



Meeting: **PLANNING COMMITTEE**
Date: **WEDNESDAY, 10 NOVEMBER 2021**
Time: **2.00 PM**
Venue: **COUNCIL CHAMBER - CIVIC CENTRE, DONCASTER ROAD, SELBY, YO8 9FT**
To: **Councillors J Cattanach (Chair), J Mackman (Vice-Chair), M Topping, K Ellis, I Chilvers, R Packham, P Welch, D Mackay and C Richardson**

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 6 October 2021.

5. **Planning Applications Received (Pages 15 - 16)**
- 5.1. **2020/0149/FULM - Sellite Blocks Ltd., Long Lane, Great Heck, Goole (Pages 17 - 76)**
- 5.2. **2021/0860/HPA - 19 Dower Chase, Escrick (Pages 77 - 88)**
- 5.3. **2015/0452/EIA (8/19/1011AV/PA) - Staynor Hall, Abbots Road, Selby (Pages 89 - 140)**

Janet Waggott

Janet Waggott, Chief Executive

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| <p>Dates of next meetings (2.00pm) Wednesday, 8 December 2021</p> |
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Enquiries relating to this agenda, please contact Victoria Foreman on 01757 292046 or vforeman@selby.gov.uk.

Recording at Council Meetings

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

Agenda Item 4



Minutes

Planning Committee

| | |
|-------------------|--|
| Venue: | Council Chamber - Civic Centre, Doncaster Road, Selby, YO8 9FT |
| Date: | Wednesday, 6 October 2021 |
| Time: | 2.00 pm |
| Present: | Councillor J Cattanach in the Chair Councillors J Mackman (Vice-Chair), M Topping, K Ellis, R Packham, P Welch, D Mackay and C Richardson |
| Officers Present: | Martin Grainger - Head of Planning, Ruth Hardingham – Planning Development Manager, Glenn Sharpe – Solicitor, Diane Holgate – Principal Planning Officer, Rebecca Leggott – Planning Project Officer, Ryan King – Senior Planning Policy Officer, Victoria Foreman – Democratic Services Officer |
| Press: | 1 |
| Public: | 14 |

34 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor I Chilvers.

35 DISCLOSURES OF INTEREST

All Committee Members declared a non-pecuniary interest in agenda item 5.1 2020/0149/FULM – Sellite Blocks Ltd., Long Lane, Great Heck, Goole as they had all received a number of representations in relation to the application; however, no Members were required to leave the meeting during consideration thereof.

Councillor M Topping declared a non-pecuniary interest in agenda items 5.3 and 5.4 – 2021/0349/FUL and 2021/0638/FUL – Birchwood Lodge, Market Weighton Road, Barlby, Selby as he had received representations from residents and had attended site visits with Councillor K Arthur and the Head of Planning; as such, Councillor Topping confirmed that due to his previous involvement he would not be taking part in the consideration of either item and would be leaving the meeting during consideration thereof.

36 CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

The Chair announced that an Officer Update Note had been circulated and was available to view alongside the agenda on the Council's website.

The Committee noted that any late representations on the applications would be summarised by the Officer in their presentation.

37 MINUTES

The Committee considered the minutes of the Planning Committee meetings held on 18 August 2021 and 8 September 2021.

RESOLVED:

To approve the minutes of the Planning Committee meetings held on 18 August 2021 and 8 September 2021 for signing by the Chairman.

38 PLANNING APPLICATIONS RECEIVED

The Planning Committee considered the following planning applications:

38.1 2020/0149/FULM - SELITE BLOCKS LTD, LONG LANE, GREAT HECK, GOOLE

Application: 2020/0149/FULM

Location: Selite Blocks Ltd., Long Lane, Great Heck, Goole

Proposal: Proposed erection of a foamed glass manufacturing facility including hard surfacing for material storage

The Principal Planning Officer presented the application which had been brought before Planning Committee as it was a major application where 10 or more letters of representation had been received that raised material planning considerations against the recommendation.

Members noted that the application was for the proposed erection of a foamed glass manufacturing facility including hard surfacing for material storage.

The Officer Update Note had been circulated and published online ahead of the meeting which gave details of corrected wording to the recommendation and paragraph 1.3 of the report, as well as an update on the NYCC Highways and Transportation consultation. Several additional conditions and informatives were also set out in the update note, alongside details of further representations received from local residents.

The Committee asked numerous questions of the Officer regarding; vehicular access to the site, the views of the Landscape Architect and the Environmental Health Officer, the visual impact, potential dust and pollution from the site, the source of the glass to be used in production, noise monitoring, job creation, the substances to be produced by chimneys and exhausts on the building and whether the concerns of the Highways Authority had been addressed.

With regards to access, Officers explained that there was to be new access for HGVs but that existing pedestrian access would be maintained.

Members noted that the Landscape Architect and Environmental Health Officer's concerns had been addressed, as well as those of the Highways Authority. Potential pollution from the site was constantly monitored and there were standards in place to manage emissions. A great deal of the work by the facility would be internal and there were dampening down facilities on site which would reduce dust.

Officers clarified that whilst the business would be using a novel technology, it was the same company undertaking the work that would tie in with glass recycling products in the area; the processes would operate alongside each other. It was hoped that the glass for recycling would come from local facilities.

The Committee understood that noise monitoring exercises undertaken on site would meet professional standards, with the work based on a shift pattern. Approximately 34 new jobs were being created on site, with an increase of around 14 HGV movements a day. Lastly, Members also noted that the chimneys would be producing water vapour.

Stuart Vendy, objector, was invited to speak at the meeting and spoke against the application.

John Hunter, Heck Parish Council, was invited to speak at the meeting and spoke against the application.

Councillor J McCartney, Ward Member, was invited to speak at the meeting and spoke against the application.

Colin Hope, applicant, was invited to speak to the meeting and spoke in favour of the application.

Members debated the application further and acknowledged that the scheme before them was a major application in the open countryside, outside development limits and was subject to several objections. As such, the Committee felt that both a site visit and additional information would be appropriate before a decision was taken, therefore consideration of the application should be deferred. Some Members also had concerns around several the pre-conditions on which they wanted further explanations from Officers.

It was proposed and seconded that consideration of the application be deferred, that additional information be provided and a site visit undertaken. A vote was taken on the proposal and agreed by the Committee.

RESOLVED:

That consideration of the application be DEFERRED in order for additional information be provided to the Committee and for a site visit to be undertaken.

38.2 2020/1041/FUL - GOTHIC FARM, MAIN STREET, NORTH DUFFIELD, SELBY

Application: 2020/1041/FUL

Location: Gothic Farm, Main Street, North Duffield, Selby

Proposal: Proposed conversion of existing agricultural building to 2no dwellings with garages and erection of 3no dwellings with garages following demolition of existing farm buildings

The Senior Planning Policy Officer presented the application which had been brought before Planning Committee as the proposal was contrary to the requirements of the Development Plan in that it did not strictly accord with the provisions of Policy SP2(c) of the Selby District Core Strategy, as the proposal included the erection of a dwelling outside the defined Development Limit of the settlement. However, the proposal would comply with all other relevant criteria, and it was considered that there were material considerations which would support the recommendation for approval.

Members noted that the application was for the proposed conversion of an existing agricultural building to 2no dwellings with garages and erection of 3no dwellings with

garages following demolition of existing farm buildings.

The Committee asked if a tree survey had been undertaken and therefore if the impact on the countryside had been properly assessed. There was also some discussion around the preferred allocation of the site. Officers confirmed that a tree survey had not been done but that the trees listed on site would all be retained.

Bob Wells, North Duffield Parish Council was invited to speak at the meeting and expressed the Parish Council's support for the application, subject to some issues of concern.

Leo Tindell, agent, was invited to speak at the meeting and spoke in favour of the application.

Members debated the application further, with Committee Members expressing their support for the scheme and the maintenance of the existing farmhouse on the site, but again raised concerns around the preservation of the existing trees. Whilst it could be acceptable to refuse the application as part of the site fell outside of development limits, there were also reasons why it would be acceptable to approve it, including the redevelopment of a farmstead in its setting, its situation on the village outskirts and the replacement of derelict buildings with practical ones. The proposals were of a good design and would accommodate any extension to the village in the future.

It was proposed by Members that Condition 03 should be amended to include the words 'in writing' as follows:

*'03. No development approved by this permission shall be commenced until the Local Planning Authority in consultation with the Internal Drainage Board has approved a Scheme for the provision of surface water drainage works **in writing.**'*

The Committee also felt that affordable housing should be offered on such sites as this.

A query was raised regarding the potential inclusion of pavement by the developer on Back Lane; Officers explained that this did not constitute part of the application and as such was not appropriate for discussion.

Members asked whether a condition would be needed in

writing to ensure that trees on site were not removed, despite assurances from the agent that they would not. The Legal Officer reminded Members that conditions had to be appropriate and enforceable. The Committee understood the importance of trees to the setting and character of the site and were unsure as to how the effect of the existing trees could be fully understood without a tree survey having been carried out; the retention of the site's trees was important.

It was suggested that it be delegated to the Head of Planning, in conjunction with Officers, to draft and include an additional condition to ensure the retention and protection of the trees on the site from damage.

Members agreed with the proposal and as such it was accordingly proposed and seconded that the application should be GRANTED. A vote was taken and the application was approved.

RESOLVED:

To GRANT the application subject to:

- 1. the completion of a Unilateral Undertaking;**
- 2. the conditions set out at paragraph 7 of the report; and**
- 3. delegation to the Head of Planning, in conjunction with Officers, to draft and include an additional condition to ensure the retention and protection of the trees on site from damage.**

38.3 2021/0349/FUL - BIRCHWOOD LODGE, MARKET WEIGHTON ROAD, BARLBY, SELBY

Councillor M Topping left the meeting at this point.

Application: 2021/0349/FUL

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

Proposal: Erection of two buildings for use as E(g)(iii) industrial workshops following demolition of an existing building used for B8 storage

The Planning Project Officer presented the application which had been brought before Planning Committee as

the application had been called in by the Ward Member, Councillor 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 two buildings for use as E(g)(iii) industrial workshops following demolition of an existing building used for B8 storage.

The Committee asked questions of the Officer regarding the footprint of the new buildings, the use of other buildings for storage and as workshops and the noise implications of a building next to a residential unit.

Officers explained that the footprint of the new building would be larger than that of the existing one, and that whilst the building next to the residential unit would be used for engineering there would be restrictions in place to ensure that there was no impact on noise, dust etc. as it was purely for light industrial work.

Michael McDonald, objector, was unable to attend the meeting to speak in person but had provided a copy of his speech, which was read out by the Democratic Services Officer; Mr McDonald's representation was against the application.

Councillor K Arthur, Ward Member, was unable to attend the meeting to speak in person but had provided a copy of his speech, which was read out by the Democratic Services Officer; Councillor Arthur's representation expressed concerns about the application and asked that further mitigations be implemented in order to protect the residential amenity of neighbouring properties.

Jonathan Forman, agent, was unable to attend the meeting to speak in person but had provided a copy of his speech, which was read out by the Democratic Services Officer; Mr Forman's representation was in support of the application.

Members debated the application further, with Members expressing their general support for the scheme following a previous site visit.

The Committee acknowledged that concerns had been raised regarding cladding and noise the impact on residential amenity, as well as the piecemeal expansion of the location. Members asked Officers to speak to the

applicant about the latter issue and the need for a long-term view of what was planned for the future of the business and, therefore, the site itself.

Officers confirmed that they had started a dialogue with the site owners to encourage an understanding of their future plans.

It was proposed and seconded that the application be GRANTED. A vote was taken and the application and was approved.

RESOLVED:

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

38.4 2021/0638/FUL - BIRCHWOOD LODGE, MARKET WEIGHTON ROAD, BARLBY, SELBY

Application: 2021/0638/FUL

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

Proposal: Single storey B8 storage unit

The Planning Project Officer presented the application which had been brought before Planning Committee as the application had been called in by Ward Councillor 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 a single storey B8 storage unit.

The Committee asked questions of the Officer regarding the location of the building on site and any potential impact on trees. Officers explained that the storage unit was to be made from a shipping container and, as such, would not require foundations that could have potentially damaged tree roots. It was suggested that if Members felt they required further information, the application should be deferred, or a specific condition constructed by Officers (in consultation with the Chair of the Planning Committee) to specify the protection of trees near to where the single storey storage unit was to be erected.

Michael McDonald, objector, was unable to attend the meeting to speak in person but had provided a copy of his speech, which was read out by the Democratic

Services Officer; Mr McDonald's representation was against the application.

Councillor K Arthur, Ward Member, was unable to attend the meeting to speak in person but had provided a copy of his speech, which was read out by the Democratic Services Officer; Councillor Arthur's representation expressed concerns about the application and asked that further mitigations be implemented in order to protect the residential amenity of neighbouring properties.

Jonathan Forman, agent, was unable to attend the meeting to speak in person but had provided a copy of his speech, which was read out by the Democratic Services Officer; Mr Forman's representation was in support of the application.

