

Selby District Core Strategy Local Plan

- 4.6 The relevant Core Strategy Policies are:

SP 1 - Presumption in Favour of Sustainable Development
SP2 - Spatial Development Strategy
SP7 -Olympia Park Strategic Development Site
SP12 - Access to Services, Community Facilities and Infrastructure
SP13 - Scale and Distribution of Economic Growth
SP15 - Sustainable Development and Climate Change
SP18 - Protecting and Enhancing the Environment
SP19 - Design Quality

Selby District Local Plan

4.7 The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development

ENV2 - Environmental Pollution and Contamination

ENV3 - Light Pollution

ENV 25 - Conservation Areas

ENV 28 – Archaeological Remains.

EMP 2 - New Employment Development

EMP 6 – Employment Development within Development limits and established employment areas.

EMP 9 - Expansion of existing employment uses in rural areas.

T1 - Development in Relation to the Highway Network

T2 - Access to Roads

T7 -Provision For cyclists

T8 - Public Rights of Way’.

Bar/2 - Special Policy Area reserved for freight transshipment facilities.

4.8 Minerals and Waste Joint Plan (MWJP) which is being produced by North Yorkshire County Council, York City Council and North York Moors National Park Authority.

Policy S04 – Transport Infrastructure Safeguarding

Policy S05 – Minerals ancillary infrastructure safeguarding

Policy S06 – Consideration of applications in Consultation Areas

4.9 Selby District Landscape character Assessment 2019

NPPF 2019

- Section 6 Building a Strong, competitive economy.
- Section 8 - Promoting healthy and safe communities.
- Section 9 - Promoting sustainable transport
- Section 11 - Making effective use of land.
- Section 12 - Achieving well-designed places
- Section 14 - Meeting the challenge of climate change, flooding and coastal change.
- Section 15 Conserving and enhancing the natural environment.
- Section 16 Conserving and enhancing the historic environment.

5 APPRAISAL

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

- Principle of the development
- Archaeological & Heritage Impacts of the proposal
- Impact on the landscape character
- Design and layout
- Highways and Transportation
- Flood Risk & Drainage
- Ecology
- Contamination and Ground Conditions

- Construction impacts and residential amenity.

Principle of the development

- 5.2 The Core Strategy sets out the Vision for the District, which includes a diverse economy with a wide range of job opportunities to assist in reducing the dependency on surrounding towns and cities. One of the objectives stemming from the vision is the promotion of Selby to provide the main focus for growth being the principal town. The Core strategy notes that there has been significant investment in Selby's infrastructure to allow for this, which includes the bypass where access to this site is taken, modern flood defences, wastewater treatment works and upgrading of its transportation connections. Selby is the most self-contained settlement within the District and the most suitable location for further growth.
- 5.3 Core Strategy Policy SP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework and will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible.
- 5.4 The application site has a limited red line, which includes the new road, landscaped verges/drainage ditches and an ecological enhancement area. This is within the land largely allocated as part of the Olympia Park Mixed Use Strategic Development Site (CS Policy SP7). The road will also extend into site BAR/2, allocated as a Special Policy Area reserved for freight transshipment facilities.
- 5.5 CS Policy SP2 ('Spatial Development Strategy') sets out that development will be directed to the towns within the District, including Selby as Principal Town Centre which will be the focus for new housing, employment, retail, commercial and leisure facilities.
- 5.6 CS Policy SP7 ('Olympia Park Strategic Development Site') is particularly relevant as it allocates Olympia Park as a key development site, with the potential to deliver 1,000 new homes and 23 hectares of new employment land, with a further 10.6 hectares reserved for employment use. The policy also requires development to:
- Come forward in a comprehensive, phased approach which follows an approved Framework, Delivery Document and an approved Masterplan which will ensure the release of employment land prior to residential development;
 - Undertake consultation with stakeholders and the local community;
 - Include a new principal access for the residential element from Barlby Road;
 - Access to new employment land in the eastern part of the site will be taken from the existing roundabout junction on the A63 Selby Bypass, through a new link road to the Potter Group site;
 - Minimise the impact of new development on the existing transport network;
 - Take a sequential approach to flood risk and vulnerability. A site specific Flood Risk Assessment will be required;

- Development proposals should deliver necessary infrastructure, facilities and services to support expanded communities and to cater for the needs of new businesses; and,
 - Proposals should maximise the opportunities for sustainable travel.
- 5.7 CS Policy SP12 ('Access to Services, Community Facilities and Infrastructure') sets out infrastructure should be in place or provided in phase with development and scheme viability.
- 5.8 CS Policy SP13 ('Scale and Distribution of Economic Growth') sets out that support will be given to developing and revitalising the local economy, including at Olympia Park being 23 ha of employment land as part of a mixed strategic employment/housing site.
- 5.9 Given the policy context above, the proposal seeks to deliver the new access road as identified in SP7 and cuts across many Local Plan policies aimed at developing Olympia Park and economic growth. The proposed access road is therefore one of the first key pieces of infrastructure to unlock the future development site and is fully compliant with Local Plan Policy. The proposed new road will help facilitate the wider site to be developed for employment opportunities, in line with Policy SP7.
- 5.10 This commitment to employment was consulted upon within the preferred options stage within the Local Plan being prepared. The site surrounding the road is shown as SEL-CA being 60.43 hectares (of which 33.6 hectares is available for development) for employment uses. The reason for the suggested allocation supports the principle of the road and is as follows:
- "The site undoubtedly enjoys a unique location on the edge of the built-up area but close to Selby Town Centre and provides an opportunity to create a sustainable urban extension through the regeneration of former industrial land and premises.*
- Redevelopment of this key site would serve to enhance the landscape and marks a logical infilling within the wider Selby Urban Area. The site is located in a highly sustainable location, close to existing shops, services, employment opportunities and Selby Railway Station."*
- 5.11 The application has received support from the Council's Economic Development team, who also support the potential future employment allocation within the Local Plan. The site is said to be 'a logical extension to the main urban area, and it is adjacent to existing employment uses. It is unusual in that it will provide a major employment site that is walkable and cyclable from both an existing centre of population and from a rail and bus station with regular services.'
- 5.12 The site is within a short distance of the principal road network including the A19, A63, A1(M) and junctions 34, 36 and 37 of the M62 Motorway approximately seven miles to the south, reinforcing its strategic importance.
- 5.13 Whilst this application is predominantly only for the access road, it creates the basis for the new employment land to be released, which is currently in very limited supply. This constrains both inward investment and the expansion of existing businesses.

- 5.14 This new major infrastructure project matches Selby ambitions, as one of the fastest growing areas in North Yorkshire, and will unlock the site to enable the wider site to fulfil its potential for employment space within the district and take advantage of the excellent transport links, good quality of life, affordable housing, strong growth of local businesses and national and international investors looking to locate in the district.
- 5.15 In terms of the new gatehouse, this is regarded as an extension to an existing employment area within development limits, thus supported by Local Plan Policy EMP 6. Policy EMP 6 states that 'within allocated sites and established employment areas, proposals for new industrial and business development, including infilling, extension and expansion of existing firms, redevelopment of existing sites or the change of use of land or premises will be permitted, providing;
- There is no significant adverse effect on existing business;
 - The development would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity; and
 - The proposal would achieve a standard of design, materials and landscaping appropriate to the locality and would not have a significant adverse effect on the on the appearance or character of the surrounding area.
- 5.16 The proposed new gatehouse is for the Potter Group, so directly linked to the existing business and will enhance operations at the site. The gatehouse will cause no harm to neighbouring businesses due to its position and function. The building will provide no harm to highway safety and its design and impact on the landscape are discussed in the relevant sections within this report.
- 5.17 Finally in terms consultation response from the County Council, this highlights the need to safeguard the two existing sites i.e. Potter Group Logistics (safeguarded under emerging MWJP Policy S04 – Transport Infrastructure Safeguarding) and the Cemex asphalt plant and depot (safeguarded under emerging Policy S05 – Minerals ancillary infrastructure). The proposal will enhance the access to these operations, and it will be a key consideration that any future development accessed by the proposed new road can be integrated effectively with existing businesses in line with paragraph 182 of the NPPF.

Summary

- 5.18 As concluded above, the principal of development is considered to be in accordance with the Development Plan in particular Core Strategy Policy SP7. The proposal will facilitate in unlocking this large allocated mixed use/employment site for future development. This will in turn help to create economic growth in the District and the potential for the future development of a key sustainable site within development limits. The proposal will also consolidate and enhance the existing businesses on Olympia Park and provide a secure and more effective route into the site.
- 5.19 Section 38(6) of the Planning and Compulsory Purchase Act states that any determination shall be in accordance with the development plan unless material considerations indicate otherwise. Significant weight should therefore be given to the allocation SP7 and to the need to support economic growth. The scheme would

also be consistent with the broad aims of the NPPF and its presumption in favour of sustainable development. For the reasons above, it is considered that the development accords with the development plan and the other material considerations as discussed below.

Archaeological and Heritage Impacts of the proposal

- 5.20 Government policy in relation to the historic environment is outlined in section 16 of the National Planning Policy Framework (NPPF) entitled 'Conserving and Enhancing the Historic Environment'. This provides guidance for planning authorities, property owners, developers and others on the conservation and investigation of heritage assets. The NPPF is supported by the National Planning Policy Guidance (NPPG). In relation to the historic environment, paragraph 18a-001 states that:

'Protecting and enhancing the historic environment is an important component of the National Planning Policy Framework's drive to achieve sustainable development (as defined in Paragraphs 6-10). The appropriate conservation of heritage assets forms one of the 'Core Planning Principles'.

- 5.21 Also, in determining applications regard should be had to the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

- 5.22 Core Strategy policies SP18 'Protecting and Enhancing the Environment' and SP19 'Design Quality' provide the general Local Plan Guidance on this issue. Policy SP7 'Olympia Park Strategic Development Site' states: Land within the area bounded by the A19 Barlby Road, the River Ouse and the A63 Selby Bypass, is designated as a strategic location for mixed economic and residential growth in accordance with the development principles set out below:

xiii) New development should protect and enhance the character and setting of Selby Town Centre Conservation Area, including maximising views to the Abbey Church and ensuring Selby's skyline is not detrimentally impacted upon.

- 5.23 Finally, the relevant 'saved' policies which are relevant to heritage and archaeology in the Selby District Local Plan (2005) are Policies ENV28 - Other Archaeological Remains, ENV 1 Control of Development, ENV 25 Control of Development in Conservation Areas.