Members debated the application further, particularly in relation to the previously raised concerns about the trees next to where the storage unit was to be placed. The Committee closely examined the plans that had been supplied alongside the report; the plans indicated that there was in fact suitable room between the trees and the hardstanding to prevent damage to nearby trees. As a result, the Committee withdrew their concerns and agreed that an additional condition or further information were not required.

It was proposed and seconded that the application be GRANTED. A vote was taken and the application and was approved.

RESOLVED:

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

39 MEMBER BRIEFING: GASCOIGNE WOOD FREIGHT INTERCHANGE

Members received a briefing from representatives of the Gascoigne Wood Rail Freight Interchange site, a potentially significant development at the former Gascoigne Wood Colliery site off New Lennerton Lane, Sherburn in Elmet. The Committee acknowledged that the proposals were still evolving but had reached a point where public consultation had commenced and a dialogue with Members and their preliminary (without prejudice) thoughts on the underlying principles to be presented by the potential applicants were now sought.

The Committee asked a number of questions in relation to the siting of the car park and gatehouse, occupation of the site, how long the work would take and

when it would commence, the use of the existing rail infrastructure and links to the climate change agenda and sustainability, the transportation of staff and the total size of the entire site.

The representatives for the scheme explained that they were currently unsure which businesses would end up occupying the very large site, but that a zero-carbon agenda was being pushed, hence the focus on the use of the existing rail infrastructure across the entire site; Members were informed that the site would not be brought forward without the use of the rail element. It was hoped that work on the site would start in the next year or so, and it was estimated that it would take around seven years to complete.

In terms of the transport of potential staff that would work on site, it was expected that they would arrive by car and by bus, but this would also depend on who the end user and occupier of the site was. It was acknowledged that the sustainability of transport was key, and that options such as the use of nearby train stations in South Milford and Sherburn in Elmet would have to be explored, as well as improvements to cycle facilities. Members noted that most jobs on the site were likely to be in manufacturing and it was hoped that local people from the Selby district would be filling these jobs.

Members were supportive of the proposed design, particularly in relation to it being landscape led, in muted colours and with a biodiversity net gain.

Lastly, the Committee were informed that the total size of the entire site was 49.6 hectares.

RESOLVED:

Members thanked the scheme's representatives for attending the meeting and noted the information.

The meeting closed at 5.10 pm.

Planning Committee

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

1. The legislation that allowed Councils to take decisions remotely came to an end on 7 May 2021. As such, Planning Committee meetings are now back to being held 'in person', but the Council still needs to be mindful of the number of attendees due to Covid-19. If you are planning to attend a meeting of the Committee in person, we would ask you to please let Democratic Services know as soon as possible. The meetings will still be available to watch live online.
2. If you are intending to speak at the meeting, **you will now need to come to the meeting in person**. If you cannot attend in person, **you will need to provide a copy of what you wanted to say so it can be read out on your behalf**.
3. 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.
4. 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.
5. 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>
6. 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.
7. The next part is the public speaking process at the committee. Speakers will need to attend the meeting in person and are strongly encouraged to comply with Covid-safe procedures in the Council Chamber such as social distancing, mask wearing (unless exempt), sanitising of hands etc.
8. The following speakers may address the committee for **not more than 5 minutes each**:

- (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 on an application to be considered by the Planning Committee should have registered to speak with Democratic Services **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).**

- 9. If registered to speak but unable to attend in person, speakers are asked to submit a copy of what they will be saying **by 3pm on Monday before the Committee meeting** (amended to the Tuesday if the deadline falls on a bank holiday). This is so that their representation can be read out on their behalf (for the allotted five minutes).
- 10. Speakers physically attending the meeting and reading their representations out in person do **not** need to provide a copy of what they will be saying.
- 11. The number of people that can access the Civic Suite will need to be safely managed due to Covid, which is why it is important to let Democratic Services know if you plan on attending in person.
- 12. When speaking in person, speakers will be asked to come up to a desk from the public gallery, sit down and use the provided microphone to speak. They will be given five minutes in which to make their representations, timed by Democratic Services. Once they have spoken, they will be asked to return to their seat in the public gallery. The opportunity to speak is not an opportunity to take part in the debate of the committee.
- 13. 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.
- 14. The members of the committee will then debate the application, consider the recommendations and then make a decision on the application.
- 15. 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.
- 16. 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.
- 17. This is a council committee meeting which is open to the public.

18. 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
19. The arrangements at the meeting may be varied at the discretion of the Chairman.
20. 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.
21. Please note that the meetings will be streamed live on YouTube 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.
22. These procedures are being regularly reviewed.

Contact: Democratic Services

Email: democraticservices@selby.gov.uk

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Agenda Item 5

Items for Planning Committee

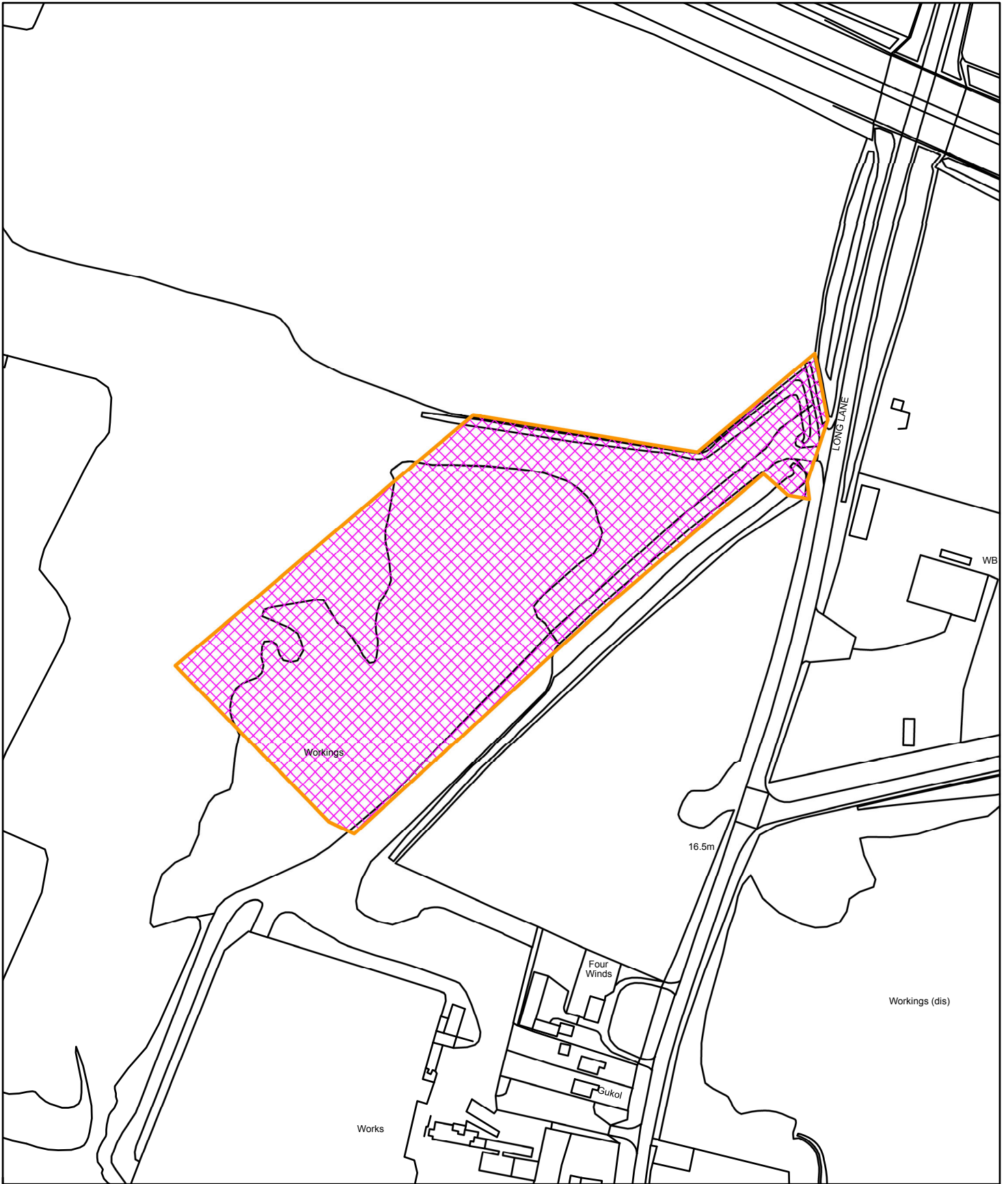
10 November 2021

| Item No. | Ref | Site Address | Description | Officer | Pages |
|----------|-----------------------------------|---|---|---------|----------|
| 5.1 | 2020/0149/FULM | Sellite Blocks Ltd, Long Lane, Great Heck, Goole | Proposed erection of a foamed glass manufacturing facility including hard surfacing for material storage | DIHO | 17 - 76 |
| 5.2 | 2021/0860/HPA | 19 Dower Chase, Escrick | Erection of a new first floor annexe over the existing garage | JACR | 77 - 88 |
| 5.3 | 2015/0452/EIA (8/19/1011AV/PA) | Staynor Hall, Abbots Road, Selby | Reserved matters application for the erection of 215 dwellings following outline approval CO/2002/1185 (8/19/1011C/PA) for the erection of 1200 dwellings (4 existing to be demolished) employment, public open space, shopping and community facilities (including up to 2,000 sq m of shops) together with associated footpaths, cycleways, roads, engineering at Phase 4 | GAST | 89 - 140 |

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Agenda Item 5.1

Sellite Blocks Ltd, Long Lane, Great Heck
2020/0149/FULM



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AMENDED DRAWING

All site dimensions shall be verified by the contractor on site prior to work commencing

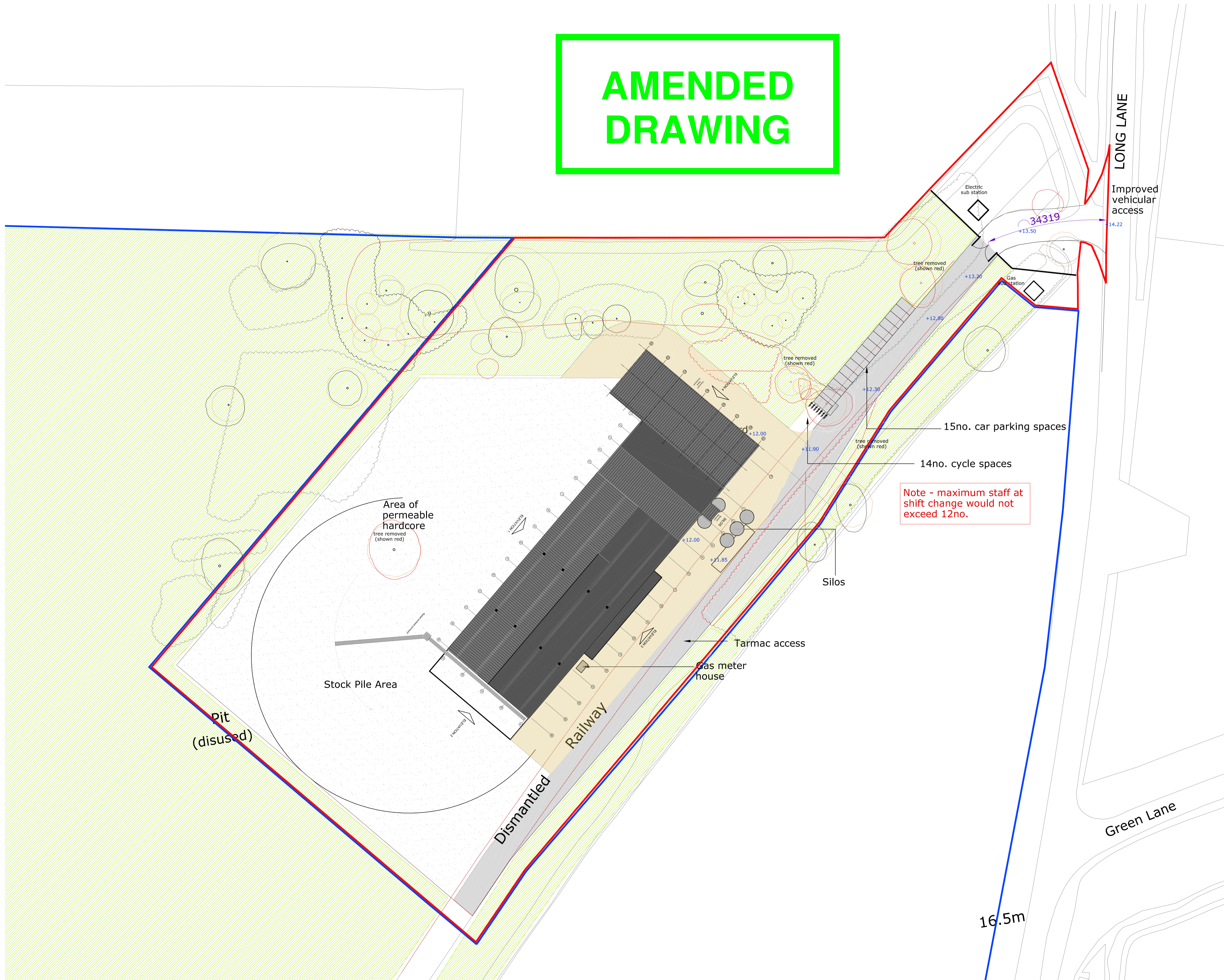
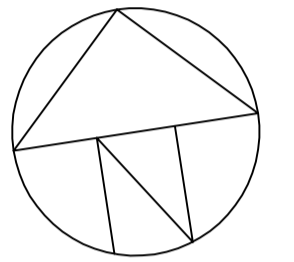
Do not scale from this drawing
Only work to written dimensions

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NOTES

Site layout subject to detailed level review.

For tree details refer to Arboricultural drawings



| | | | |
|-------------|--|------------|---------------|
| Rev G | Loading enclosure added following planning meeting 24/6/2021 | 25.06.2021 | ICP |
| Rev F | Radial conveyor added. | 05.02.2021 | ICP |
| Rev E | Conveyor plant added. | 29.01.2021 | ICP |
| Rev D | Silos updated & bucket silo enclosure added | 27.01.2021 | ICP |
| Rev C | Cycle parking added. | 14.08.2020 | DPE |
| Rev B | Site layout updated. | 28.07.2020 | DPE |
| Rev A | Storage building updated. | 24.02.2020 | DPE |
| Designation | Details of Revision | Date | Initials/Sign |



| | | | |
|--|--|-------|----------|
| PROJECT: | SELLITE BLOCK PLANT LONG LANE GREAT HECK | | |
| TITLE: | SITE LAYOUT | | |
| DRAWING NO: | 1917 PL 101 G | | |
| BYCHECKED: | DPE | DATE: | FEB 2020 |
| SCALE @A1: | 1:500 OR 1:1000@ A3 | | |
| <small>Tower Works, Globe Road, Leeds, LS11 5QG Tel: 0113 3453900 E-mail: info@ellishealey.com</small> | | | |

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Report Reference Number: 2020/0149/FULM

To: Planning Committee
Date: 10 November 2021
Author: Diane Holgate Principal Planning Officer
Lead Officer: Ruth Hardingham Planning Development Manager

| | | | |
|---------------------|--|-----------------------------|----------------------------|
| APPLICATION NUMBER: | 2020/0149/FULM | PARISH: | Heck |
| APPLICANT: | Thomas Armstrong (Construction) Ltd | VALID DATE: EXPIRY DATE: | 28.02.2020 EOT in place |
| PROPOSAL: | Proposed erection of a foamed glass manufacturing facility including hard surfacing for material storage | | |
| LOCATION: | Sellite Blocks Ltd Long Lane Great Heck Goole East Yorkshire DN14 0BT | | |
| RECOMMENDATION: | Planning Permission be GRANTED subject to conditions and completion of a S106 Agreement | | |

1.0 INTRODUCTION AND BACKGROUND

- 1.1 This application was brought before Planning Committee on 6 October 2021 as the application is a major application where 10 or more letters of representation have been received against the officer recommendation.
- 1.2 Members resolved to defer the application for a site visit to assess the impact on the highway, visual impact on the countryside and the impact on occupiers of residential properties.
- 1.3 Members also deferred for further information with regards to the necessary conditions, HGV traffic movements, hours of operation, clarification of emissions from the plant and further details on visual impact.
- 1.4 Members of the Planning Committee, Parish Councillors and Mr Vendy as agent for Heck Parish Council were invited to the site visit along with NYCC Highways Officer and SDC Environmental Health Officer.

2.0 FURTHER ASSESSMENT

Highways and HGV Traffic Movements

- 2.1 For clarity, the existing Sellite blocks access will be closed to HGV's which will use the new access. The existing access will be for office staff and pedestrians.

The vehicle movements are set out in the applicants Transport Statement in table.

The proposed movements in/out

(i.e., 4 x powder tanker movements which is 2 in and 2 out)

(i.e., 40 x tipper trucks movements which is 20 in and 20 out)

(i.e., 40 x block trucks movements which is 20 in and 20 out)

Table 3.1 sets out the vehicle movements

Existing Block Plant

Traffic movements 7.00am to 19.00pm Monday to Friday (plus 7.00am to 12.00pm Saturdays)

New Foam Glass Plant

Traffic movements 7.00am to 19.00pm Monday to Friday (plus 7.00am to 12.00pm Saturdays)

Wheeled loading shovel to top up the glass sand feed hopper from 22.00pm to 7.00am (9 Hrs) the wheeled loader would work about 10 minutes per hour.

Staffing and hours of operation

- 2.2 The applicant has confirmed that the total new jobs created are 31. 28 operatives and 1-2 office staff/manager.

Existing Block Plant

Block Manufacturing Facility Operating between 7.00am to 19.00pm Monday to Friday (Plus 7.00am to 12.00 pm Saturdays)

Traffic movements 7.00am to 19.00pm Monday to Friday (plus 7.00am to 12.00pm Saturdays)

New Foam Glass Plant

Foam Glass Manufacturing Facility 24/7 - shifts 6.00am – 14.00pm / 14.00pm - 22.00pm / 22.00pm – 6.00am

Staff numbers for the new foam glass facility working 24/7 on 4 on/4 off shifts:

Operatives for the first block of 4 days

6.00am to 14.00pm 5 No operatives

14.00pm to 22.00pm 5 No operatives

22.00pm to 6.00am 4 No operatives

Operatives for the second block of 4 days

| | |
|--------------------|-----------------|
| 6.00am to 14.00pm | 5 No operatives |
| 14.00pm to 22.00pm | 5 No operatives |
| 22.00pm to 6.00am | 4 No operatives |

Planning Conditions

- 2.3 When used properly planning conditions can enhance the quality of the development and enable the development to proceed by mitigating the potential adverse effects.

Section 70 of the Town and Country Planning Act 1990, enables the LPA to impose “such conditions that they see fit”. This power needs to be interpreted in light of the material planning considerations such as the NPPF.

Paragraph 55 of the NPPF makes it clear that planning conditions should satisfy the following 6 tests:

1. necessary;
2. relevant to planning;
3. relevant to the development to be permitted;
4. enforceable;
5. precise; and
6. reasonable in all other respects.

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 require the LPA to agree the written agreement of the applicant for the imposition of any pre-commencement conditions.

The recommended conditions set out in the report are considered by officers to pass the 6 tests and are necessary to make the development acceptable when taking account of the adverse effects.

Conditions 3, 4 and 5 (CEMP)

The applicant has supplied a draft Construction Environmental Management Plan (CEMP) which is being considered by the relevant technical consultees, these conditions (3, 4 and 5) can be omitted should the consultees agreed the details of the CEMP.

Condition 15

15. Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the proposed piling, does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework and Position Statement N of the 'The Environment Agency's approach to groundwater protection'.

Condition 15 on the previous report can be omitted as the applicant has confirmed that piling will not be necessary as pad foundations will be suitable for the type of ground. A Foundation Plan has been supplied and is referenced in condition 2.

Condition 15 is replaced with:

There shall be no piled foundations.

Reason:

To ensure that the proposed foundations do not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework and Position Statement N of the 'The Environment Agency's approach to groundwater protection'.

For clarity, the conditions have also been organised into categories, conditions 19-32 are for compliance and to ensure that the Local Planning Authority can effectively manage the development.

Previously Developed Land (PDL)

- 2.4 *Annex 2 - Glossary of the NPPF states that, previously developed land is land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.*

The land is not occupied by a permanent structure but can be considered to be part of the curtilage of the developed land of the existing site, which is occupied by a permanent structure, is in the same ownership and is used in connection with the existing operation. The proposed building is being constructed on part of the site and therefore the whole of the curtilage is not being developed upon. Officers are of the view that the site can be considered as previously developed land.

Emissions to Air and Production Details

Production

- 2.5 The production facility will take the waste glass from local glass recycling facilities. This will be dried and ground in a fully enclosed dust free environment, to a fine powder and stored in silos. The powder will then be transported via fully enclosed pipework to the foaming plant where it will be processed and heated via a series of kilns to produce the foamed glass aggregate. The resulting aggregate is totally inert, non-reactive and stable. The aggregate will be utilised in the production of lightweight blocks for the construction industry.

Details of the German plant state that the glass foam product is to be applied to building materials and has the following characteristics:

- Electric insulating
- Sound insulating
- Easy to handle
- Environmentally compatibility
- Very light
- Watertight, stops diffusion and capillary action
- High pressure resistance
- Chemical resistant
- 100% recyclable
- Good lifecycle analysis
- Resistant to frost even under extreme pressure
- Pest proof
- Heat insulating
- Resistant to aging and rot-proof
- Incombustible

Emissions

Details provided by the applicant state that there are four (4) tunnel kilns to produce the foam glass from recycling glass. Each kiln has two chimneys, chimney 1 at the entrance of the kiln and chimney 2 at the exit. The combustion gases are evacuated through chimney 1, chimney 2 serves to evacuate the cooling air that is blown on the hot foam glass ribbon for cooling.

One kiln has a connected load of 1,8 MW (natural gas) and operates at maximum 950°C.

There are 36 natural gas burners installed with a power of 50 kW each. The actual consumption of natural gas is approx. 90 Nm³/h, depending on the calorific value of the natural gas.

Chimney 1 – combustion gases

The waste gases emitted are Sulphur Oxides (SO_x), Nitrogen Oxide (NO_x), Carbon Monoxide (CO) and Dust.

There is an organic particle which comes from the initial recycled glass product.

Table 1: Expected maximum concentrations and maximum mass flow

| | mg/Nm ³ | kg/h |
|-----------------|--------------------|-------|
| CO | 500 | 2,1 |
| NO _x | 500 | 2,1 |
| SO _x | 500 | 2,1 |
| Organic C | 50 | 0,21 |
| Dust | 20 | 0,084 |

The above table sets out the concentrations and flows. The Nitrogen Oxide is minimized by using oxidised flames with an excess of air compared to gas.

The dust inside is minimized by applying in intermediate roof inside the kiln (until the glass has molten on the surface) to avoid that the waste gas stream

(convection) from the burner flame touches the dry glass powder and produced dust (carry over).

Chimney 2 – cooled air

Hot air volume 2.400Nm³/h
Temperature at chimney tip: 120-150°C

The following table sets out the measured emissions from the Husum Factory in Germany.

| Species | Unit | Max value minus error range | Max value plus error range | Maximum permissible value |
|-------------------------------------|-------------------|-----------------------------|----------------------------|---------------------------|
| CO | mg/m ³ | 264 | 285 | |
| | kg/h | 1,0 | 1,3 | |
| NO+NO ₂ , as | mg/m ³ | 0,01 | 0,05 | 0,35 |
| NO ₂ | kg/h | 0,01 | 0,2 | 0,5 |
| SO ₂ +SO ₃ as | mg/m ³ | 0,0004 | 0,004 | 0,35 |
| SO ₂ | kg/h | 0,001 | 0,002 | 1,8 |
| Total C | mg/m ³ | 25,4 | 27,9 | 50 |
| | kg/h | 0,09 | 0,15 | 0,5 |

The Environmental Health Team assessed this information and during the consideration of the application requested a further Air Quality Assessment to cover the emissions from the chimney. An Air Quality Assessment (AQA) was produced by Air Quality Consultants who are competent experts in air quality management and assessment.

The AQA considered the existing conditions, road traffic impacts, modelling and emissions data, operating hours and human health receptors. As part of the AQA an impact assessment was undertaken based on both road traffic and plant emissions.

Dry glass will be fed into a holding hopper with dust emissions passing through a filter. The glass is then conveyed into a fully enclosed grinding mill operated under negative pressure with all extracted emissions being passed through a filter to remove particles from the airstream.

The milled glass is then transported via an enclosed bucket elevator before passing through a classifier maintained under negative pressure with all emissions passing through a dust filter.

The finished product is transferred, via an enclosed bucket elevator, to the silo storage area.

In terms of onsite transportation and handling of materials dust suppression will be used to minimise fugitive emissions of dust and potential impacts off-site.

- the initial feedstock of glass will be damp, and thus less prone to dust emissions.

- Nevertheless, the hopper used to receive the feedstock will be enclosed to minimise the dust emissions from the tipping of the glass;
- the conveyors used to transport the lump foam glass will be covered, and where conveyors intersect dust suppression water sprays will be used to minimise fugitive emissions;
- a tractor towing a water bowser and spray system will be used to douse the roadways in order to suppress dust in dry conditions;
- both crushing and screening plant will be supplied with a pressurised water bore hole system to suppress dust emissions; and
- water sprays will be used to suppress dust emissions from the finished product stockpiles when they are loaded into wagons for export.

The Air Quality Assessment concludes that the potential cumulative dust impacts and the air quality effects are 'not significant'.

The Council's Environmental Health team agree with this conclusion and recommend necessary conditions for compliance to ensure the facility is carefully managed.

Visual Impact

- 2.6 A Landscape and Visual Assessment has been undertaken by a Chartered Landscape Architect at re-form landscape architecture.