- 5.24 Chapter 9 of the Environmental Statement assesses the impact of the proposed development on the historic environment. It considers the potential effects of known and potential buried archaeological remains within the access road site and existing built heritage in the wider area. The assessment confirms that there are no designated assets within the site boundary.

- 5.25 Chapter 9 also lists the nearby heritage assets, being the Abbot's Staithes Scheduled Monument is located c. 1.1 km to the west of the study site, within the centre of Selby. Selby and Micklegate Conservation Areas lie c. 1.2 km to the west of the site, within and in close to (respectively) the centre of Selby and there are 72 Listed Buildings recorded within 1.5 km of the site. These include a Grade I Listed Building (the Abbey), 2 Grade II* and 69 Grade II Listed Buildings. The majority of the Listed Buildings are located within the centre of Selby and a number are

focused around the Abbey. The Grade II* Listed Buildings comprise the Abbots Staithe and Corruna House. There are a number of Grade II Listed Buildings running alongside the River Ouse; most of these are residential buildings. There are no recorded archaeological sites of prehistoric date within the site boundary.

- 5.26 Chapter 9 describes the methods used to assess the impacts, the baseline conditions currently existing at each site and in its surroundings, the potential direct and indirect impacts of the proposed development arising from the construction and the operational phase, the mitigation measures required to prevent, reduce, or offset the impacts and the residual impacts.
- 5.27 The conclusions were that the site has low potential for archaeological remains of prehistoric, Saxon, Early Medieval, Medieval and Post-Medieval date. Any potential archaeological remains are of local significance and are not considered to be sufficient to preclude or constrain the proposed development. A limited programme of archaeological works will be required to mitigate archaeology within the site which has been agreed and can be controlled by condition. This has, in the first instance, taken the form of a geophysical survey and a programme of target trial trenching is to follow.
- 5.28 In terms of designated heritage assets, due to none being present on the site and the main assets being a considerable distance away, there is considered no impact upon the settings or significance of any designated heritage assets is expected as a result of the proposed development. There will be negligible magnitude of change, resulting in negligible effect, which is not significant.
- 5.29 Both the Council's Conservation advisor and Historic England were consulted on the application. Historic England raised no comment and deferred the application to the Local Planning Authority Conservationist. No response has been received from the Conservation Officer, however Officers are content that due to the distances from the heritage assets and due to the low level nature of the development, no harm will be caused. Future applications for buildings on the site will be more heavily scrutinised in terms of the relationships with the heritage assets and views into and from the town centre.
- 5.30 The County Archaeologist was concerned that the palaeoenvironmental aspects are addressed in the archaeological desk-based assessment but are barely mentioned in the EIA chapter and non-technical summary. In 2013 AECOMM produced a file note on an Archaeological Mitigation Strategy for Olympia Park. This is referenced in the archaeological desk-based assessment but has not been revised or resubmitted with this application. This document sets out a programme for palaeoenvironmental and geoarchaeological works to advance our understanding of this dynamic landscape, particularly in the prehistoric and early historic periods.
- 5.31 The County Archaeologist agrees with the overall outcome of the assessment, i.e. that archaeological deposits are likely to be of local interest and any loss can offset by appropriate mitigation, the application understates the likely extent and purpose of the mitigation.
- 5.32 The County Archaeologist recommends the necessary mitigation can be achieved by means of a planning condition and should follow the strategy set out in the AECOMM file note (2013) rather than that suggested in the non-technical summary.

- 5.33 The above will ensure that the necessary heritage assets are protected and ensure compliance with Policies SP7, SP18, SP18 of the Core Strategy, Local Plan Policies ENV 1, ENV 25, ENV 28, advice within section 16 of the NPPF and section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on the landscape character

- 5.34 The National Planning Policy Framework states that planning policies and decisions should “contribute to and enhance the natural and local environment” by: “protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)” (paragraph 170.a); and “recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland” (paragraph 170.b).
- 5.35 Selby District Local Plan Policy ENV1(4) requires development to consider approaches on landscaping within the site and taking account of its surroundings. Policy SP19(e) requires that proposals look to incorporate new landscaping as an integral part of the scheme. Policy SP13 states that in all cases economic growth should be sustainable and appropriate in scale and type to its location, not harm the character of the area and seek a good standard of amenity.
- 5.36 The impact on the landscape is particularly important in this proposal as the proposed development will inevitably change the character of this land, which is a mixture of arable, unmanaged grassland and hardstanding associated with the built development of the Potter Group and Cemex Plant, to one of a key development site. This is discussed in detail within Section 7 of the Environmental Statement.
- 5.37 The proposed new road is the first phase of the development of this key allocated site and then the future submissions will be assessed individually, when applied for. The decision to develop on this site and its potential impact on landscape character, have long since been established through the sites allocation in the Local Plan and Core Strategy (SP7).
- 5.38 In January 2001 a Core Strategy and associated Background Paper 5 (Sustainability of Smaller Rural Settlements), was produced. Olympia Park (the wider development site) is identified as one of the potential Strategic Development Site options, broken into the eastern and western sections (with land belonging to the Potter Group Logistics, which includes distribution buildings and associated yard areas, lying between these areas and not assessed):
- Strategic Site D – Olympia Park (Olympia Mills); and
 - Strategic Site G – Olympia Park (Land adjacent to the Bypass)
- 5.39 Strategic Site D and Strategic Site G, within which the proposed development sits within, are assessed in this document as being of Low Landscape Sensitivity to Development, defined within the document as follows:

Development would:

- have a neutral effect upon the physical landform and scale of the landscape
- have a limited effect on views into and across the area

- maintain or have minimal effects on existing landscape features and character.'

- 5.40 Selby District Council published a Landscape Assessment in 1999 which located the site within the Landscape Character Area Wharfe Ouse River Corridor and described as being a linear, open, heavily drained farmland. A remote rural landscape with landscape features that include high grass flood embankments associated with the River.
- 5.41 The Landscape Assessment describes the area as 'generally, the area immediately surrounding the site has a variety of diverse characteristics that have differing qualities and influences. Urban areas influenced by housing, Industry and historic town centre of Selby lie to the west, and an open countryside character to the east that also characterises large areas of the site. Then site also falls within the 2019 Ouse Valley Landscape character Area within the 2019 Landscape Character Assessment. This again describes the area as very flat low lying flood plains, predominately arable farmland and heavily drained fields with a distinct lack of woodland. The site sits within the centre of these varying landscape characters and can be seen as a transitional space between them, surrounded by transport networks of the A63 and A19 roads, Leeds to Hull railway line and River Ouse.'
- 5.42 Chapter 5 of the ES 'The Proposed Development' has devised a landscape strategy for the site to ensure landscape and visual mitigation is embedded into the development. This is as follows:
- A landscape corridor is proposed of between 30m and 34m in width along the northern edge of the road corridor, and between 20 and 25m in width along the southern edge of the road corridor. This aims to:
- Ensure the road and associated infrastructure is set away from any development boundaries within a generous "green buffer"
 - Integrate the hard surfaced elements of the access road into the wider landscape;
 - Provide a green link to existing boundary vegetation and landscape/greenspace beyond;
 - Provide areas for habitat creation
 - Provide footpath and cycle connections connecting into the future footpath and cycle network of the wider development site.
- 5.43 The road will be raised from existing ground levels and will follow the contours of the land being mainly 2.5-3m with the finished road heights limited to 4.0m from existing site levels or up to 5.4mAOD. These will be naturally lower than the A63 to the east that has to cross the River.
- 5.44 The conclusion of all the landscape and visual assessments was that the development is expected to have an overall long term negligible/neutral impact on the landscape resource.
- 5.45 The proposal was assessed by the Council's Landscape Officer who raised no real concerns about the application. The Landscape Officer requested to see the tree survey that generated the arboricultural report and this was provided, and

suggested conditions covering the need for tree protection, a detailed hard and soft landscaping scheme, including implementation and aftercare, replacement tree planting and landscape and biodiversity maintenance and management plan.

- 5.46 The Council's Landscape Officer indicated that consideration needs to be given to the long term maintenance and management of all areas not to be adopted by as part of the road adoption. This would normally undertaken by a management company for the life of the scheme, therefore further detail is required in respect of this. This is to be included within a planning condition for 15 years maintenance following the first 5 years of establishment.
- 5.47 Therefore, the scheme has no significant impact on the landscape and through the imposition of landscape conditions will accord with Selby District Local Plan Policy ENV1(4), and Core Strategy Policies SP13 and SP18.

Design & Layout

- 5.48 It is considered that Policy ENV1 of the Selby District Local Plan (2005) is relevant in the consideration of this application. Policy ENV1 provides that proposals for development will be permitted providing that a good quality of development will be achieved. Policy ENV1 specifies that in considering proposals the Council will take into account the effect upon the character of the area or the amenity of adjoining occupiers and will also consider the standard of layout, design and materials in relation to the site and its surroundings and associated landscaping.
- 5.49 Policy SP19 of the Selby District Core Strategy Local Plan (2013) states that all proposals for new development will be expected to contribute to enhancing community cohesion by achieving high quality design and have regard to the local character, identity and context of its surroundings including historic townscapes, settlement patterns and the open countryside. It seeks to ensure that both residential and non-residential development makes the best, most efficient use of land without compromising local distinctiveness, character and form and positively contributes to an area's identity and heritage in terms of scale, density and layout.
- 5.50 The planning application seeks detailed planning permission for the construction of an access road through the Olympia Park site and its associated infrastructure. The road is the main part of the proposals, however also included is site compound, landscaping and ecological enhancement area and Gatehouse for the Potters Group.
- 5.51 The access road will provide a connection from the A63 Selby Bypass into the Olympia Park development site and will be designed to serve future development plots, in accordance with the future aspirations for the site. The point of connection into the Olympia Park site will be in the form of a third arm spur off the existing roundabout located at the mid-point along the Olympia Park's eastern boundary. The access road will be designed to adjoin the existing highway infrastructure associated with the A63 Selby Bypass and will therefore be constructed upon a large earth embankment to ensure the correct gradients can be achieved. This will also ensure that the access road is at an elevation as to provide a dry access and egress route in a flooding scenario.
- 5.52 The access road will incorporate a range of planting, such as seasonal wildflowers meadows to provide seasonal visual interest alongside both sides of the corridor.

This together with the incorporation of footpaths and cycleways as well as the use of potential future public art at key junctions will assist in establishing the access road as a gateway into the Olympia Park development site.