The assessment summaries that the factory is relatively tall, consisting of an acoustic hood (24.550m tall), crusher mill (21.512m tall), chimneys (14.376m tall), storage and production building (11.376m tall), adjacent silos (circa. 15m tall).

The baseline assessment for the Site identifies a number of existing landscape features which are important in relation to landscape and visual issues. This includes the relatively flat topography of the surrounding landscape, broken only by the embankments (both elevated and cut) of the M62 motorway. It also includes the sizable groupings of mature trees -typically arranged in belts which line plots of agricultural land, waterways and roads - which limit views in this predominantly flat landscape. Hedgerows forming field boundaries in the wider arable landscape also serve to limit some potential views of the Site. With regards to landscape features on or adjacent to the Site, a mature stand of tall trees surrounds the northern, eastern and western edges of the area where the Proposed Building will be positioned.

Surrounding villages are relatively small and often arranged along one or just a few country lanes. These small settlements are often connected by relatively wide, and generally straight roads. The existing landscape is also characterised by industrialisation; within close proximity to the Site there are number of facilities manufacturing concrete blocks, and the wider landscape frequently features road and rail infrastructure, power stations, and wind turbines, as well as modern agricultural buildings.

The masterplan for the Site includes measures to mitigate predicted adverse effects acting on landscape character, landscape fabric and visual amenity. Mitigation

measures include the careful location of the proposed factory building within the existing terrain and surrounding woodland, the retention of the vast majority of existing woodland surrounding the northern, eastern and western sides of the proposed building, proposed tree and hedgerow planting on the eastern and southern boundaries of the Site, and ensuring that taller parts of the proposed building which break the skyline are covered in light coloured materials which help it blend with the sky.

Cumulative visual effects would generally not be any more significant than those generated by the Proposed Development alone, save for effects experienced from the M62 motorway (particularly when travelling in a westbound direction). From this road, the Proposed Building would be visible, but not be uncharacteristic of the landscape that can be experienced between Pollington and Great Heck.

Landscape Effects

The effects on landscape character have been concluded as moderate adverse effects on the Eggborough Landscape Character Area and minor moderate adverse effects to the M62 Corridor Farmland and M62 Corridor Hook to Pollington.

Effects on existing vegetation will be reduced and reduced to negligible through additional landscaping to the east and south boundaries of the site.

Effects on topography and on settlement pattern would both be negligible and, therefore, would not require mitigation.

The effects on the landscape during construction will be limited and temporary and will be no greater than the long term effects of the proposed development.

Lighting effects are not considered to be significant within the existing fragmented, arable landscape which features major road infrastructure and industrial facilities, as well as country lanes and small villages.

Visual Effects

At close, medium and long-range locations, the Proposed Development would result in visual effects which range from moderate adverse to negligible. Mitigation by tree and hedgerow planting on the eastern and southern boundaries will reduce the visual effects.

The visual effects experienced as a result of the uppermost part of the crushing mill will generally break the skyline, above existing tree canopies. The assessment suggests that light coloured materials will break up the mass of the tallest part of the building when viewed against the backdrop of the sky.

The overall conclusion to the LVIA is that the proposal can be integrated without causing harm to the character of the landscape. The existing detracting elements such as the M62 motorway, goods yards, block manufacturing facilities and industrial chimneys currently fragment, and form detracting features within, the surrounding arable landscape. Subject to the landscaping scheme the residual effects on the landscape are not considered to be significant.

The Proposed Development will be visible from close, medium and long-range regions of the surrounding landscape because of its substantial height and scale.

The mitigation measures will reduce the visual effects; however the mitigation measures are less effective at mid to long range receptors in terms of the tallest part of the building.

It is therefore accepted by all parties that the tallest part of the building will be seen, and this cannot be mitigated against. This should form part of the balance considerations of the proposal as a whole.

3.0 RECOMMENDATION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS AND THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Planning committee resolve to grant planning permission for the Proposed development, subject to the completion of an agreement Under section 106 of the town and country planning act 1990 (as Amended) in relation to the following matters:

- a) long term landscape and ecology management plan (30 years)
- b) delivery of 10% Biodiversity Net Gain on land identified within the blue land (owned by the applicant) in accordance with a detailed scheme to be agreed.

THE HEAD OF PLANNING/PLANNING DEVELOPMENT MANAGER BE AUTHORISED TO ISSUE THE PLANNING PERMISSION ON COMPLETION OF THE AGREEMENT.

CONDITIONS

Statutory Conditions

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

Reason

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

02. The development hereby permitted shall not be carried out otherwise in complete accordance with the approved plans and specifications.

Site Location Plan

Site Plan

1917 PL 101 G Published
20.09.2021

Site Access - Vehicle Swept Path Analysis

19110/ATR/01 Rev A
Published 20.09.2021

Trailer Route - Vehicle Swept Path Analysis

19110/ATR/02 Published
20.09.2021

Tipper Route - Vehicle Swept Path Analysis

19110/ATR/03 Published
20.09.2021

Block Trunk - Vehicle Swept Path Analysis

19110/ATR/04 Published
20.09.2021

| | |
|--|---|
| Site Access Arrangements | 19110/GA/01/Rev B Published 20.09.2021 |
| Landscape Proposals 3 | RFM-XX-00-DR-L-0003 Rev L04 Published 12.07.2021 |
| G.A. Ground Floor Plan | 1917 PL 102 G Published 29.06.2021 |
| G.A. Roof Plan | 1917 PL 103 H Published 29.06.2011 |
| Elevations 1 & 4 | 1917 PL 104 L Published 07.05.2021 |
| Storage Building Elevations & Floor Plan | 1917 PL 106 Published 24.02.2020 |
| Level FN Foundation GA Plan | 16001 P03 April 2020 |

Reason:

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

Pre-commencement Conditions

03. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- a) risk assessment of potentially damaging construction activities
 - b) identification of 'biodiversity protection zones'
 - c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
 - d) the location and timing of sensitive to avoid harm to biodiversity features
 - e) the times during construction when specialist ecologists need to be present on site to oversee works
 - f) responsible persons and lines of communication
 - g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
 - 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 local planning authority.

Reason

To protect and enhance biodiversity in line with saved policy ENV1 of the Selby District Local Plan 2005, SP18 of the Core Strategy and Chapter 15 of the NPPF.

04. The development hereby permitted may not commence until such time as a scheme for a Construction and Environment Management Plan has been

submitted to, and approved in writing by, the local planning authority. The scheme shall, where necessary, be supported by detailed calculations and include a programme for future maintenance. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or any details as may subsequently be agreed, in writing, by the local planning authority.

Reason:

To ensure that the proposed development, including mineral extraction, does not harm the water environment in line with paragraph 170 of the National Planning Policy Framework and Position Statement B and N of the 'The Environment Agency's approach to groundwater protection'.

05. 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, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated. 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 residential amenity of the locality during construction and to comply with the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE) and Selby District Council's Policy's SP19 and ENV2.

06. No development must commence until a Construction Traffic Management Plan 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 plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:
1. restriction on the use of Long Lane, Great Heck access for construction purposes;
 2. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
 3. the parking of contractors' site operatives and visitor's vehicles;
 4. areas for storage of plant and materials used in constructing the development clear of the highway;

5. details of site working hours;
6. details of the measures to be taken for the protection of trees; and
7. 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.

07. Prior to the commencement of any 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:

1. a survey of the extent, scale and nature of contamination (including ground gases where appropriate).
2. 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;
3. an appraisal of remedial options, and proposal of the preferred option(s).

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

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in line with saved policy ENV2 of the Selby District Local Plan, policy SP 18 of the Core Strategy and Chapter 15 of the NPPF.

08. Prior to commencement of any development, should any contamination be identified in the assessment required by condition 7 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 in accordance with saved policy ENV2 of the Selby District Local Plan, policy SP 18 of the Core Strategy and Chapter 15 of the NPPF.

09. No development shall take place until an appropriate Exceedance Flow Plan based on the proposed finished site levels has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of buildings on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30-year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100-year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.

Reason

To prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site

10. Prior to commencement of any development a tree protection plan and arboricultural method statement to BS5837 shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be adhered to at all times.

Reason

In the interest of protecting existing trees and vegetation to be retained in accordance with saved policy ENV1 (Control of development in the countryside), SP18 of the Core Strategy and paragraph 84 and 174 of the NPPF.

11. The development shall not commence until percolation testing to determine soil infiltration rate are carried out in strict accordance with BRE 365 Soakaway Design (2016) and CIRIA Report156 Infiltration drainage - manual of good practice (1996). Method of test must be relevant to proposed SuDS. Testing must be carried out at or as near as possible to the proposed soakaway location (no greater than 25m from proposed soakaway for uniform subsoil conditions. For non-uniform subsoil conditions testing must be carried out at the location of the soakaway). Testing must be carried out at the appropriate depth for proposed SuDS (e.g., invert level, base level of soakaway etc.) relative to existing ground levels.

Three percolation tests are to be performed at each trial pit location to determine the infiltration rate, where possible. Where slower infiltration rates are experienced, testing must be carried out over a minimum period of 24 hours (longer if 25% effective depth is not reached). 25% effective depth must be reached. Extrapolated test data will not be accepted.

Reason

To ensure the site is properly drained, to determine surface water destination and to prevent flooding to properties in accordance with paragraph 169 of the NPPF.

12. Development shall not commence until the detailed surface water drainage design based on the percolation testing in strict accordance with BRE365 has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). 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 and the Environment Agency with respect to Ground Water Protection.

Reason

To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.

13. Prior to commencement of any above ground works a detailed building finishes and colour scheme, to reduce overall visibility, scale and massing of proposed buildings including the silos shall be submitted to and agreed in writing by the LPA.

Reason

In the interest of visual amenity and protecting the wider landscape in accordance with saved policy ENV1 of the SDLP, policy SP18 of the Core Strategy and paragraphs 174 and 130 of the NPPF.

14. Prior to commencement of any above ground works a detailed lighting scheme, to minimise night-time visibility of the proposed development (including reflected light onto large vertical buildings and structures) shall be submitted to and agreed in writing by the Local Planning Authority.

Reason

In the interest of controlling light pollution and adverse impact on the night time landscape in accordance with Saved policies ENV1 (Control of development in the countryside), of the SDLP policy SP18 of the Core Strategy and paragraph 185 c) of the NPPF.

Prior to Occupation Conditions

15. Prior to first occupation, a detailed hard and soft landscape scheme shall be submitted to and agreed in writing the Local Planning Authority. The proposed planting shall be implemented in the first available planting season following completion of the works and include a 5 years replacement defects period.

Reason

In accordance with saved policy ENV1 (Control of development in the countryside), SP18 of the Core Strategy and paragraph 84 and 174 of the NPPF.

16. 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 in accordance with saved policy ENV2 of the Selby District Local Plan, policy SP 18 of the Core Strategy and Chapter 15 of the NPPF.

17. 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.

18. Prior to the first occupation of the development, a Travel Plan must be submitted to and approved in writing by the Local Planning Authority. The Travel Plan will include:
- agreed targets to promote sustainable travel and reduce vehicle trips and emissions within specified timescales and a programme for delivery;
 - a programme for the delivery of any proposed physical works;

- effective measures for the on-going monitoring and review of the travel plan;
- a commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development, and;
- effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers of the development.

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.

Compliance Conditions

19. There shall be no piled foundations.

Reason:

To ensure that the proposed foundations do not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework and Position Statement N of the 'The Environment Agency's approach to groundwater protection'.

20. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters.

The development shall be carried out in accordance with the approved details.

Reason:

- To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.
- To prevent deterioration of a water quality in groundwater.

21. The site shall be developed with separate systems of drainage for foul and surface water on and off site. If sewage pumping is required, the peak pumped foul water discharge shall not exceed 6 (six) litres per second.

Reason

In the interest of satisfactory and sustainable drainage in accordance with Chapter 14 of the NPPF.

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

Reason

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

23. The construction of the buildings permitted by this permission shall have a acoustic reduction of no less than 24dB Rw on at all points except adjacent to the conveyor belt on the southern end of the building which shall have an acoustic attention on less that 15dB Rw.

Reason

To protect the residential amenity of the locality during operation and to comply with the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE) and Selby District Council's Policy's SP19 and ENV2.

24. The drive motors of the bucket elevators shall be located in an acoustic housing have an acoustic performance of no less than 10dB Rw.

Reason

To protect the residential amenity of the locality during operation and to comply with the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE) and Selby District Council's Policy's SP19 and ENV2.

25. The sound power level of both the external and internal plant permitted by this permission shall not exceed those given in Table 5.1 of Noise impact Assessment DC3368-R1v5 submitted with the application.

Reason

To protect the residential amenity of the locality during operation and to comply with the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE) and Selby District Council's Policy's SP19 and ENV2.

26. The rating level of sound emitted from the development including the fixed plant and movement of vehicles on site associated with the development shall not exceed background sound levels between the hours of 0700-2300 (taken as a 15-minute LA90 at the nearest sound sensitive premises) and shall not exceed the background sound level between 2300-0700 (taken as a 15-minute LA90 at the nearest/any sound sensitive premises). All measurements shall be made in accordance with the methodology of BS4142:2014. (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property. Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the local planning authority.

Reason

To protect the residential amenity of the locality during operation and to comply with the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE) and Selby District Council's Policy's SP19 and ENV2.

27. The bund to the eastern side of the site shall be maintained at a height of no less than 3m.

Reason

To protect the residential amenity of the locality during operation and to comply with the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE) and Selby District Council's Policy's SP19 and ENV2.

28. HGV's delivering to site and the wheeled loading shovel shall be operated only with a white noise reversing siren.

Reason

To protect the residential amenity of the locality during operation and to comply with the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE) and Selby District Council's Policy's SP19 and ENV2.

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

Reason

To protect the residential amenity of the locality during construction and to comply with the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE) and Selby District Council's Policy's SP19 and ENV2.

30. The system of water tanks and rain birds shall have a sufficient supply of water at all times to achieve permanent water suppression and shall be used to minimise dust emissions from within the installation boundary.

Reason

To protect the residential amenity of the locality from dust emissions during operation and to comply with the National Planning Policy Framework

(NPPF) and Selby District Council's Policy's SP19 and ENV2.

31. There must be no access or egress by any vehicles between the highway and the application site at Long Lane, Great Heck until splays are provided giving clear visibility of 127 and 97 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. 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. Visibility splays will be created in accordance with approved Optima drawing no. 19110/GA/01, Site Access Arrangement, Revision B.

Reason:

In the interests of highway safety.

32. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, 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:
- i. Detailed engineering drawings for the required highway improvement works, broadly in accordance with Ellis Healey Drawing No.1917-PL-101, Site Layout, Revision G have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.
 - ii. An independent Stage 2 Safety Audit has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations.
 - iii. A programme for the completion of the proposed works has been submitted.

Detailed engineering drawings should include but not be limited to, details regarding, drainage, levels, surfacing, kerbing, lining.

Reason:

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

INFORMATIVES

- 1 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.

- 2 ANY surface water discharge into ANY watercourses in, on, under or near the site requires CONSENT from the Drainage Board.

For further guidance, pre-application advice and consent form visit: www.shiregroup-idbs.gov.uk and select 'Danvm DC'

- 3 The applicant/developer's attention is drawn to the advice contained in their response to the LPA dated 21 April 2020 available on the planning file.

- 4 Details of issues to be covered in a Travel Plan can be found in Interim Guidance on Transport Issues, including Parking Standards at:

<https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20high>

- 5 Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire County Council as Local Highway Authority. These Additional permissions can include but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions).

Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.

4 Legal Issues

4.1 Planning Acts

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

4.2 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.

4.3 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.

5 Financial Issues

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

6.0 Background Documents

Planning Application file reference 2020/0149/FULM and associated documents.

Contact Officer: Diane Holgate, Principal Planning Officer
dholgate@slby.gov.uk

Appendices:

Appendix 1 - Committee Report, 6 October 2021

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Report Reference Number: 2020/0149/FULM

To: Planning Committee
Date: 6 October 2021
Author: Diane Holgate Principal Planning Officer
Lead Officer: Ruth Hardingham Planning Development Manager

| | | | |
|---------------------|--|-----------------------------|----------------------------|
| APPLICATION NUMBER: | 2020/0149/FULM | PARISH: | Heck |
| APPLICANT: | Thomas Armstrong (Construction) Ltd | VALID DATE: EXPIRY DATE: | 28.02.2020 EOT in place |
| PROPOSAL: | Proposed erection of a foamed glass manufacturing facility including hard surfacing for material storage | | |
| LOCATION: | Sellite Blocks Ltd Long Lane Great Heck Goole East Yorkshire DN14 0BT | | |
| RECOMMENDATION: | Planning Permission be GRANTED subject to conditions | | |

This application has been brought before Planning as the application is a major application where 10 or more letters of representation have been received that raise material planning considerations against the recommendation.

1.0 INTRODUCTION AND BACKGROUND

- 1.1 This application is submitted in full for a new facility for the manufacturing of foamed glass. The proposal includes the erection of a building that will house specialist equipment related to the production of aggregate for use in the manufacture of concrete blocks in connection with the existing use on site, an alteration to an existing access, access road within the site, yard area, parking, silos covered storage and stockpile area.
- 1.2 The application is supported by various plans and reports including but not limited to the following:
- Statement of Community Involvement
 - Planning Statement

- Design and Access Statement
- Ecology Assessment
- Transport Assessments and Travel Plan
- Landscape and Visual Impact Assessment
- Landscape Proposals
- Flood Risk and Drainage Assessment
- Noise Impact Assessment
- Air Quality Assessment
- Lighting Details
- Architectural Plans
- Technical information

The Site and Context

- 1.3 The site is located to the north of Great Heck and south of the M52. Access to the site is via Long Lane which south to north to the eastern side of the site. To the south, Long Lane runs into Heck and Pollington Lane which leads to Pollington in the east and Main Street towards the village of Great Heck. Great Heck is a small village a few miles from the main town of Selby. To the west of the site is the former quarry with open fields separating the site from the village of Heck, to the north and west.
- 1.4 The application site is broadly triangular in shape and is approximately 2 ha of land located on the northern part of the existing Selite Blocks facility, a former sand and gravel quarry, which has the benefit of two accesses both on Long Lane, the access used currently for the existing facility is to the south with the existing currently unused access to the north. The new facility will be sited on land use for storage of raw materials in connection with the production of concrete blocks and accessed from the unused access.
- 1.5 The site benefits from mature landscaping on all boundaries and is set down at a lower land level the existing roads. To the east of
- 1.6 There are a number of residential properties to the southeast of the site fronting Long Lane with the main residential areas being within the village of Heck which sprawls in a linear pattern, dwellings are predominantly situated to the south of Main Street. The nearest bus stops are located on Main Street, Great Heck. The village has limited local facilities such as a church (St John the Baptist Church), nursery (Fieldside Day Nursery), public house (The Bay Horse Inn).
- 1.7 The nearest dwelling within the village is around 300 metres away from the site and the nearest dwelling directly in front of the site is around 100 metres away.
- 1.8 The use is one of various commercial uses within the immediate locality to the south of the M62, with the area being reflective of the heavy manufacturing nature historically connected to the power stations.
- 1.9 The site itself sits at a lower level than the remainder of the facility consists of hard standing and stockpiles of aggregate in connection with the existing Selite block facility.

The Proposal

- 1.10 The proposal is to create a Foamed Glass Manufacturing Facility that will house various specialist equipment that is bespoke to the process of turning waste glass into foamed glass for the manufacture of light weight construction blocks.
- 1.11 The information provided explains that the size of the building proposed has been led by the space required to house the specialist equipment. As opposed to the existing facility which is primarily outside. The building mass has been reduced to the minimum required to accommodate the equipment and the manufacturing process.
- 1.12 The proposal comprises of:
- the main manufacturing building with an external footprint of around 2,887 square metres;
 - the building comprises a crushing mill with an area of around 519 square metres;
 - a storage space of around 1,560 square metres;
 - an amenity space of around 99 square metres;
 - covered storage building of around 240 square metres within the yard;
 - yard area;
 - stock pile area;
 - parking;
 - silos; and
 - altered access
- 1.13 The information provided advises that the layout has largely been influenced by the topography of the site and the extent of the existing landscape, which is to be retained and enhanced.
- 1.14 The existing access is to be improved and utilised for the facility with gates and controlled access point.
- 1.15 The areas to the west and south of the building will be utilised as external storage for the final product.
- 1.16 The siting of the building has been chosen to prevent interruption to the existing operations.
- 1.17 The design puts forward a simple rectangular portal framed structure finished in simple material choices.
- 1.18 The elevations of the building and the roof contain louvres which are required for safety of the manufacturing process, these are shown to be finished in a colour that will match the materials of the building. The proposal provides a functional design that is bespoke to the operation of the unit.
- 1.19 The proposal has been amended to address comments raised by officers, interested parties and consultees and incorporate the following:
- The building and storage compounds have been re-positioned.

- The footprint of the building has been reduced by 166 sq m.
- The height of the milling enclosure has been reduced by 4.55m.
- Further detail has been provided in respect of the flues.
- The access has been amended and more detailed technical drawings have been provided.
- Separate on-site parking has been provided

Relevant Planning History

1.10

| | | | |
|---------------|---|---------|------------|
| CO/1975/19415 | Details of construction of an office block. | Granted | 29.01.1975 |
| CO/1974/19393 | Erection of concrete pad for storage of building blocks. | Granted | 30.12.1974 |
| CO/1990/0951 | Proposed erection of an 11,000 volt overhead power line on land adjacent. | Granted | 17.08.1990 |
| CO/2000/0419 | Certificate of lawful development in respect of use of land/buildings for aggregate stocking area and building block production area. | Granted | 16.02.2001 |
| 2019/0469/FUL | Retention of palisade fence and gates. | Granted | 31.07.2019 |
| 2019/0937/FUL | New Palisade fence and gates. | Granted | 04.11.19 |

2.0 CONSULTATION AND PUBLICITY

Publicity Response

The application was publicised by posting site notices close to the site, a press advertisement and neighbour notification letters.

77 letters of objection have been registered.

The objections include the following material planning comments:

- Impact and disturbance on the highway
- Impact on pollution and noise
- The building is out of keeping and will adversely impact on the area
- The proposal will result in an adverse impact on air quality
- Impact on residential amenity
- Impact on views and the landscape
- The proposal will affect the rural village
- The proposal will impact on the local fauna
- Impact on ecology
- The proposal will be an incongruous and alien feature in the countryside
- Number of HGV's will exacerbate effects
- Not appropriate for industrial use
- The additional information and amendments still don't address issues raised

Consultation Responses

Environment Agency

Initial consultation

The Environment Agency raises no objections to the proposal, subject to conditions. The previous use of the proposed development site for commercial use 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 on a principal aquifer and within source protection zones 2 and 3.

The applicant's Preliminary Appraisal Report, prepared by Sirius and dated December 2019, demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will be required before built development is undertaken and this can be the subject of an appropriately worded conditions initially requiring the submission of a remediation strategy carried out by a competent person.

At the time of writing, the Preliminary Appraisal Report indicated the likely foundations would be spread foundations (pads and strips). However, the detailed designs have not been carried out so there was a degree of uncertainty. Piling using penetrative methods can result in risks to potable supplies. Groundwater is particularly sensitive in this location because the proposed development site is located upon principal aquifer and within source protection zone 2 and 3. A condition is recommended requiring details of any piling to be agreed by the local planning authority.

A condition is also recommended requiring the submission of a Construction and Environment Management Plan. Further advice is offered as to guidance available from the Environment Agency regarding the Management of Land Contamination and Waste and suggests the Agency should be contacted for advice at an early stage.

Further consultation

Following re-consultation regarding the revised Flood Risk Assessment/Drainage Statement, the Agency has no objection to the proposal, subject to a further condition in relation to drainage systems for the infiltration of surface water.

Yorkshire Water

Initial consultation

Ground Water Protection

Yorkshire Water advise that the site is within a ground water outer Source Protection Zone (SPZ2) for the boreholes at Heck from which they abstract ground water for a potable (drinking) water supply from the Sherwood Sandstone aquifer underlying the site. YW have reviewed the comments from the Environment Agency (EA) and agree with their position. YW would be happy with the condition recommended by the EA with regards to drainage via to controlled waters.

Waste Water

Yorkshire Water recommend conditions relating to separate systems of drainage and piped discharge if planning permission is granted to protect the local aquatic environment and YW infrastructure.

Further consultation

YW have not revised their comments, the main concerns relate to the protection of ground water and as stated in the previous response in March 2020 they concur with the request of the EA to impose a condition regarding surface water drainage should planning permission be granted.

Local Lead Flood Authority (LLFA)

The Flood Risk Engineer has advised that on assessing the Flood Risk Assessment there are no objections subject to the recommended conditions regarding the following:

- Percolation tests
- Detailed drainage design
- Exceedance Flow Routes

Yorkshire and Humber Drainage Board (formerly the Shire Group of IDB's on behalf of the Danvm Drainage Commissioners)

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 and would be restricted to 1.4 litres per second per hectare or greenfield runoff.

Further consultation

No comments

Ecology

Initial consultation

The PEA notes that the site currently has a biodiversity value of 6.42 units and there is a recommendation for as much of the existing habitat to be retained on site as possible and for supplementary planting with the aim of achieving a net gain. Whilst a site plan and landscape scheme has been provided there is no post biodiversity unit score which means the no net loss or net gain can be determined. A post development biodiversity metric calculation is therefore requested.

The recommendation for a CEMP is fully supported

Further consultation

March 2020

The County Council's Ecologist advises that the Preliminary Ecological Appraisal undertaken by Brooks Ecological is sufficient to determine that there are unlikely to be any significant ecological impacts resulting from the proposed development.