- 5.53 The construction of the highway and associated embankment will be phased from east (A63 Selby Bypass) to west. A compound and material stockpile area will be required and is shown south of the main access and used on a temporary basis.
- 5.54 The access road will consist of a single carriageway road extending to 935m in length. The total width of the road corridor will generally be 35-49m wide consisting of a carriageway of 7.3m wide with some localised widening on the approach to the roundabout to accommodate proposed capacity flaring and deflection. A footway (2m width) will be provided along the southern edge of the access road and a segregated cycle/footway (4.0m width) will be provided along the northern side of the carriageway which will provide a future connection to the wider Olympia Park development site's development platforms. The access road will include the construction of a number of junctions i.e.
- The eastern roundabout: a four-armed roundabout linking future development platforms north and south of the access road associated within the wider Olympia Park development site;
 - A priority junction providing access to the existing Potters Group Logistics complex located to the south of the access road; located approximately 460m west of the existing A63 Roundabout;
 - The western roundabout: a four-armed roundabout including dedicated left bypass lane providing a one way access into the existing Potters Group Logistics complex to the south with a link to future development platforms to the north of the access road associated with the wider Olympia Park development site;
- 5.55 The proposed road is therefore of a functional design, that will be a key piece of infrastructure to unlock the wider sites redevelopment. Whilst developed in isolation, it will in time form part of a much wider holistic commercial development. Once constructed it will have some visual impact given its projection from existing land levels, however this is not uncommon and will form an engineered green landscape corridor running through the existing landscape.
- 5.56 Existing uses on the wider Olympia Park development site (including the Potter Group Logistics) will be able to use the access road, instead of using the existing arrangements via the A19 Barlby Road.
- 5.57 A dedicated area of ecological enhancement is also proposed to the north east of the access road. This area will aim to increase site biodiversity by creating, areas of native grass and shrub planting. In addition, this area will provide areas of hibernacula suitable for amphibians and reptiles. This area will also include the provision of a new linear ditch. This will be made suitable for Water Vole (a European Protected Species) which are known to be present on the wider Olympia Park development site.

- 5.58 Finally, the remaining built development includes a small gatehouse and administration building at the new entrance to the Potter Group site. The building is designed to be open plan with individual office space, a small canteen, reception area and ancillary facilities including showers. The gross internal area is 237 m².
- 5.59 Car parking is provided to the east of the building, along with secure and covered cycle parking and 2 electric vehicle and cycle charging points. Designated lorry parking provision has been made to the south of the building as a lay-by for heavy goods vehicles for drivers to sign into the site, as necessary.
- 5.60 The appearance of the building is of a simple design, with a low-level durable brick plinth with glazing and a zinc standing seam cladding and roofing system above. The design will sit comfortably in the newly engineered setting and be viewed against the backdrop of existing industrial buildings.
- 5.61 In terms of consultation responses, the NYCC Highways have considered the road design, and this is within the following section. North Yorkshire Police raised no objections in principle but raised concerns over the future permeability of the site. The police wanted to ensure future layouts must not be compromised by excessive permeability by providing too many or unnecessary segregated footpaths.
- 5.62 On the whole, this is just one functional part of the site's future delivery. The layout of the road is functional and provides the link and future development platforms. Its design is fit for purpose, and once completed will provide an engineered by attract route into the site. On the basis of the above it is considered that the proposal is acceptable in its design and scale in accordance with advice contained with Policy ENV 1 of the Selby District Local Plan (2005) and Policies SP13 and SP19 of the Selby District Core Strategy Local Plan (2013) and guidance in the NPPF.

Highways and Transportation

- 5.63 SDLP Policy T1 requires new development to be well related to the existing highway network and Policy T2 states that development resulting in the intensification of the use of an existing access will be supported provided there would be no detriment to highway safety. The guidelines in SDLP Policy similarly require that the cumulative impact of generated traffic does not exceed the physical and environmental capacity of the surrounding road network or create highway problems and the provision of satisfactory highway infrastructure.
- 5.64 Local Plan Policy ENV1 Control of Development states proposals for development will be permitted provided a good quality of development would be achieved. In considering proposals the District Council will take account of various matters including the relationship of the proposal to the highway network, the proposed means of access, the need for road/junction improvements in the vicinity of the site and the arrangements to be made for car parking.
- 5.65 The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.66 Paragraph 108 sets out the key 'tests' for the consideration of transport aspects of development, noting that: 'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'

5.67 Paragraph 109 confirms that: 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

5.68 Given the nature of this scheme the layout and highway implications are of particular significance. The transport and access implications are detailed within chapter 12 of the Environmental Statement. A Transport Assessment (TA) supports the planning application. The report has been produced with consultation from NYCC Highways and through the measures required in the scoping report.

5.69 The proposed development includes the provision of a new internal access road, permanent footways and cycle lanes, which will eventually link with the wider allocated Olympia Park development site. In addition, crossing points will be provided along the link road as well as at the internal roundabouts, accommodating connections to footways and cycle lanes adjacent to future internal roads which will be provided into the wider Olympia Park development site, as well as individual development plots directly to the north of the link road.

5.70 The TA assessment work is based on surveyed traffic flow data, which is subject to variation through the year and also subject to change in the future. The future scenarios and the individual input parameters contributing to the assessment have been discussed with North Yorkshire County Council (NYCC) at the pre-application stage. This includes the base year traffic flows, the committed developments to include, trip generation and distribution associated with the wider allocated Olympia Park development site, as well as the input parameters to the junction capacity models. This has ensured that the assessment and modelling of the 2033 future year scenarios is sufficiently robust. The assessment scenarios are as follows:

- 2018 Base Year
- 2033 Assessment Year Do Minimum
- 2033 Assessment Year With Development

5.71 The construction impacts have been considered through a draft Construction Environmental Management Plan (CEMP) with areas shown for a site compound and stockpile areas are close to the bypass. Likewise, the estimated quantum of material to be imported to site and vehicle movements have been considered which are estimated at 93,500m³ will be imported via approximately 44 HGV loads per day, assuming a worst-case scenario this equates to 11,700 loads in total. All the vehicles will however have access to the main highway network therefore the construction impact on the highway is considered to be moderate. The site is self-contained with areas for storage and parking therefore it will; have limited impact on the highway. A full CEMP is required by condition, to work through the specific details of the construction as required by NYCC Highway Officer.

- 5.72 Likewise, the proposed link road effectively provides a cul-de-sac from the A63 Selby Bypass only. As such, there is no prospect of strategic diversion of traffic flows on the wider network, and the link road will therefore not lead to significant changes in traffic flows on the wider highway network.
- 5.73 In terms of the existing uses on the wider allocated Olympia Park development site, principally Potter Group Logistics will be able to use the link road (instead of using the existing access arrangements via the A19 Barlby Road). This will lead to some reassignment of traffic flows on the highway network; however, the impact will be to remove traffic from Selby town centre and the A19 Barlby Road. As such, when completed, the link road represents a direct, permanent, long term effect of Minor Beneficial significance in terms of the operation of the highway network in Selby town centre and adjacent residential areas. The road will also provide cycle and pedestrian links which will support the sustainable movement strategy for the wider Olympia Park development site.
- 5.74 In terms of how the site might eventually be developed, the road has been designed to cater to all types of development i.e. residential, commercial and employment. The TA demonstrates that with identified mitigation the A63 Selby Bypass junction would satisfactorily accommodate the changes in traffic flows associated with the development, as well as future baseline traffic flows and traffic associated with all relevant committed developments. The assessment also demonstrates that the internal roundabouts would satisfactorily accommodate traffic flows associated with the wider Olympia Park development.
- 5.75 The road design incorporates a series of pedestrian and cycle routes and crossings, which would in turn support the sustainable transport strategy for the future development. The proposal therefore requires no off site highway works other than the changes necessary to the existing junction on the A63 Bypass.
- 5.76 The proposal also includes The Potters Group Gatehouse, which is to be built at the same time as the access road, which includes the provision of 10 parking spaces, 2 of which are electric vehicle charging spaces. In addition, 1 disabled space will be provided in close proximity to the main entrance and exit point of the building.
- 5.77 Issues such as Travel Plans will not be necessary for this type of application, as these will be considered once the final detailed proposals are applied for on the individual development sites within Olympia Park.
- 5.78 Highways England have raised no objections to the scheme. The County Highways team acknowledged that the proposal applicant's Transport Assessment considers the impact of this wider development on the highway network and is proposing amendments to the A63 site access roundabout to accommodate the wider long-term development within the current proposals.
- 5.79 The Local Highway Authority (LHA) welcomes this approach, as it will minimise the disruption to the travelling public on the A63, there is the potential for situations to change and for the proposed mitigation to be insufficient to accommodate the traffic generated by the development that is eventually brought forward. Given the design year and expected build out date are both 2033, there is much that can alter in the intervening 13 years. Consequently, the LHA would seek to have obligations included in a Section 106 Agreement which constrained the traffic generated by the overall site to the levels set out in the current Transport Assessment (TA). It is expected that this will in turn be linked to a Travel Plan for the wider site, which will

propose measures to monitor the level of traffic leaving the site and to constrain the traffic generated to the levels in the TA. This would ensure that the amended roundabout on the A63 would be adequate to accommodate the traffic generated by the wider development without interference with the flow of traffic on the A63 Selby by-pass.

- 5.80 The use of the DMRB (Design Manual for Roads and Bridges) standards for the design of the A63 roundabout alterations and the proposed spine road is welcomed by the LHA.
- 5.81 The LHA considers this is the appropriate standard in a location where movement of vehicles will take priority over 'place making'. The assurances that the road will be set at the appropriate levels to provide a flood free exit route from the site is welcomed given the location.
- 5.82 In the short term the spine road will be a private road serving a limited number of properties and a construction access for the development of the wider site. Adoption of the road prior to the completion of the construction of the whole site would be inappropriate. The LHA would seek to cover the timing of the adoption of the spine road as highway maintainable at the public expense and the undertaking of remedial works to bring the road to the required standard for adoption in a Section 106 obligation. The Local Highway Authority therefore recommends the following matters to be included in a legal agreement.
1. A mechanism to restrain the traffic generated by the site below the levels assessed in the TA.
 2. A mechanism for the future adoption of the spine road as highway maintainable at the public expense including timing (to follow construction of the wider site) and repairing damage prior to adoption.
- 5.83 Finally to cover the specific detail required by the Local Highway Authority, conditions covering the need for detailed plans of the road and footway layout were suggested. Also, a condition to ensure the road is not used until its constructed to binder course macadam level, kerbed and connected to street lighting. A condition is also necessary to ensure the site access works are completed prior to the first occupation of any new building on the site. Finally, a Construction Management Plan is requested to replace the draft outline plan submitted.
- 5.84 The above will ensure that the scheme is acceptable and in accordance with policies ENV1(2), T1 and T2 of the Local Plan, Policy SP19 of the Core Strategy and Paragraph 108 of the NPPF with respect to the impacts on the highway network.