The submission of a CEMP (Biodiversity) by planning condition is recommended. It is expected that the CEMP submitted should be proportionate to the impacts of the proposals.

March 2021

The applicant's ecologist should now be in a position to update the PEA to take account of the landscape proposals and demonstrate the net gains for biodiversity.

Environmental Health

The Environmental Health Officer initially raised concerns relating to noise, vibration, emissions to air and light pollution and the effects on the residential amenity of those living adjacent to and close to the site.

Clarification of the extent of the operations to be carried out in the proposed manufacturing facility and the material to be stored in the silos shown on the various plans submitted with the application was sought.

Noise and Vibration

The Environmental Health officer made comments with regards to the noise levels associated with the grinding mill and kiln machinery and assumed that it is unlikely that additional noise would be heard at residential properties. However, the noise and vibration due to deliveries of material to site, their unloading and dispatch of finished products had not been considered.

Questions were raised with regards to the to what material is to be stored in the 5 silos shown on the plans and if the noise from the loading or unloading of these silos has been considered. A full noise assessment looking at the impact on residential amenity from all aspects of the development was requested.

Emission to Air

No consideration had been given with regards to emissions from operations outside the proposed buildings.

The EHO raised questions with regards to the Glass Aggregate Covered Storage which has open elevation. Further information is required with regards to how the dust created during this operation will be controlled. Internally the building will house a mill for the grinding of glass.

Additional information in relation to how the dust from this operation will be prevented from entering the atmosphere.

The impact on local air quality has not been assessed and therefore, an Air Quality Assessment to cover emissions from the chimneys, the grinding mill and external activities including transport on the air quality in the vicinity of the proposed manufacturing facility is required.

External Lighting

Details of the external lighting is required and how this may impact on the residential amenity of those in the area.

This information is required including following details:

- a) A contour map showing illumination spill beyond the site boundary measured in lux in the horizontal plane.
- b) The main beam angle of each light source.
- c) The uniformity ratio in respect of the lighting.
- d) The level of illuminance measured in lux, in the vertical plane at the windows of the nearest residential properties facing the site.
- e) The height of the lighting stanchions.
- f) Luminaire intensity at the receptors.

Once the above assessments for Noise and Vibration, Air Quality including Dust and External Lighting have been provided I would request that I am reconsulted on this application. NB: the current operation on site for the manufacture of concrete blocks is subject to a permit issued under the Environmental Permitting Regulations 2016. If the aggregate to be produced in the proposed manufacturing facility is to be used in this block making it will be considered to be a related operation and the permit will be subject to variation.

Further to my email of the 1 April 2020 I have now received additional information from the applicant which entails:

Foamed Glass Aggregate email from Colin Hope 30 March 2020o Letter from

- ARGO Industrial Process Solutions GmbH dated the 14 April 2020
- Emissions foam glass gravel kiln document from Schaumglas Global Consulting
- GmbH dated 13 February 2020
- Emissions email from Colin Hope on the 15 April 2020.

Whilst the information provided looks at the emissions from the 4 kilns it does not consider this in relation to the current environment and the effect on the local air quality. I, therefore, again request an Air Quality Assessment to cover emissions from the chimneys, the grinding mill and external activities including transport on the air quality in the vicinity of the proposed manufacturing facility. The comments made in relation to Noise and Vibration and External Lighting remain.

North Yorkshire County Council Highways

March 2020

NYCC Highways and Transportation – confirmation that the consultation with be dealt with by NYCC Development Management team.

April 2020

Further information/clarification sought from NYCC Highways and Transportation team with regards to; the access into the site which would need to be widened to 5m and extended into the site; the gates that are currently proposed would need setting back; levels, visibility splays and vehicle tracking for the site access; the parking arrangements for staff and vehicles associated with the running of the business e.g. delivery vehicles for both the existing business and the proposed business. It is recommended that on site turning is shown, together with parking provision.

Details of appropriate routes within the facility along with vehicle tracking is required illustrating that there is sufficient vehicle manoeuvring space within the site, ensuring vehicles can use the parking facilities and also can leave the site in a forward gear. Regarding the submitted information: the base survey data is required for the A645 junction Long Lane & Long Lane / Selite block factory.

From the Transport Assessment, the number of anticipated HGV movements is given as a reduction in 10 from current HGV movements and an additional 6 HGV movements a day. Further explanation / clarification is required explaining this rational as it would appear there will be more blocks manufactured, but a reduction in HGV block carriers.

A Technical Note was submitted by the Applicant with regards to the comments raised by the NYCC Highways and Transportation Team.

NYCC are undertaking further discussions with the applicant's agent with regards to the final details of the visibility splays, swept path analysis, land levels, parking provision, routing. It is hoped these details will be agreed prior to committee where an update can be provided to Members.

Landscape Consultant

Initial Consultation June 2020

The Landscape Consultant objected to the application raising concerns with regards to the proposal on the basis that the submitted information does not sufficiently demonstrate that landscape and visual effects are within acceptable limits and with a suitably agreed mitigation, landscape and aftercare scheme.

The site is around 400 metres to the northside of Great Heck Village, outside development limits and in the open countryside. The site is around 2 ha but the wider operational site is 11.57ha.

There is some existing woodland, tree and hedgerow planting around the boundary which provides low level screening.

Concerns raise with regards to the overall design and layout, location and scale of large and tall structures within proximity to sensitive receptors and likely to be visible for 3 km from the site. The buildings would be significantly higher than other buildings and the surrounding trees/woodland. There is insufficient explanation of the design and options to reduce the overall height and mass of buildings and the

flue stacks. In addition, the Arboricultural Report does not explain the trees and hedgerows around the whole site.

Buildings are likely to be up to 26.72 metres high and visible up to 3 km away. The proposed buildings and structures are likely to be finished in light coloured cladding which would add to their visibility.

The overall summary of adverse effects in the LVA is considered to be understated and the landscape mitigation submitted with the application is not sufficient to reduce or offset the likely significant adverse landscape and visual effects.

Mitigation

- Application includes and LVIA, Landscape Framework Plan and Schematic Landscape Proposals Plan
- Specific mitigation proposals required for building surfaces and planting.
- The landscape mitigation proposed is not sufficient to compensate for the likely significant adverse landscape and visual effects.

Suggestions

- Reduce scale, height and massing
- Materials and finishes to reduce visual dominance and wider visibility that can be screened
- Landscape Strategy, Maintenance and Management to include landscape, biodiversity and green infrastructure (GI). Mitigation should drive the strategy linked to a management plan.
- Boundary planting and internal site planting to screen at least 10 m wide with larger trees.
- Long term maintenance and management plan required and to be secured by legal agreement.

Additional Information/Clarification

- Tree survey to show all trees and hedgerows on site and tree protection plan
- Topographical survey and sections
- Illustrations and montages to test and explain materials and colour options to reduce visibility
- LVA Clarification of receptors, zone of Theoretical Visibility (ZTV also known as Zone of Visual Influence ZVI), photomontage and methodology.

Further consultation

December 2020

The proposed scheme has been amended to reduce the height of the crushing mill by around 5 metres to 21.51 metres high and consideration given to the colour of the materials (grey squares of varying tone) to help reduce visibility which provides improvement and is welcome.

Concerns remain with regards to overall height, scale and visibility of the building. The mitigation scheme is not sufficient to make a noticeable difference and more can be don't to offset the adverse effects.

Recommendations

- Further opportunities for offsite woodland screening, outside the application site boundary to the south and east.
- Proposed boundary and internal planting.
- Existing trees and hedgerows to be retained and protected should be identified on the plan.

Notwithstanding the above if the application is to be granted the following conditions are recommended:

- Tree protection plan and arboricultural method statement before commencement
- Hard and soft landscaping scheme
- Long term maintenance and management plan
- Detailed landscaping scheme
- Detailed building finishes and colour scheme

Final comments May 2021

The applicant has submitted further drawings and information including:

- Landscape and Visual Assessment Figures [combined Figures A and Viewpoints B document]
- Landscape and Visual Assessment, Rev B, 17.02.21.
- Landscape Proposals dwgs RFM-XX-00-DR-L-0001 Rev L04, RFM-XX-00-DR-L-0002 Rev L04, RFM-XX-00-DR-L-0003 Rev L03, RFM-XX-00-DR-L-0005 Rev L03
- GA Elevations 1 & 4 dwg 1917PL104K, Rev K
- GA Elevations 2 & 3 dwg 1917PL105M, Rev M
- Site Layout dwg 1917PL101F, Rev F

The proposed scheme has been amended to increase the height of buildings by the addition of an acoustic hood to 24.55m in height, together with other adjustments.

The height of the main crushing mill building remains at 21.512m high. The architectural elevations have been amended to show the silos on the correct side. Some additional tree and hedgerow planting has been included within the site (red line land) and wider site (blue line land), particularly to the south and east side of the site, which is welcome.

The concerns with regards to wider cumulative impact remain and there is no clear commitment to long term protection and management of woodland, trees and hedgerow.

Recommendations

Conditions should planning permission be approved:

- Tree protection plan and arboricultural method statement
- Tree protection measures to be in place prior to commencement and maintained for the duration of the construction works

- A detailed hard and soft landscape scheme. Proposed planting to be implemented in the first available planting season following completion of the works, to include 5 years replacement defects period.
- A long-term landscape maintenance and management plan for all proposed and retained woodland trees and hedgerows on the wider site (within the red and blue line land), for the life of the development (secured by legal agreement; to ensure long-term screening of the site and to help protect local amenity, character and setting).
- A detailed lighting scheme.
- A detailed building finishes and colour scheme, to reduce overall visibility, scale and massing of proposed buildings (to include the silos).

Parish Council

Heck Parish Council object as the proposal conflicts with Green Belt policy, noise, residential amenity, traffic or highways.

The proposal is in contravention to national and local policies.

The scale and design of the development is far more than the levels appropriate to the location and rural character of the area. There is much more suitable land for a development of this type along the M62 corridor.

In terms of noise the reports there is no qualitative evaluation of the effect on residential amenity. The Parish Council raises concerns that the noise monitoring was carried out during Covid restrictions when industrial activities were suspended or curtailed. Concerns raised that the study and conclusion is flawed.

Despite the reduction in height the maximum heights still 21 metres and will have a cumulative adverse effect on the landscape.

The development will have a marked effect on the local woodland and jeopardise the habitat of protected species.

The traffic assessment was conducted at the end of June when Covid restrictions would have an impact on the quantities of vehicle movements. The community is already overburdened with HGV traffic putting pressure on the road network designed for rural not industrial purposes.

The development will have a devastating impact on the quality of lives of residents living in the community. The proposed 24/7 operation will significantly impair the peaceful enjoyment of residents that will be affected by noise, light and dust pollution which will increase health and safety risks. The waste from the process will directly impinge on the quality of groundwater with long term repercussions on the environment.

It is for these reasons that Heck Parish Council request the application is rejected.

Hensall Parish Council object to this proposal in support of Heck Parish Council. The Parish Council's own concerns relate to the increased traffic on the A645. It is considered that there is already a significant volume of HGV traffic on this road and this is of particular concern at school opening and leaving times where the majority of children and parents cross the A645.

Both Parish Councils remain in objection to the proposal following further consultation on additional information.

Yorkshire Water

March 2020

Ground Water Protection

Yorkshire Water advise that the site is within a ground water outer Source Protection Zone (SPZ2) for the boreholes at Heck from which they abstract ground water for a potable (drinking) water supply from the Sherwood Sandstone aquifer underlying the site. YW have reviewed the comments from the Environment Agency (EA) and agree with their position. YW would be happy with the condition recommended by the EA with regards to drainage via to controlled waters.

Contaminated Land Consultant

The consultant advises that the submitted report shows that the site has previously been used as a quarry for sand and gravel, and also accommodated a railway line. Some made ground is expected at the site, which could give rise to land contamination, and landfill to the southeast of the site is a potential source of hazardous ground gasses. The report recommends that an intrusive investigation is carried out at the site to determine the presence of any contamination in soils and groundwater on site, and to carry out ground gas monitoring for hazardous ground gasses. The Phase 1 report provides a good overview of the site's history, its setting and its potential to be affected by contamination and the report and the proposed site investigation works are acceptable. If contamination is found, appropriate remedial action will be required to make the site safe and suitable for its proposed use. Planning conditions are recommended as follows:

1. Investigation of Land Contamination Prior to development.
2. Submission of a Remediation Scheme.
3. Verification of Remedial.
4. Reporting of Unexpected Contamination.