Flood Risk and Drainage

- 5.85 Paragraph 155 of the NFFP indicates inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 5.86 Policy SP15 of the Selby District Core Strategy Local Plan (2013) seeks to ensure that developments contribute towards reducing carbon emissions and are resilient

to the effects of climate change. Policy SP15 states that schemes should incorporate water-efficient design and sustainable drainage schemes which promote groundwater recharge.

- 5.87 Flood risk and drainage is fully considered within Chapter 11 of the Environmental Statement and demonstrates that all of the site is located within Flood Zone 3 (High Risk) and benefits from flood defenses. This risk originates from the River Ouse running to the south and west/north west of the site. The risk of overtopping is also considered to be low.
- 5.88 The accompanying Flood Risk and Drainage Assessment (FRDA) report considers that the site is at a residual risk from flooding, as the site is 'defended'. However, the updated assessment of the baseline breach and overtopping scenarios, as required by the Environment Agency, demonstrates that significant mitigation is required to control flood risk on site to an acceptable level.
- 5.89 In terms of topography the site is relatively flat along the line of the proposed access road, although levels range from approximately 2 metres above ordnance datum (AOD) to 3mAOD. The existing roundabout on the A63 has a carriageway level of approximately 5mAOD, which the proposed access road will need to tie into. Various IDB maintained and private drainage ditches are in existence around the site and in proximity of the site. This ditch network discharges into the River Ouse, via a gravity pump or via pumping stations downstream of the development site.
- 5.90 The access road will be set at the highest elevation possible in order to provide access to the site from the existing A63 roundabout, and the existing accesses into the Potter Group Logistics land. Setting the new access road as high as possible means that the road itself will be protected from flood risk as far as reasonably practicable, and it will provide emergency access and egress routes into and out of the site in the event of flood risk (due to breach or overtopping). The access road therefore reduces the flood risks to the existing, wider site users by providing higher access and egress than is currently there. The access road and its embankments will be designed to withstand flood depths and velocities from overtopping and breach of the defenses.
- 5.91 The access road being located within the Flood Zone 3, means that the displacement of flood water should also be considered. However, it being defended Flood Zone 3 means that the site is protected from flood risk, however the FRDA has to assess the impact of the access road and its embankment on the wider flood plain. In summary, the displaced flood water has a negligible effect on the flood depth and flood plain extents. Simplistically, this is because the flood plain extents are large, relative to the footprint of the access road.
- 5.92 In terms of surface water, most of the site consists of informally drained green fields (natural accumulation, collection and discharge via overland flow or field drainage). Currently, rainfall soaks into the ground, into the known field drainage, and / or runs off into the existing, local drainage ditches that run through the site. There is no obvious positive surface water drainage to public sewers within the area. The proposed access road will include a dedicated surface water drainage system to deal with highway run-off only. The details are included in the FRDA report in Appendix 11.1. Surface water flows will be limited to 1.4 litres per second per hectare, with excess flows balanced in the adjacent ditches.

- 5.93 There are no sources of foul water on the site of the access road currently, and neither will there be formal, permanent sources of foul water in the access road, although there will be temporary foul water sources from the construction related activities. The proposed access road will not require its own foul water drainage, but it may be the route for future foul water drainage as part of the wider Olympia Park development. The new gatehouse will require a foul connection and a condition has been added to cover the need for details of this.
- 5.94 These details were assessed by the Environment Agency who raised no objections on Flood Risk Grounds providing the development is carried out in accordance with the flood risk assessment (FRA) by Alan Wood and Partners, referenced JAG/AD/JD/40961-RP001- Rev B, dated September 2019. Mitigation included controlling the flow levels of the gate house to 600 mm above existing ground levels, ensuring the embankment is to be designed and built to incorporate suitable erosion protection in the event of flooding occurring and that culverts are to be placed under the proposed road embankment (running North to South) to maintain the flow of water through the existing drainage network. These are controlled by a suitable planning condition.
- 5.95 The LLFA also considered the detailed drainage proposals and raised no objection to the scheme. The LLFA noted that the drainage for the access road will in the first instance discharge to the IDB drainage network within the site at an agreed rate with the IDB based upon 1.4l/s/ha. As the site progresses it is intended that the Highway drainage will in time be diverted to an onsite pumping station for the wider development. The site wide drainage will then be discharged to the River Ouse along the southern boundary. The Ouse is tidally dominated at this location and therefore an unrestricted discharge will be permitted. The LLFA has no objection to the proposed runoff destination and runoff rates.
- 5.96 In terms of Volume Control the applicant has submitted drainage layout drawings and calculations (Appendix C of the Flood Risk and Drainage Assessment) to demonstrate compliance with paragraph 165 of the NPPF. Likewise, an acceptable allowance of 40% has been applied to the rainfall intensity to account for climate change.
- 5.97 Acceptable indicative exceedance flow plans have been submitted in Appendix F of the Flood Risk and Drainage Assessment. The supporting text states that “the existing overland flow routes should generally be maintained within the final layout for the development site without increasing flood risk to off-site parties”. The LLFA is satisfied that this demonstrates compliance with Paragraph 163 of the NPPF.
- 5.98 Finally in terms of maintenance, the drainage system will be offered to NYCC for adoption via S38. Indicative maintenance requirements are presented in section 5.1.12 of the Flood Risk and Drainage Assessment.
- 5.99 The LLFA were therefore satisfied that the submitted documents demonstrate a reasonable approach to managing surface water on site and the LLFA has no objections to the proposal. The submitted drawings are comprehensive and are secured via condition to ensure that development of this site does not increase flood risk on or off site.
- 5.100 The IDB were consulted and the IDB response recognises that they have assets in the wider area in the form of Cherry Orchard Drain and Barlby Hill Drain. These watercourses are known to be subject to high flows during storm events. The

proposal will enlarge the impermeable area on site and has the potential to increase the rate of surface water run-off from the site if this is not effectively constrained. The Board was generally content with the drainage works proposed, however wanted further information on some technical matters addressing.

- 5.101 Furthermore, the Board would want to review everything in detail at such time as the planning application is to be implemented – including for example the size of the culverts proposed to ensure that there is no lost storage. On this basis the IDB were content to allow these matters to be controlled via condition.
- 5.102 To conclude, the development lies within Flood Zone 3 and is therefore at high risk from flooding. The site is however defended and incorporates suitable mitigation measures to ensure that there would not be an increase in flood risk to the site or elsewhere, and that the proposed development would be safe from a flood risk perspective. Taking the above matters into account, it is concluded that the scheme accords with Section 14 of the NPPF, SP15 and SP19 of the Core Strategy and ENV1 of the SDLP.

Ecological Impacts

- 5.103 Policy in respect of 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 170 to 177 of the NPPF. The presence of a protected species is a material planning consideration as is tree loss and landscaping.
- 5.104 Chapter 8 of the ES adequately addresses the ecological implications for the development. The submission was accompanied by a suite of ecological surveys which included for example a Preliminary Ecological Appraisal, Bat Survey, Reptile Survey, Ornithological Summary, Badger Assessment, Invasive Species Management Plan, Great Crested Newt report, Riparian Mammal Assessment, Arboricultural Impact assessment and several other detail reports.
- 5.105 The site contains a mixture of ecological features, which include mixed woodland on the entrance to the site, cultivated arable land being the mainstay of the land use, developed land with buildings, standing water, neutral grassland and running water drainage ditches, all of which provide opportunities for ecology. Each ecological attribute has been assessed and mitigation measures detailed within the Environmental Statement.
- 5.106 The survey and assessment work undertaken has concluded that three receptors above “Site” level are present, these being wet ditches (local), reptiles (local) and water vole (county). The majority of impacts will occur at the construction phase where habitat will be lost or adversely impacted, and construction activities may lead to the killing or injury of protected species and will lead to the disturbance and displacement of individuals, in the absence of mitigation.
- 5.107 It is possible to include sufficient mitigation to remove many of the identified adverse effects following completion of the works, though some minor effects will remain during construction. Once complete, the assessment has identified beneficial effects to the identified receptors with the adoption and implementation of mitigation.
- 5.108 Mitigation includes the provision of a new ditch to the north east which will link to the existing watercourse providing new habitat for water vole and potential hunting grounds for grass snake. The area surrounding this will be landscaped with a range

of native species forming various habitats which will include areas of open space for basking alongside cover for grass snake. The new ditch which will permanently hold water will be included in the flood alleviation zone to the north east.

- 5.109 The County Ecologist concurred with the Ecological survey work undertaken and noted it was to a high quality; however suggested areas where the Environmental Statement needed to be revised. The concern was that the applicant was understating the significance of certain ecological receptors, for the reasons explained. A revision to the ES would enable transparency of the impacts, so that interested members of the public could understand accurately the implications of the proposed development.
- 5.110 The applicant's Environmental team disagreed and did not believe there is a requirement to update the Environmental Statement (ES). They consider that the County's requests can be dealt with by planning condition whereby further detailed information will be provided as part of the Construction Environmental Management Plan (CEMP) (Biodiversity and Biodiversity Environmental Management Plan (BEMP)).
- 5.111 In the interests of moving the scheme forward, the County Ecologist was content to deal with these matters by giving them appropriate weight and consideration in the Construction Environmental Management Plan (Biodiversity) and Biodiversity Environmental Management Plan conditions.
- 5.112 Finally, the County Ecologist agreed with the claim within the 'Overall Impact' section in that "Following the development of the Ecology Enhancement Area the Access Road development will comfortably deliver a biodiversity net gain" seems reasonable, provided all the proposed mitigation and compensation measures are delivered.
- 5.113 The proposal therefore causes no significant impacts on nature conservation interests in respect of the site and together with the proposed ecological enhancement areas, provides habitat enhancement. The proposal is therefore in accordance with Policy ENV1 (5) of the Local Plan, Policy SP18 of the Core Strategy and paragraphs 170 to 177 of the NPPF.

Contamination and Ground Conditions

- 5.114 In considering a previously developed site, contamination and ground conditions are of particular importance. Policy ENV2 states development which would give rise to or would be affected by unacceptable levels of contamination or other environmental pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme. Paragraph 178 of the NPPF states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.
- 5.115 In terms of the Development Plan, Core Strategy Policy SP18 Part 7 states that; "The high quality and local distinctiveness of the natural and manmade environment will be sustained by: Ensuring that new development protects soil, air and water quality from all types of pollution". Policy ENV2 Part B states that; "Where there is a suspicion that the site might be contaminated, planning permission may be granted subject to conditions to prevent the commencement of development until a site

investigation and assessment has been carried out and development has incorporated all measures shown in the assessment to be necessary”.

- 5.116 Chapter 10 of the Environmental Statement prepared a detailed appraisal of the ground conditions and likely impacts of the proposal. The chapter assesses the likely significance of effects from ground conditions, specifically land contamination. The significance criteria consider impacts, both adverse and beneficial, to human health, controlled waters, ecological receptors and property, which are covered by Part IIA of the Environmental Protection Act 1990.
- 5.117 The application was accompanied by a Preliminary Sources Study Report / Phase 1 Preliminary Risk Assessment by WSP contains a review of previous Phase 1 and 2 reports for the wider Olympia Park site, a site walkover and a preliminary risk assessment. Parts of the proposed Olympia Park access road cross land with past industrial/commercial uses, including sugar factory lagoons, an asphalt plant and a distribution depot. Made ground and peat deposits are also known to be present at the site. The report states that the contaminated land risk to the proposed access road development is low. However, it does acknowledge that there is the potential for contaminated land to be present due to the historical localised industrial land use.
- 5.118 The report recommends that a supplementary intrusive ground investigation is undertaken to support the findings of the combined Preliminary Sources Study Report / Phase 1 Preliminary Risk Assessment and refine the conceptual site model. The Council's Contaminated Land Consultants have confirmed that the Preliminary Sources Study Report / Phase 1 Preliminary Risk Assessment provides a good overview of the site's history, its setting and its potential to be affected by contamination. The report and the proposed supplementary intrusive ground investigation works are acceptable. Conditions are suggested covering the need for further investigation of land contamination, the submission of a remediation scheme, verification of any remedial works and the reporting of any unexpected contamination.
- 5.119 The contamination aspect of the proposal was also commented on in the Environment Agency's (EA) response. The EA considered the proposed development site presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a principal aquifer. The application's supporting evidence demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. The EA indicated proposed development will only be acceptable in line with paragraph 170 of the National Planning Policy Framework if conditions covering the need for a remediation strategy and verification report were imposed.
- 5.120 The conditions had overlaps with those suggested by the contaminated land officer as such the contamination officer ones were included. However, once the information is produced to discharge such a condition both the EA and contamination land officer would be consulted, therefore the conditions provide the framework for the need to request the additional information.
- 5.121 The above will therefore ensure the development is safe and in compliance with Policy SP18 of the Core Strategy and Local Plan Policy ENV2.

Construction impacts and residential amenity.

- 5.122 SDLP Policy ENV1 requires a good standard of layout and design and that the effect of new development upon the amenity of adjoining occupiers to be taken into account. Policy ENV2 Part A states that; “Proposals for development which would give rise to, or would be affected by, unacceptable levels of noise, nuisance, will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element to the scheme. Such measures should be carried out before the use of site commences.”
- 5.123 Chapter 13 of the ES considers the impact of the proposed development on local air quality. In particular, it considers the potential effects of construction phase dust and operational phase road traffic emissions on air quality at identified existing receptor locations.
- 5.124 The qualitative construction phase assessment was undertaken and certain measures were recommended for inclusion in a CEMP to minimise emissions during construction activities. The report concludes that with the implementation of these mitigation measures, the impact of construction phase dust emissions is considered to be ‘not significant’ in accordance with IAQM guidance.
- 5.125 In terms of air quality from the operational development, the detailed road traffic emissions assessment was undertaken to consider the impact of development-generated road traffic on local air quality at identified existing and committed receptor locations. Road traffic emissions were modelled and were predicted at identified sensitive receptor locations within the study area. Changes in pollutant concentrations between without development and with development scenarios were determined and the impact of the development on local air quality was predicted to be ‘negligible’ in accordance with IAQM and EPUK guidance.
- 5.126 The Environmental Health Officer (EHO) assessed the information within Chapter 13 and within the BWB Consulting Limited report and agreed with its contents. The EHO suggests a Construction Environmental Management Plan (CEMP) should be applied to any approval as only an outline one was submitted. The condition should include the requirement for monitoring during the construction period and a feedback mechanism to ensure results not meeting the required standard are taken into account. A condition is included within the recommendation to cover this.
- 5.127 The EHO also noted that the assessment has predicted that during the operational phase the development will result in a positive, if only slightly, effect on the air pollution levels in the Air Quality Management Area (AQMA) on New Street, Selby and that increases in levels in other areas will not lead to exceedances in other areas. Therefore, no further concerns or mitigation is required.
- 5.128 Chapter 14 of the ES similarly considers noise and vibration impacts of the development from the construction operational phase of the development as well as providing an assessment of the proposals in-combination with the wider Olympia Park development site. The chapter describes the methods used to assess the impacts, the baseline conditions currently existing at the site and surroundings, the potential direct and indirect impacts of the development arising from noise and vibration, the mitigation measures required to prevent, reduce, or offset the impacts and the residual impacts. It has been written by Hann Tucker Associates.

- 5.129 The conclusions were that during the construction works, there are no noise sensitive receptors within the study area and residual effects of noise and vibration are therefore expected to be not significant. Following completion of the proposed development, changes to road traffic flows around the site are expected to produce a negligible change in noise levels, for which the impact would be considered not significant. A wider in-combination assessment was undertaken, which indicates that the proposed development should not unduly prohibit the development of the land immediately adjacent for residential use.
- 5.130 The EHO noted the conclusions that no further noise considerations were necessary given receptors were over 400m away. The EHO but disagreed as the properties to the south of West View are under 300m to the redline boundary and properties on Ousebank are under 350m to the red line boundary. The EHO agreed that considered noise and vibration to be considered as part of the CEMP.
- 5.131 The EHO also considered that the demolition and construction hours proposed be either conditioned separately or written into the CEMP. Officers feel that the condition requiring the CEMP can adequately control this.
- 5.132 The EHO also commented that the assessment of noise from the operational phase does not identify the traffic levels that it considers to be appropriate in this case. This is because the end users of the site are not yet known. Any subsequent end user for the development platforms will be assessed individually when such applications are received. The EHO reaffirms that that a more detailed assessment of traffic flows should be undertaken as part of any application for the wider development of the Olympia Park site.
- 5.133 Finally, the EHO states that chapter 14 of the ES advises that currently there is no information on building positioning and locations, but when considering a potential residential development to the north of this access road site mitigation measures would be required possibly in the form of uprated glazing, trickle vents, and utilising buildings to provide screening. The EHO was concerned as to the resultant noise level in private garden spaces. It is, therefore, recommended that a noise assessment is carried out in relation to the development of other areas of the site considering the noise from this access road in combination with current industrial uses around the site and other transport noise. This of course will be dealt with accordingly once any future development is applied for.
- 5.134 This assessment within chapter 14 was written when the wider site was being considered for housing and therefore it's unlikely that the new road will cause any conflict with the new intended commercial use. Obviously, each new application will be assessed individually when applications are received.
- 5.135 On the basis of the above it is clear that further work needs to be undertaken to include matters which haven't been fully considered. These can however be adequately controlled through a more detailed CEMP which forms a planning condition. This will ensure compliance with SDLP Policies ENV 1 and ENV 2.

6 CONCLUSION

- 6.1 This application seeks full planning permission for the erection of a new access road to facilitate the future development of the wider Olympia Park development site for employment purposes. The associated works and infrastructure also include the modification of existing A63 Selby bypass junction to allow for access, ground re-

profiling, creation of an earth embankment; a temporary site compound; drainage infrastructure including temporary and permanent drainage ditches, new culverts, new landscaping, a new ecological enhancement zone; creation of new junctions, pedestrian and cycle routes and a new gatehouse to the existing Potter Group Logistics site.

- 6.2 This represents a significant infrastructure project for the town, on a site that has been allocated for growth in the Local Plan and Core Strategy for a number of years. The application is considered to be in accordance with the Development Plan in particular Core Strategy Policy SP 7 and will help to unlock this key urban extension to the settlement and provide the platform and future growth and all the associated benefits that arise from such a scheme. The scheme would also therefore be consistent with the broad aims of the NPPF and its presumption in favour of sustainable development.
- 6.5 Other matters of acknowledged importance such as the impact on the highway network, flood risk, drainage, archaeology, heritage, ground conditions, impact on residential amenity, nature conservation, layout, scale and design are considered to be acceptable and in accordance with the Development Plan and national advice contained within the NPPF. The application was supported by a detailed Environmental Statement which gave a comprehensive assessment of the potential effects of the construction and operational phases of the proposed development. Taking account of the detailed submission and the presumption in favour of sustainable development and which seeks to support economic growth and productivity, approval of the application is justified.
- 6.7 The application is therefore considered to accord with Policies ENV1, ENV2, ENV3, ENV 25, ENV 28, EMP 2, EMP 6, EMP 9, T1, T2, T7, T8 and Bar/2 of the Selby District Local Plan (2005), Policies SP1, SP2, SP7, SP12, SP13, SP15, SP18 and SP19 of the Selby District Core Strategy Local Plan (2013) and the advice contained within the NPPF.

7 RECOMMENDATION

This application is recommended to be GRANTED Subject to the completion of a Section 106 Legal Agreement and the following conditions:

Heads of Terms:

1. A mechanism to restrain the traffic generated by the site below the levels assessed in the Transport Assessment.
2. A mechanism for the future adoption of the spine road as highway maintainable at the public expense including timing (to follow construction of the wider site) and repairing damage prior to adoption.
3. Future maintenance of the landscape areas not covered by any future highway adoption.

Conditions

01. The development for which permission is hereby granted shall be begun within a period of five 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:

Documents

Arboricultural Impact Assessment prepared by Iain Taverdale;

Design and Access Statement prepared by DLA Architecture;

Utilities Assessment produced by Stantec

Environmental Statement Chapters 1-16

Environmental Statement co-ordinated by Avison Young, including:

- Description of Development prepared by Avison Young and WSP;
- Landscape and Visual (including landscape framework) produced by DLA;
- Ecology and Nature Conservation (including protected species surveys) produced by Brooks Ecology;
- Archaeology and Heritage produced by Orion;
- Ground Conditions produced by WSP;
- Drainage and Flood Risk, including Flood Risk and Drainage Assessment and associated drainage strategy produced by WSP;
- Transport and Access produced by Fore;
- Air Quality and Dust produced by BWB; and,
- Noise and Vibration produced by Hann Tucker.