3.0 SITE CONSTRAINTS

3.1 The main constraints identified are:

- The site is identified in the open countryside outside of development limits;
- Ground source protection zone 2 and 3;
- Potential land contamination;
- Selby Landscape Character Area – River Aire Corridor;

4.0 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 July 2021 recently amended replaces the previous versions dated, February 2019, July 2018 NPPF and 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 2021 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

“219...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 (2013)

- 4.6 The relevant policies of the Core Strategy are:
- SP1 Presumption in Favour of Sustainable Development
 - SP2 Spatial Development Strategy
 - 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 (2005)

- 4.7 The relevant saved policies of the Selby District Local Plan are:
- ENV1 Control of Development
 - ENV2 Environmental Pollution and Contaminated Land
 - ENV3 Outdoor Lighting
 - EMP9 Expansion/re-development of existing employment uses in the countryside
 - T1 Development in Relation to the Highway Network
 - T2 Access to Roads

National Planning Policy Framework (July 2021)

4.8 The NPPF confirms the role of the planning system is to contribute towards the achievement of sustainable development. Paragraph 8 of the NPPF sets out the three overarching objectives a) an economic objective, b) a social objective c) an environmental objective. The relevant chapters/paragraphs of the NPPF are:

2. Achieving sustainable development
4. Decision making
6. Building a strong and economic economy
9. Promoting sustainable transport
11. Making effective use of land
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving the natural environment
17. Facilitating the sustainable use of minerals

Annexe 1 Implementation

Annexe 2 Glossary

Supplementary Policies and Guidance

Selby Landscape Character Assessment November 2019 – the Eggborough character area to the east.

5.0 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 PDL and Economic Growth
- Impact on the Countryside and Landscape Visual Impact
- Highways and Transportation
- Flooding and Drainage
- Natural Environment – ecology, trees, pollution and sustainable mineral
- Impact on Residential Amenity
- Design

The Principle of Development

5.1 The site is located within the countryside outside of a defined settlement limit. The spatial development strategy sets out that development will generally be resisted in the countryside unless it involves proposals for well-designed new buildings. Proposals of an appropriate scale which would diversify the local economy (consistent with the NPPF). The Core Strategy also sets out other locational principles that will influence the consideration of development proposals. (Para. 4.32).

5.2 CS Policy SP2 (Spatial Development Strategy) (c) sets out that the location of future development within the Selby District will be based on the principle that development in the countryside will be limited to 'well designed buildings of an

appropriate scale' which will contribute towards and improve the local economy', in accordance with policy SP13.

Economic Growth

- 5.3 CS Policy SP13 (Scale and Distribution of Economic Growth) where support will be given to developing the economy in all areas. (C) in the rural areas, sustainable development which brings sustainable economic growth through local employment opportunities or expansion of businesses/enterprise will be supported for the re-use of infrastructure, development of well-designed buildings and (D) in all cases development is sustainable, appropriate in scale and type for the location, not harm the character of the area and seek a good standard of amenity. Saved policy EMP9 of the Local Plan states that proposals for the expansion and/or redevelopment of existing industrial and business uses outside development limits, subject to the listed criteria including effects on amenity, nature and scale, nature conservation, appearance, design and materials and loss of quality agricultural land.
- 5.4 Paragraph 81 of the NPPF sets out that planning decisions should help create conditions in which businesses can invest, expand and adapt. 'Significant' weight should be placed on the need to support economic growth and productivity taking into account local business needs and wider opportunities for development.
- 5.5 Paragraph 84 of the NPPF states that planning decisions should enable 'the sustainable growth and expansion of 'all' types of businesses in rural areas, through either conversions or 'well designed' new buildings.
- 5.6 The application states that the proposal will deliver the expansion of an existing successful, local business owned by a resident of Great Heck which clearly contributes towards and improves the local economy through local employment at an innovative facility at the forefront of the creation of a new product to the UK market. The process will involve the foaming of glass waste pellets to form pumice to be used in block manufacture. The use of pumice results in a light weight block that is more easily moved and transported.
- 5.7 The proposal re-uses a bi-product from glass recycling using innovative technology and processes to manufacture blocks for construction. It is well known that there is persistent ongoing problems arising from the shortage of building materials and a reliance on a global production which in turn has led to a significant price increase and significant delays due to increase demand. Supply chains have been affected by Brexit and the Covid lockdowns which have exacerbated the situation in the last 18 months and will continue to be an issue with the Government's building ambitions and the need for homes.
- 5.8 The application states that the proposal will deliver an equivalent of 32 full time employees in addition to the existing business.
- 5.9 Considerations in relation to scale, design, appearance, visual impact and nature conservation are assessed separately later in this report.

Previously Developed Land (PDL)

- 5.10 Annexe 2 of the NPPF (2021) defines Previously Developed Land (PDL) as 'land which is or was occupied by a permanent structure including the curtilage of the developed land and any associated fixed surface infrastructure'. This excludes

'land that has been developed for mineral extraction or where the remains of the permanent structure or fixed surface structure have blended into the landscape'.

- 5.11 Paragraph 4.33 of the Core Strategy states that high priority is given to the importance of utilising Previously Developed Land (PDL).
- 5.12 The site forms part of the wider Selite block manufacturing site and was historically used as a material stockpiling area and previous sand and gravel quarry. The site is therefore classed as PDL.
- 5.13 Both local and national planning policy places *significant* weight on utilising PDL for development.
- 5.14 Saved policy EMP9, policies SP2 and SP13 of the Core Strategy are considered to be in accordance with the NPPF 2021 in relation to the need to support economic development and expansion of existing enterprises, however the NPPF places significant weight on the need to support economic growth and sustainable growth of all types of business in rural areas, the proposal whilst being a diversified enterprise to the existing block manufacturing business along with utilising a parcel of previously developed land the proposal is considered to be acceptable in principle.

Impact on the Countryside and Landscape Visual Impact

- 5.15 Saved policies ENV1 (Control of development in the countryside), EMP9 (re-development of industrial and business uses outside of development limits) of the SDLP policy SP18 of the Core Strategy and paragraph 84 and 174 of the NPPF require the consideration of the impact of the development on the character and beauty of the countryside and protecting/enhancing valued landscapes.
- 5.16 The application is supported by a Landscape Visual Impact Assessment, existing and proposed landscaping details which have been considered by the Council's Landscape Architect. The Landscape Architect has advised that, due to the height of the proposed building, particularly the crushing mill, which has been reduced to around 21 metres high, and the materials specified the proposal would have adverse landscape and visual effects on the character of the area. The main impact being upon the south and west views into the site. The proposal includes retention of the majority of the trees on the site with the introduction of new tree and hedgerow planting within the site and on adjoining land (in the blue line). The external finishes to the crushing mill have been amended to show a chequered design that will reduce the overall visual impact.
- 5.7 Despite the Applicant's willingness to take account of the Landscape Architect's comments, the crushing mill cannot be reduced any further, 21 metres is as low as it can possibly go due to the equipment being installed inside and the technical requirements.
- 5.8 The Landscape Architect advises that despite the amendments any landscape mitigation is unlikely to make a noticeable difference in terms of reducing the overall cumulative effects on the landscape. The balance here lies with the consideration of whether the economic and other benefits of the proposal outweigh the cumulative impact on the landscape due to the height of the crushing mill which cannot be reduced any further.

- 5.9 The Landscape Architect has advised that in taking the view that the visual impact due to the height of the building cannot be mitigated against the scheme is dependent on a variety of measures that are recommended.
- 5.10 Should the application be approved, it is recommended that conditions are imposed requiring the following:
- Tree protection plans and method statements for working around trees
 - Temporary tree protection measures for the duration of the works
 - Hard and soft landscaping scheme
 - Long term landscape maintenance and management plan
 - Detailed lighting scheme to minimise night-time visibility
 - Details of building finishes and colour scheme
- 5.11 Officers are of the view that, appreciating that it is inevitable that the building will be visible and will have an impact on longer distant views, particularly from the south and west, the site is an existing industrial/commercial site that is set in a landscape that has been dominated by industrial uses and structures that have historically been part of the landscape in this particular area of the countryside. This is considered later in the balancing of the material planning issues.

Highways and Transportation

- 5.12 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.
- 5.13 The proposal intends to alter an existing access to the north of the site connecting with Long Lane. NYCC have worked with the applicants agent with regards to the visibility splays required for the altered access, the swept path analysis, land levels connecting the site with the existing highway, position of gates, parking provision and vehicle routing.
- 5.14 The Transport Assessment states that the proposal anticipates an increase of 16 staff. There are currently 12 staff working at the site resulting in a total of 28 staff. These staff will work on a shift programme. NYCC have asked for clarification of the total number of parking spaces existing and proposed along with the details of the shift system. The Highways Officers have also asked for details on vehicle routing within the site to ensure that they can exit the site in a forward gear. These details and the outcome of the Highway's Officers advice will be presented to Members at committee.
- 5.15 Subject to these final details the Highways Officers raise no objections to the proposal.

Flooding and Drainage

- 5.16 Policy SP15 SDCS and Chapter 14 of the NPPF 2021 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.

- 5.17 The LLFA, the EA, YW and IDB have been consulted on the proposal. The foul and surface water drainage will be discharged into a main sewer and as such no objections have been raised by the relevant consultees. Reasonable and necessary conditions are recommended to manage the surface and foul water discharge from the development should planning permission be granted.
- 5.18 The site is located within Flood Zone 1 as defined by the Flood Maps for Planning. Gov website. This means that the site is at low probability of flooding. A Flood Risk Assessment has been submitted as the site exceeds 1 hectare. Buildings used for general industry are classed as 'less vulnerable'.
- 5.19 The LLFA officer is satisfied that the application can be recommended for approval subject to pre-commencement conditions. The most pressing of these is the infiltration testing. The desktop work and the limited testing on site suggests that infiltration is a suitable means of disposal. The Flood Risk and Drainage report makes a number of references to further detailed design to be undertaken, these include finished site levels and further consideration of SuDS features. The FRAA provides sufficient detail to demonstrate that the issues have been considered and how they propose to deal with these, therefore the LLFA are happy to condition the application should Members resolve to grant planning permission.
- 5.20 There is no evidence to suggest that there are any critical drainage issues and as such the means of disposal via the existing mains drainage is considered to be acceptable and the recommended conditions will ensure that the development will not increase flood risk elsewhere.
- 5.21 As the site is located in Flood Zone 1, the aim of local and national policy is to steer development to Flood Zones 1, therefore a sequential test or exception test is not applicable.
- 5.22 Taking into account the aforementioned policies the proposal is considered to be acceptable in terms of flooding and drainage and the recommendation conditions will ensure that the detailed technical designs can be approved prior to commencement.

Impact on the Natural Environment

- 5.23 Saved policies ENV1 (Control of development), ENV2 (Pollution and contaminated Land), ENV3 (Light Pollution), Policy SP18 (Protecting and enhancing the environment) and Chapter 15 (Conserving and enhancing the natural environment) of the NPPF set out the key considerations with regards to the impact of development on the natural environment.

Pollution

- 5.24 New Development should be prevented from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of soil, air, water or noise pollution.
- 5.24 The Council's Environmental Health Team have been consulted on the application and assessed the accompanying plans and reports. The Environmental Health Officer

(EHO) has advised provided advice on noise and vibration, emission to air (impacts from odour), light pollution.

- 5.25 Insufficient information was submitted with the application originally for the EHO to assess the potential impacts. Further information has been submitted during the course of the application. The applicant has been working with the EHO with regards to the details of the manufacturing process, the design of the building and the operations to establish the overall risks and potential mitigation.
- 5.26 The EHO's final comments advise that amenity impacts during the operational and construction phase have been fully assessed and can be controlled/mitigated by relevant conditions. The EHO asked further questions about the delivery of the glass sand recycled produce and its storage on site. At present the process involves the manufacture of concrete blocks from bulk cement and pulverised fuel ash. Processes on the existing site currently involve the screening, crushing of aggregates, mixing and batching of aggregate and cement to form the final product. There is some outdoor storage on site in external bays, the proposal will introduce the storage of the glass product to be recycled.
- 5.27 The EHO raised concerns about the potential for unacceptable levels of dust and air pollution from the product being stored outdoors. The applicant has advised that the stockpiled material will be covered by a permanent water suppression system. The EHO agrees that this is a suitable method to ensure that the product will not adversely affect the environment through unacceptable emissions to the air. A condition is recommended to ensure that the system is installed and used at all times.
- 5.28 In terms of noise and vibration, further mitigation measures have been put forward by the applicant which will ensure that mitigation measures reduce the adverse impacts of noise and vibration to a minimum to ensure that there are no significant impacts on health and the quality of life for residents.
- 5.29 Interested parties have raised concerns about impacts of noise and dust. The EHO has advised they are confident that the measures put forward will ensure there are no significant adverse impacts on amenity through noise and dust.
- 5.30 The EHO has recommended a range of conditions which are necessary to make the development acceptable, including the requirement of a Construction Environmental Management Plan to be submitted prior to commencement of any development.

Light Pollution

- 5.31 The aforementioned policies and particularly paragraph 185 c) states that new development should limit the impact of light pollution from artificial light on local amenity, dark landscapes. Initially, no details were provided with regards to external lighting. The site is located close to existing development however, in order to protect residents, nature and the landscape from unacceptable levels of light pollution the EHO has asked for a condition to be imposed with regards to lighting details.