Plans

Site Location Plan – Drg No. 70054608-SK001 Rev 12

Site Overview Plan 70054608-SK-009 Rev P06

Access Road Alignment Plans

Future Use Highways Drainage 4608-WSP-00-XX-DR-CH-DR_02_ Rev P02

Highway Drainage Layout 4608-WSP-00-XX-DR-CH-DR_01_ Rev P03

Link Road General Arrangement 4608-WSP-00-ZZ-DR-CH-GA_01_ Rev P04

Link Road Typical Cross Sections 4608-WSP-00-XX-DR-CH-SD_01_ Rev P04

Proposed Culvert Details 4608-WSP-00-XX-DR-CH-SD_02_ Rev P04

Roundabout General Arrangements 4608-WSP-00-ZZ-DR-CH-GA_101 Rev P04

Roundabout Typical Cross Sections 4608-WSP-00-XX-DR-CH-SD_101 Rev P03

Appendix 11.1 EIA Flood Risk and Drainage Project No.JAG/AD/JD/40961-RO001-Rev B September 2019

Landscape Plans

Landscape Key Plan – Drg No. 2014-183/9000 Rev B

Landscape Layout 1 of 3 – Drg No. 2014-183/9001 Rev B

Landscape Layout 2 of 3 – Drg No. 2014-183/9002 Rev A

Landscape Layout 3 of 3 – Drg No. 2014-183/9003 Rev B

Landscape Illustrative Sections – Drg No. 2014-183/9005 Rev B

Landscape Parameter Plan – Drg No. 2014-183/9100 Rev B

Potter Space Offices Plans

Proposed Site Plan – Drg No. 2014-183-102

Proposed Floor Plan – Drg No. 2014-183-201

Proposed Roof Plan- Drg No.2014-183-202

Proposed North and South Elevations – Drg No. 2014-183-220

Proposed East and West Elevations – Drg No. 2014-183-221

Proposed Sections – Drg No. 2014-183-230

Proposed Axonometric – Drg No. 2014-183-250

Reason:

For the avoidance of doubt

03. A) No demolition/development shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

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.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) 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 (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason:

This condition is imposed in accordance with Section 16 of the NPPF (paragraph 199) as the site is of archaeological significance.

04. Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

Reason:

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

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

Reason:

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

06. Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason:

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

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

Reason:

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

08. Biodiversity Environmental Management Plan (BEMP),

Prior to the commencement of development, a Biodiversity Enhancement & Management Plan (BEMP) shall be submitted to and approved in writing by the Local Planning Authority.

Reason;

To ensure the enhancement of biodiversity in accordance with Core Strategy Policy SP18 and the NPPF.

09. Construction Environmental Management Plan (CEMP) (Biodiversity)

Prior to the commencement of development a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the LPA. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities
- b) Identification of "biodiversity protection zones"
- c) Measures to avoid or reduce impacts during construction – with specific measures to minimise adverse impacts on bats and otters
- d) Measures to control and eradicate invasive species
- e) Location and timings of sensitive works to avoid harm to biodiversity features, including nesting birds.
- f) The times during construction when specialist ecologists need to be present on site to oversee works
- g) Responsible persons and lines of communication
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the LPA.

Reason;

To ensure the protection of existing biodiversity features in accordance with Core Strategy Policy SP18 and the NPPF.

10. The commencement of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the Local Planning Authority a Construction Environmental Management Plan. The Plan shall include details of how noise, vibration, dust and other airborne pollutants, smoke, and odour from construction work will be controlled and mitigated. The CEMP shall include a Dust management Plan (DMP) and hours of working. The plan shall also include monitoring, recording and reporting requirements. The construction of the Development shall be completed in accordance with the approved Plan unless any variation has been approved in writing by Local Planning Authority.

Measures may include, but would not be restricted to, on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust. The plan should also provide detail on the management and control processes.

Reason:

To protect the amenity of the area, the environment and local residents from noise pollution.

11. The development shall be carried out in accordance with the submitted flood risk assessment (FRA) by Alan Wood and Partners, referenced JAG/AD/JD/40961-RP001-RevB, dated September 2019 and the following mitigation measures it details:

- Finished floor levels for the office shall be set no lower than 600 mm above existing ground levels.
- The embankment is to be designed and built to incorporate suitable erosion protection in the event of flooding occurring.
- Culverts are to be placed under the proposed road embankment (running North to South) to maintain the flow of water through the existing drainage network.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons:

To reduce the risk of flooding to the proposed development and future occupants.
To prevent erosion affecting the embankment in the event of a breach or overtopping event occurring.

To maintain existing flow routes across the site.

12. No development approved by this permission shall be commenced until a Scheme for the provision, implementation and maintenance of a surface water regulation

system has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority in consultation with the Internal Drainage Board.

This should also include details of any temporary works in, under, over or adjacent to the watercourse.

The rate of discharge would not be expected to exceed that of a "greenfield site" taken as 1.4 lit/sec/ha.

Storage volume should accommodate a 1:30 year event with no surface flooding and no overland discharge off the site in a 1:100 year event. A 30% allowance for climate change should be included in all calculations and a range of durations should be used to establish the worst-case scenario.

Reason:

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

13. There shall be no storage of any materials including soil adjacent to the bank top of the watercourse and a permanent 9 metre wide access strip shall be made available to the Board to enable the Board to continue their maintenance responsibilities (unless agreed otherwise).

Reason:

To allow access to the watercourse for maintenance purposes and to ensure that there will be no risk of the watercourse becoming blocked by debris from the stockpiles or bank slipping due to increased loading of the bank top.

14. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. The development must only be carried out in compliance with the approved engineering drawings.

Reason:

To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.

15. No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation.

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

Reason:

To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

16. The amendments to the A63 site access roundabout based on the submitted drawing number 4608-WSP-00-ZZ-DR-CH-GA_101/P01 shall be completed prior to the first occupation of any new building on the site.

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

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

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

The works must be completed in accordance with the approved engineering details and programme.

Reason:

To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

17. No development for any phase of the development must commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. details of any temporary construction access to the site including measures for removal following completion of construction works;
2. restriction on the timing of the use of A63 roundabout for construction purposes;
3. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
4. the parking of contractors' site operatives and visitor's vehicles clear of the A63;
5. areas for storage of plant and materials used in constructing the development clear of the highway;
6. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
7. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
8. protection of contractors working adjacent to the highway;

9. details of site working hours;
10. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
11. means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
12. measures to control and monitor construction noise;
13. an undertaking that there must be no burning of materials on site at any time during construction;
14. removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
15. details of the measures to be taken for the protection of trees;
16. details of external lighting equipment;
17. details of ditches to be piped during the construction phases;
18. a detailed method statement and programme for the building works; and
19. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason:

In the interest of public safety and amenity.

18. No development shall take place until full details of both hard and soft landscaping works, including implementation programme and Schedule of maintenance and after, has been submitted to the and approved in writing by the local planning authority. The scheme shall include and be not limited to:

Hard landscaping works shall include;

- existing site features proposed to be retained or restored including trees, hedgerows, walls and fences and structures.
- proposed finished levels and/or contours,
- proposed grading and mounding of land showing relationship of surrounding land
- boundary details and means of enclosure,
- car parking layouts,
- hard surfacing layouts and materials,

Soft Landscaping shall include;

- Planting plans
- Written specifications (including soil depths, cultivation and other operations associated with plant and grass establishment and
- Schedules of plants noting species, planting sizes and proposed numbers/densities, means of support and protection.

All hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for general Landscape operations.

The developer shall complete the approved landscaping works and confirm this in writing to the County Planning Authority prior to the date agreed in the implementation programme.

Reason:

This condition is necessary in order to retain and enhance the landscape character and biodiversity of the area to comply with Local Plan Policies ENV1 and ENV12 and Core Strategy Policy SP19.

19. Before the development is first brought into use a landscape management plan including long term design objectives management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the local planning authority. The management plan shall include measures for 15years maintenance following the first 5 years from establishment. The landscape management plan shall be carried out as approved.

Reason:

To ensure the scheme is developed and managed for future years in accordance with the approved detail and therefore maintained. This will ensure the development accords with Policies SP18, SP19 of the Core Strategy and Local Plan Policy ENV1.

20. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree / root protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: 2012 Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the local planning authority.

The scheme for the protection of the retained trees shall be carried out as approved and maintained until the scheme is completed.

Reason:

This condition is necessary in order to retain the existing landscape features biodiversity of the area in order to comply with Local Plan Policies ENV1 and ENV12 and Core Strategy Policy SP18.

21. If within a period of five years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure maintenance of a healthy landscape scheme, in accordance with Local Plan Policies ENV1 and ENV12 and Core Strategy Policy SP18.

22. No development approved by this permission shall be commenced until the Local Planning Authority has approved a scheme for the provision of surface water and foul water drainage works from the Gate House building. Any such Scheme shall be

implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

Reason:

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

Informatives

1. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
 - on or within 8 metres of a main river (16 metres if tidal)
 - on or within 8 metres of a flood defence structure or culverted main river (16metres if tidal)
 - on or within 16 metres of a sea defence
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission
 - For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03708 506506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.
2. IDB- Maintenance Responsibility - The proposed development is within the Board's area and is adjacent to Cherry Orchard Drain and Barlby Hill Drain, which at these locations, are maintained by the Board under permissive powers within the Land Drainage Act. 1991. However, the responsibility for maintenance of the watercourse and its banks rests ultimately with the riparian owner.
3. Under the terms of the Land Drainage Act. 1991 and the Board's Byelaws, the prior written consent of the Board is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of any watercourse.
4. Under the Board's Byelaws the written consent of the Board is required prior to any discharge into any watercourse within the Board's District.
5. It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local Highway Authority before a draft layout is produced and any detailed planning submission is made.

To assist, the Local Highway Authority can provide a full list of information required to discharge the highway conditions. It should be noted that approval to discharge the condition does not automatically confer approval for the purposes of entering any Agreement with the Local Highway Authority.
6. Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and North Yorkshire County Council as the Local Highway Authority. To

carry out works within the highway without a formal Agreement in place is an offence.

8 Legal Issues

8.1 Planning Acts

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

8.2 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.

8.3 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.

9 Financial Issues

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

10 Background Documents

Planning Application file reference 2019/1027/EIA and associated documents.

Contact Officer:

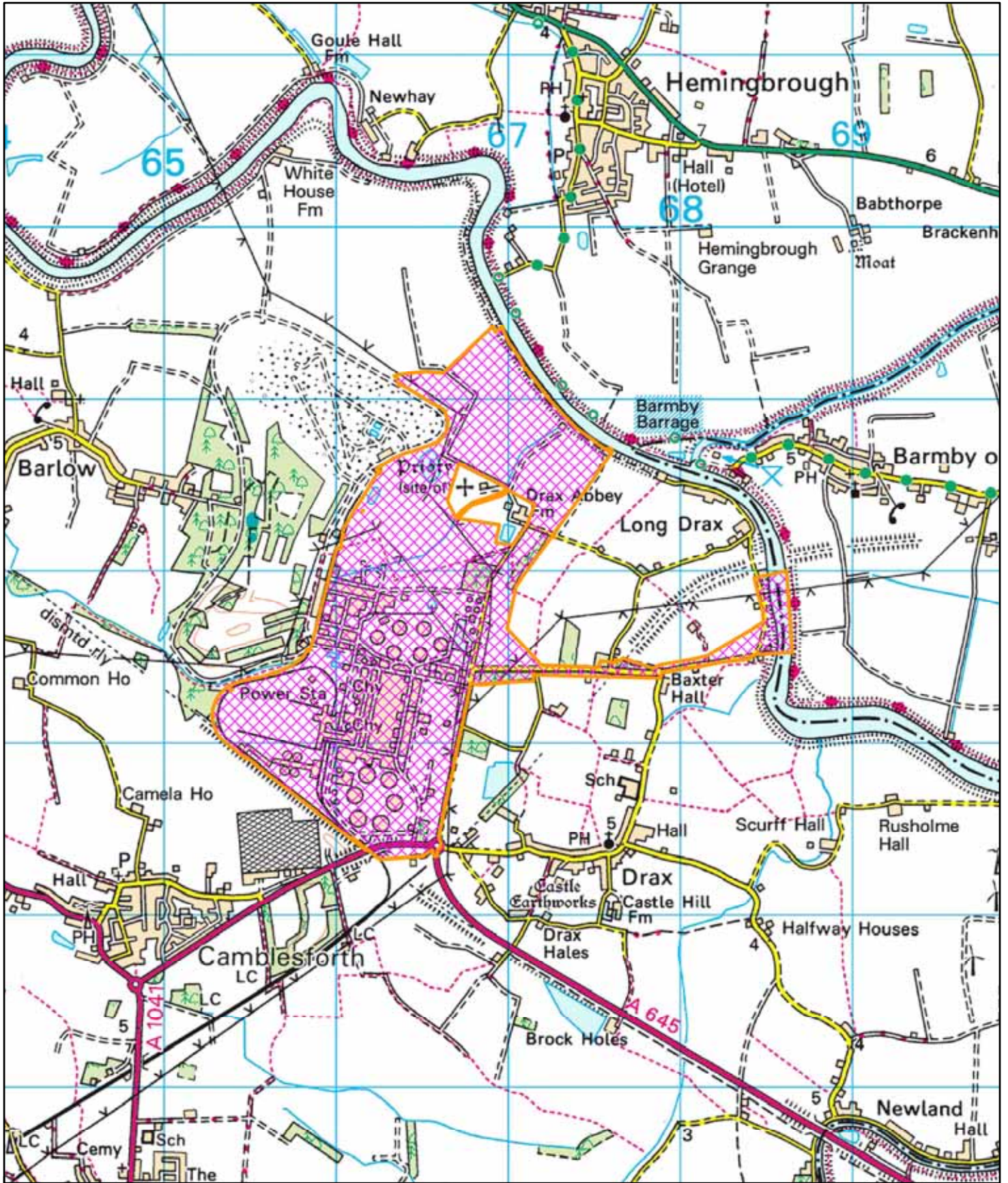
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Appendices: None

Agenda Item 5.4

Drax Power Station, New Road, Drax
2021/0076/CPO



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Report Reference Number: 2021/0076/CPO

To: Planning Committee
Date: 28 April 2021
Author: Jenny Tyreman, Assistant Principal Planning Officer
Lead Officer: Ruth Hardingham, Planning Development Manager

Drax Bioenergy with Carbon Capture and Storage Project (BECCS) – Nationally Significant Infrastructure Project

This matter has been brought before Planning Committee for information purposes. The reports also seeks approval from Members of the Planning Committee to support the proposals in principle and seeks the support from Members of the Planning Committee for the Executive to authorise delegation to the Director of Economic Regeneration and Place in consultation with the Executive Member for Place Shaping to agree the Local Impact Report, Statement of Common Ground, the content of the draft DCO, and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.

Summary:

This report sets out the legislative background to Nationally Significant Infrastructure Projects (NSIPs) and how these are dealt with. Essentially applicants for infrastructure projects need to make an application to the Planning Inspectorate (PINS) for a Development Consent Order (DCO). The final decision is made by the Secretary of State on the recommendation of PINS, but Local Planning Authorities are statutory consultees in the process.

Drax Power Limited is proposing to submit an application for a DCO for the installation of post-combustion carbon capture technology at up to two of the existing 600-Megawatt electrical (MWe) biomass generating units (Unit 1 and 2) at Drax Power Station and this scheme is Nationally Significant Infrastructure Project (NSIP) to be determined by PINS. Two rounds of public consultation are taking place in 2021 – non-statutory consultation took place in Q1 2021; statutory consultation is anticipated to take place in Q3/Q4 2021. It is anticipated that Drax Power Limited will submit their DCO application to PINS during Q1 2022.

Once the DCO application has been submitted to PINS, they will have 28 days to decide whether or not the application meets the standards required to be accepted for examination. Following acceptance, an Examining Authority will be appointed, and all Interested Parties will be invited to attend a Preliminary Meeting, run and chaired by the Examining Authority. PINS then have up to six months to carry out the examination of the proposals through a series of structured and topic based hearings which officers may need to attend. After the examination a decision will be made by the Secretary of State, within 6 months of the close of the examination. Following this the Council will have the responsibility to discharge any planning conditions and enforce the terms of the DCO.

This report outlines and seeks support in principle for the project. A similar report will be taken to the Executive on 27 May 2021. Selby District Council (SDC) is a statutory consultee and authorisation will be sought from the Executive for the Director of Economic Regeneration and Place in consultation with the Executive Member for Place Shaping to agree the Local Impact Report, Statement of Common Ground, the content of the draft DCO, and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.

Recommendations:

- i. That the contents of this report are noted and that Members agree to support this NSIP application in principle, subject to agreement in relation to specific and localised matters of detail.**
- ii Support that authorisation is sought from the Executive to authorise the Director of Economic Regeneration and Place in consultation with the Executive Member for Place Shaping to agree the Local Impact Report, Statement of Common Ground, the content of the draft DCO, and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.**

Reasons for recommendation:

Timescales for commenting on the DCO application once it is submitted are embedded in statute and it is important that appropriate delegation arrangements are in place so that the Council is able to meet the deadlines which are set by PINS.

1. Introduction and Background

- 1.1 On 1 April 2012, under the Localism Act of 2011, PINS became the agency responsible for operating the planning process for NSIPs.
- 1.2 NSIPs are large scale developments such as new harbours, power generating stations (including wind farms), and electricity transmission lines which require a type of consent known as a DCO under procedures governed by the Planning Act 2008 (and amended by the Localism Act 2011). This is not a 'planning application' under the Town and Country Planning Act 1990 and the status of the development plan is different in that the principal guidance for their determination is contained within the suite of Energy National Policy

Statements (NSPs). The 2008 Act sets out thresholds above which certain types of infrastructure development are considered to be 'nationally significant' and require the granting of a consent order. NSIPs were introduced as a fast track method and alternative way of dealing with nationally important infrastructure after the much publicised delays in the consenting of Heathrow's last major expansion proposal for a fifth terminal.

- 1.3 In England, PINS examines applications for DCOs from the energy, transport, waste, waste water and water sectors. For such projects, PINS undertakes an examination of the application and makes a recommendation to the relevant Secretary of State, who makes the final decision on whether to grant or to refuse the DCO. Energy NSPs introduce a presumption in favour of granting DCOs.

2. The Project

- 2.1 Drax Power Limited is proposing to install post combustion carbon capture technology at up to two of the existing 600 MWe biomass power generating units at the Drax Power Station in Selby, North Yorkshire. This will remove up to 95% of the carbon dioxide from the flue gas, resulting in overall negative emissions of greenhouse gases.

- 2.2 Biomass will be sourced from sustainably managed forests to generate electricity. As the forests used to create biomass absorb carbon dioxide while growing, the carbon dioxide released when it is used as fuel is already accounted for, making the whole process carbon neutral. By then capturing and storing any carbon dioxide emitted in safe underground deposits, the process of electricity generation becomes carbon negative, as more carbon has been removed from the atmosphere than has been added.

- 2.3 The proposed scheme includes the following:

- Carbon capture infrastructure at the Drax Power Station;
- Compression and treatment of carbon dioxide at the Drax Power Station to allow connection to a National Grid carbon dioxide transport system;
- Potential Upgraded Drax Jetty and Road Improvements to facilitate the transport of abnormal indivisible loads; and
- Potential Environmental Mitigation Area to the north of the Drax Power Station.

- 2.4 The carbon dioxide captured will be transported via the proposed National Grid Ventures pipeline for compression at Easington and storage under the southern North Sea. Transport and storage infrastructure will be consented through separate applications.

Carbon capture infrastructure at the Drax Power Station

- 2.5 It is intended that core items of the existing infrastructure are re-used by installing and integrating the Carbon Capture technology onto the current power generating units, cooling water systems, and Main Stack.

- 2.6 The Carbon Capture technology is made up of the following:

- A flue gas pre-treatment section, which will look to extract and utilise waste heat from the flue gases, alongside a quench and contaminant removal step (point 1 and 2 on Figure 1);
- An Absorber Column (or absorption tower on Figure 1) for the removal of carbon dioxide from flue gases using an amine solvent. This section will also include a washing section, split into stages to maintain the absorber's water balance, recover chemical vapor and mist, and control chemical emissions to strict levels (point 3 on Figure 1);
- An enhanced regeneration column (or re-boiler on Figure 1) to reverse the carbon dioxide reaction from the amine solvent via the application of process heat, and recover the amine solvent, enabling its reuse (point 4 on Figure 1);
- A filtration and reclamation system that will continuously remove any carry over of contaminants from the flue gas into the amine solvent to maximise usage and minimise degradation;
- Solvent storage and system make-up;
- Compression, dehydration, and oxygen removal of the carbon dioxide to provide the agreed conditions for transport and permanent storage; and
- A new Carbon Capture Wastewater Treatment Plant (WWTP) to treat condensate recovered from the overall Carbon Capture system and enable its re-use.

2.7 Figure 1 below shows a generic form of Carbon Capture. For the Proposed Scheme, the emissions will be routed through the Main Stack.

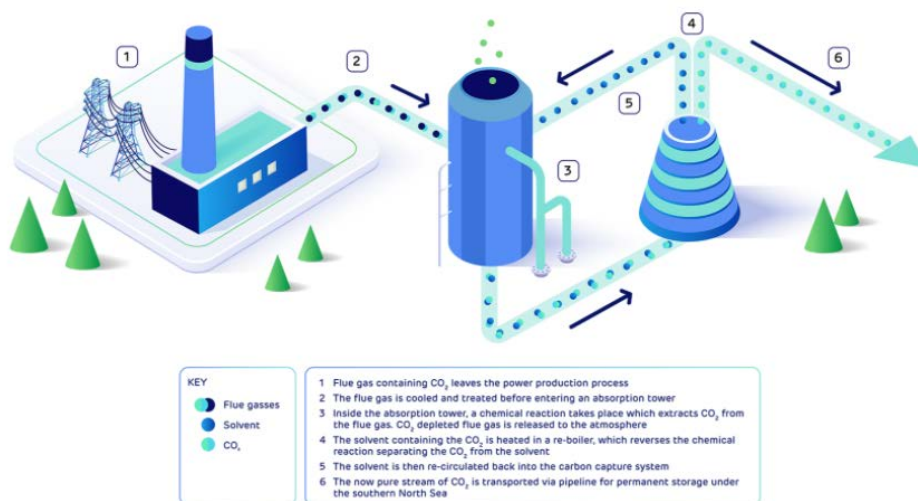


Figure 1: How carbon is captured from an emissions source

2.8 Steam is required for the Carbon Capture process. It is used in the enhanced regeneration column to indirectly heat the carbon dioxide-rich solvent. This reverses the forward reaction of carbon dioxide capture, producing a stream of nearly pure carbon dioxide, at the same time as enabling the recovery and re-use of the amine solvent. Two options are currently being considered for the supply of process steam.

- 2.9 Following the separation of the amine solvent and the carbon dioxide in the enhanced regeneration column, the solvent needs to be cooled before it can be reused. This is achieved via heat integration, whereby the hot regenerator outlet (regenerated amine) exchanges its heat with the cool regenerator inlet (carbon dioxide-rich amine). This heat integration within the process reduces external cooling demands, while also reducing the amount of steam required to heat the regenerator. Two options are currently being considered for the cooling requirements of the Carbon Capture technology.
- 2.10 Additional chemical storage and distribution handling facilities will be required to process the amine solvent required for the Carbon Capture technology. This is expected to include new cylindrical storage tanks and warehousing for materials including amine solvent, caustic soda, anti-foam, sulphuric acid and amine solvent waste. Some hazardous waste storage is likely to be required.

Compression and treatment of carbon dioxide at the Drax Power Station to allow connection to a National Grid carbon dioxide transport system

- 2.11 The proposed scheme will adhere to the National Grid's pipeline specification, which outlines the required carbon dioxide quality, temperature and pressure. The carbon dioxide exiting the Carbon Capture Plant must be compressed and dried, and have contaminants removed before entering the transport system.
- 2.12 Multiple compression and drying options are currently being reviewed to establish their efficiency, technical and safety merits.
- 2.13 It is expected that low pressure compression will be located towards the south of the Drax Power Station. High pressure compression will be located in the former woodways towards the north of the Drax Power Station, alongside dehydration, oxygen removal, chilling, and metering to the battery limit location agreed with National Grid. New pipework would connect compression locations. The majority would use existing pipe racks that are no longer required for flue gas desulphurisation, but some new pipe racks would also be required.
- 2.14 There may be a requirement for unplanned venting of carbon dioxide for safety reasons prior to the gas entering the National Grid transport system. No routine venting of carbon dioxide would take place.
- 2.15 The National Grid transport and storage infrastructure will be subject to separate consents and licences and does not constitute part of this application.

Potential Upgraded Drax Jetty and Road Improvements to facilitate the transport of abnormal indivisible loads

- 2.16 An upgraded facility at the location of the Existing Drax Jetty may be constructed and used to facilitate transportation of abnormal indivisible loads (AILs). If implemented, there may also be the potential to bring in other construction materials using this route. An upgraded facility would include security lighting, fencing, storage, welfare facilities and laydown areas. Capital dredging in the River

Ouse would also be required. If the upgraded Drax Jetty is used for AILs only, maintenance dredging would not be required.

- 2.17 Modifications to Redhouse Lane, Carr Lane and New Road between the existing Drax Jetty and the Drax Power Station may be required to facilitate road transport for large plant between the two locations. This may include temporary use of agricultural land adjacent to the road.
- 2.18 Drax Power Limited is considering whether these works will form part of the proposed scheme. They may instead seek planning permission for these works under the Town and Country Planning Act 1990 (and consent under other associated Acts, as required in terms of street works). Alternatively, AILs may be delivered to the Port of Goole and transferred via the Goole Bypass, across the M62 and then the A645 to Drax. In this case, temporary removal of street furniture and overnight road closures would be required.

Potential Environmental Mitigation Area to the north of the Drax Power Station

- 2.19 Land has been identified to the north of the Drax Power Station for possible environmental mitigation. No new infrastructure is proposed on this land outside the Drax Power Station.

Construction Programme

- 2.20 Construction is expected to start in early 2024 with an estimated 39-month construction programme. Unit 2 is expected to be operational in 2027 and Unit 1 in 2028.

3. The Process

- 3.1 The Planning Act 2008 process was introduced to streamline the decision-making process for major infrastructure projects, making it fairer and faster for communities and applicants alike. The six stages in the process are: pre-application; acceptance; pre-examination; examination; recommendation and decision; and post decision.
- 3.2 The Drax Bioenergy with Carbon Capture and Storage Project is presently at the pre-application stage with PINS. The applicants have a statutory duty to carry out consultation on their proposals before submitting an application. Two rounds of public consultation are taking place in 2021 – non-statutory consultation took place in Q1 2021; statutory consultation is anticipated to take place in Q3/Q4 2021.
- 3.3 The applicants submitted a Scoping Report to PINS on 18 January 2021. SDC and NYCC provided comments to PINS on the Scoping Report on 16 February 2021. PINS, on behalf of the Secretary of State, issued a Scoping Opinion on 26 February 2021. This sets out the required extent and content of the Environmental Statement to be submitted with the application for a DCO. Those areas that may be examined in detail come under the headings:

- Climate Resilience
 - Population Health and Socio-Economics
 - Transport
 - Air Quality
 - Noise and Vibration
 - Ecology
 - Landscape and Visual Impact
 - Heritage
 - Ground Conditions
 - Water Environment
 - Minerals and Waste
 - Greenhouse Gases
 - Major Accidents and Disasters
 - Cumulative Effects
- 3.4 Drax Power Limited have notified PINS under Regulation 8(1)(b) of the EIA Regulations that they propose to provide an Environmental Statement (ES) in respect of the proposed development. Therefore, in accordance with Regulation 6(2)(a) of the EIA Regulations, the proposed development is EIA development.
- 3.5 It is anticipated that Drax Power Limited will submit their DCO application to PINS during Q1 2022.
- 3.6 Once the DCO application has been submitted to PINS, they will have 28 days to decide whether or not the application meets the standards required to be accepted for examination. Following acceptance, an Examining Authority will be appointed, and all Interested Parties will be invited to attend a Preliminary Meeting, run and chaired by the Examining Authority. PINS then have up to six months to carry out the examination of the proposals through a series of structured and topic-based hearings which officers may need to attend. After the examination a decision will be made by the Secretary of State, within 6 months of the close of the examination. Following this the Council will have the responsibility to discharge any planning conditions and enforce the terms of the DCO.
- 3.7 The Council is working in association with the County Council as part of Better Together to, where possible make co-ordinated responses. This approach is favourable to the applicant and probably to the Examining Authority. It is how the two councils have worked together on other NSIPs. Together the two Authorities have the necessary technical specialists to respond to the application fully.
- 3.8 To date council staff have attended the briefings together and have already submitted the local authorities' response to the applicants Scoping Report.
- 3.9 NYCC and SDC have set up monthly meetings to manage the application, which will be attended by key planning officers and technical officers. Senior management will be invited if required.
- 3.10 Submission of the Local Impact Report, Statement of Common Ground, input into the Draft DCO and any written representations will be required in accordance with

deadlines set by PINS, and once the examination commences, these deadlines are likely to be tight. Therefore, authorisation is sought from the Executive to authorise the Director of Economic Regeneration and Place in consultation with the Executive Member for Place Shaping to agree the Local Impact Report, Statement(s) of Common Ground, the content of the Draft DCO and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.

4. Implications

4.1 Legal Implications

4.1.1 The District Council is an interested party and support for the scheme is subject to agreeing the requirements in the DCO.

4.1.2 The District Council will have further involvement following submission of the application and during the examination period, including attendance at issue specific, and DCO public hearings. It is also possible that appropriate planning obligations, in conjunction with the County Council may be required to address any impacts and if considered necessary in planning terms. Both of these may require some input from the Council's legal team.

4.2 Financial Implications

4.2.1 The District Council, jointly with the County Council, intend to enter into a Planning Performance Agreement (PPA) with *Drax Power Limited*. The PPA will establish a project framework and will give greater clarity to all parties as to their roles and responsibilities. The PPA will also establish a fund set aside against which both this Council and the County Council can claim for work carried out by its service areas which is in excess of their normal working practices.

5. Conclusion

5.1 Members are asked to note the contents of this report and agree to support this NSIP application in principle, subject to agreement in relation to specific and localised matters of detail.

5.2 Authorisation is to be sought from the Executive to permit the Director of Economic Regeneration and Place in consultation with the Executive Member for Place Shaping to agree the Local Impact Report, Statement of Common Ground, the content of the draft DCO, and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.

6. Background Documents

The National Infrastructure Planning website of the Planning Inspectorate is at the link:

<https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/drax-bioenergy-with-carbon-capture-and-storage-project/?ipcsection=overview>

7. Appendices

None.

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Annex

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 Government 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 Government 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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