Contaminated Land

- 5.32 The aforementioned policies and paragraph 183 of the NPPF require that the site is suitable for its proposed use taking account of the ground conditions and that site investigation information is provided by a competent person. The site was formerly a sand and gravel quarry and also accommodated a railway line. Some made ground is expected at the site which could give rise to land contamination and filled ground. A Phase 1 Contaminated Land Assessment has been provided and the Council's Contaminated Land Consultant at York CC has provided comments and recommendations. The Contaminated Land Consultant has advised that the report and investigation works are acceptable and remedial action will be required if contamination is found. Conditions are recommended for remediation works, verification of remediation works and reporting of unexpected contamination.
- 5.33 Paragraph 184 of the NPPF states that where a site is affected by contamination or land stability, responsibility for securing a safe development rest with the developer/landowner.

Ecology

- 5.34 The aforementioned policies and paragraph 180 of the NPPF state that planning permission should be refused if any significant harm to biodiversity resulting from a development cannot be avoided or adequately mitigated or compensated for as a last resort.
- 5.35 A Preliminary Appraisal has been submitted with the application which demonstrates that the site has a biodiversity value of 6.42 units. The report suggests that with the retention of the existing habitat on site and the additional planting there will be a net gain achieved. The Council's Ecologist at NYCC advised that a post development metric was required and a condition to secure a Biodiversity Construction Environmental Management Plan.
- 5.36 Paragraph 174 d of the NPPF states that planning decision should deliver a net gain in biodiversity. The applicant's Ecology consultant has provided a Biodiversity Net Gain Assessment (BNG) and Site Habitat Baseline Calculation. The revised landscape plans deliver enhanced landscaping to the site which have the potential to deliver a net gain for biodiversity. The Ecologist has recommended that the BNG can be delivered on land outside the site but within the applicant's ownership (within the blue line). A legal agreement will be required should Members resolve to grant planning permission to deliver the BNG.
- 5.37 Both the Landscape Architect and the Ecologist advise that the long-term management of the existing and proposed landscaping should be secured, as such it is recommended that the applicants enter into a legal agreement under Section 106 should Members resolve to grant planning permission.
- 5.38 Taking into account the above considerations, advice from specialist consultees and the recommended mitigation measures the proposal is considered not to have an unacceptable impact on the natural environment. Paragraph 188 of the NPPF states that the focus of planning decisions should be on whether the development is an acceptable use of land rather than the control of processes or emissions are subject to separate pollution regimes. Planning decisions should assume that these regimes will operate effectively. Equally the planning issues should not be re-visited through the permitting regimes.

- 5.39 The Council's EHO has advised that the site is subject to an Environmental Permit under the Pollution Prevention and Control (England and Wales) Regulations 2016 which seeks to control emissions. The EHO is not aware of any breaches of the permit.
- 5.40 On balance it is considered that the proposal is acceptable in terms of the impacts on the environment.

Impact on Residential Amenity

- 5.41 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.
- 5.42 77 letters of objection have been received, which demonstrates that there are significant concerns in relation to the impact of the development on residential amenity.
- 5.43 The concerns raised have been taken into account in assessing the application, the Environmental Health Officer has considered all the potential environmental impacts of the development and has concluded that with the measures available through permitting and planning conditions the proposed development would not result in significant and unacceptable impacts on residential amenity.
- 5.44 From a planning perspective, the established land use is currently industrial and whilst there are residential properties close to the site, the building will be set down lower into the ground, will benefit from enhanced planting and subject to the measures set out in the accompanying reports and recommended conditions the proposal would not result in significant impacts that would warrant refusal of planning permission when considering the proposal as a whole.
- 5.45 Paragraph 55 of the NPPF states that LPA's should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. It is on basis that officers are of a view that the proposal can be carefully managed.

Design

- 5.46 Saved policy ENV1 of the Local Plan, SP19 Design Quality of the Core Strategy and Chapter 12 of the NPPF place emphasis on design quality. The proposal is a building of function and whilst it may not be considered to be visually attractive in terms of architecture, the building is sympathetic in terms of scale and its environment. The proposal has been carefully designed to function well in accordance with the specific operations. It is accepted that the crushing mill is some 21 metres high, however, the architect has included suggestions that can reduce the impact of the height and improve the visual appearance. These final details can be secured by condition.
- 5.47 The proposed building will be a contemporary, clean industrial facility that has been designed to house the specialist equipment and the potential to create a sense of place for the staff to work. The existing block manufacturing facility is predominantly outdoors, where the proposed facility will be predominantly indoors with areas for staff wellbeing.

- 5.48 The NPPF in paragraph 131 states that trees make an important contribution to character and quality, along with helping to mitigate climate change. The scheme puts forward the retention of most trees on site and enhancement by new tree planting.
- 5.49 The proposed design is therefore considered to be acceptable.

Other Matters

Waste and Recycling

- 5.50 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 in relation to commercial developments. 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.
- 5.51 The development itself uses a recycled glass product to manufacture building blocks, paragraph 210 b) states that planning should take account of the contribution that substitute, or secondary materials and recycled materials would make to the supply of materials before considering extraction of primary materials.
- 5.52 There is sufficient space within the site to provide for waste in line with the SPD, which states that ‘...provision shall be made for sustainable waste and recycling facilities.’

Sustainability

- 5.53 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.
- 5.54 Planning decisions should take local circumstances into account, to reflect character, needs and opportunities in each area. The applicant has demonstrated the need for the development, the contribution it makes to recycling and production of materials for the construction industry whilst demonstrating that the potential impacts can be managed or mitigated against.
- 5.55 The proposal demonstrates that it will deliver an economic objective, social objective and environmental objective and as such is considered to be sustainable development.

Developer Contributions and Conditions

- 5.56 The SDC Adopted Developer Contributions Supplementary Planning Document sets out the guidance in relation to developer contributions. Paragraph 56 states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning, enforceable, precise and reasonable in all other respects. Paragraph 57 of the NPPF states that planning obligations must only be sought where they are:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

5.57 Officers are of the view that, the long-term management plan for landscape and ecology is necessary to make the development acceptable. As conditions are only enforceable for 10 years a legal agreement is required to ensure that the management plan is adhered to for the lifetime of the development.

6.0 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 acceptable as it complies with both local and national planning policy. Whilst concerns of residents and the Landscape Architect have been fully taken on board the proposal is considered to be sustainable development. Any outstanding concerns can be addressed through the imposition of the necessary conditions and legal agreement.

6.2 The proposal will diversify an existing rural enterprise that will contribute towards job creation, re-use previously developed land and deliver a sustainable construction material from waste products.

6.3 Taking into account of the weight attached to the material planning issues as set out above, Officers are of the view that the planning balance lies in favour of the proposal and as such recommend that planning permission is **GRANTED**.

7.0 RECOMMENDATION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS AND THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Planning Committee resolve to grant planning permission for the Proposed development, subject to the completion of an agreement Under section 106 of the town and country planning act 1990 (as Amended) in relation to the following matters:

- a) Long term landscape and ecology management plan (30 years); and
- b) Delivery of 10% Biodiversity Net Gain on land identified within the blue land (owned by the applicant) in accordance with a detailed scheme to be agreed.

THE HEAD OF PLANNING/PLANNING DEVELOPMENT MANAGER BE AUTHORISED TO ISSUE THE PLANNING PERMISSION ON COMPLETION OF THE AGREEMENT.

CONDITIONS

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

Reason

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

02. The development hereby permitted shall not be carried out otherwise in complete accordance with the approved plans and specifications.

Reason

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

03. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) risk assessment of potentially damaging construction activities
- b) identification of 'biodiversity protection zones'
- c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- d) the location and timing of sensitive to avoid harm to biodiversity features
- e) the times during construction when specialist ecologists need to be present on site to oversee works
- f) responsible persons and lines of communication
- g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- 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 local planning authority.

Reason

To protect and enhance biodiversity in line with saved policy ENV1 of the Selby District Local Plan 2005, SP18 of the Core Strategy and Chapter 15 of the NPPF.

04. The development hereby permitted may not commence until such time as a scheme for a Construction and Environment Management Plan has been submitted to, and approved in writing by, the local planning authority. The scheme shall, where necessary, be supported by detailed calculations and include a programme for future maintenance. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or any details as may subsequently be agreed, in writing, by the local planning authority.

Reason

To ensure that the proposed development, including mineral extraction, does not harm the water environment in line with paragraph 170 of the National Planning Policy Framework and Position Statement B and N of the 'The Environment Agency's approach to groundwater protection'.

05. 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, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated. 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 residential amenity of the locality during construction and to comply with the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE) and Selby District Council's Policy's SP19 and ENV2.

06. 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:
1. a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
 2. 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;
 3. an appraisal of remedial options, and proposal of the preferred option(s).

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

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in line with saved policy ENV2 of the Selby District Local Plan, policy SP 18 of the Core Strategy and Chapter 15 of the NPPF.

07. No development shall take place until an appropriate Exceedance Flow Plan based on the proposed finished site levels has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of buildings on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30-year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100-year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.

Reason

To prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site

08. Prior to commencement of any development a tree protection plan and arboricultural method statement to BS5837 shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be adhered to at all times.

Reason

In the interest of protecting existing trees and vegetation to be retained in accordance with saved policy ENV1 (Control of development in the countryside), SP18 of the Core Strategy and paragraph 84 and 174 of the NPPF.

09. Prior to first occupation, a detailed hard and soft landscape scheme shall be submitted to and agreed in writing the Local Planning Authority. The proposed planting shall be implemented in the first available planting season following completion of the works and include a 5-year replacement defects period.

Reason

In accordance with saved policy ENV1 (Control of development in the countryside), SP18 of the Core Strategy and paragraph 84 and 174 of the NPPF.

10. The development shall not commence until percolation testing to determine soil infiltration rate are carried out in strict accordance with BRE 365 Soakaway Design (2016) and CIRIA Report156 Infiltration drainage - manual of good practice (1996). Method of test must be relevant to proposed SuDS. Testing must be carried out at or as near as possible to the proposed soakaway location (no greater than 25m from proposed soakaway for

uniform subsoil conditions. For non-uniform subsoil conditions testing must be carried out at the location of the soakaway). Testing must be carried out at the appropriate depth for proposed SuDS (e.g., invert level, base level of soakaway etc.) relative to existing ground levels.

Three percolation tests are to be performed at each trial pit location to determine the infiltration rate, where possible. Where slower infiltration rates are experienced, testing must be carried out over a minimum period of 24 hours (longer if 25% effective depth is not reached). 25% effective depth must be reached. Extrapolated test data will not be accepted.

Reason

To ensure the site is properly drained, to determine surface water destination and to prevent flooding to properties in accordance with paragraph 169 of the NPPF.

11. Development shall not commence until the detailed surface water drainage design based on the percolation testing in strict accordance with BRE365 has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). 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 and the Environment Agency with respect to Ground Water Protection.

Reason

To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.

12. 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 in accordance with saved policy ENV2 of the Selby District Local Plan, policy SP 18 of the Core Strategy and Chapter 15 of the NPPF.

13. 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 in accordance with saved policy ENV2 of the Selby District Local Plan, policy SP 18 of the Core Strategy and Chapter 15 of the NPPF.

14. 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.

15. Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the proposed piling, does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework and Position Statement N of the 'The Environment Agency's approach to groundwater protection'.

16. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason

- To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable

levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

- To prevent deterioration of a water quality in groundwater.

17. The site shall be developed with separate systems of drainage for foul and surface water on and off site. If sewage pumping is required, the peak pumped foul water discharge shall not exceed 6 (six) litres per second.

Reason

In the interest of satisfactory and sustainable drainage in accordance with Chapter 14 of the NPPF.

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

Reason

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

19. The construction of the buildings permitted by this permission shall have a acoustic reduction of no less than 24dB Rw on at all points except adjacent to the conveyor belt on the southern end of the building which shall have an acoustic attention on less that 15dB Rw.

Reason

To protect the residential amenity of the locality during operation and to comply with the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE) and Selby District Council's Policy's SP19 and ENV2.

20. The drive motors of the bucket elevators shall be located in an acoustic housing have an acoustic performance of no less than 10dB Rw.

Reason

To protect the residential amenity of the locality during operation and to comply with the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE) and Selby District Council's Policy's SP19 and ENV2.

21. The sound power level of both the external and internal plant permitted by this permission shall not exceed those given in Table 5.1 of Noise impact Assessment DC3368-R1v5 submitted with the application.

Reason

To protect the residential amenity of the locality during operation and to comply with the National Planning Policy Framework (NPPF), the Noise

Policy Statement for England (NPSE) and Selby District Council's Policy's SP19 and ENV2.

22. The rating level of sound emitted from the development including the fixed plant and movement of vehicles on site associated with the development shall not exceed background sound levels between the hours of 0700-2300 (taken as a 15-minute LA90 at the nearest sound sensitive premises) and shall not exceed the background sound level between 2300-0700 (taken as a 15-minute LA90 at the nearest/any sound sensitive premises). All measurements shall be made in accordance with the methodology of BS4142:2014. (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property. Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the local planning authority.

Reason

To protect the residential amenity of the locality during operation and to comply with the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE) and Selby District Council's Policy's SP19 and ENV2.

23. The bund to the eastern side of the site shall be maintained at a height of no less than 3m.

Reason

To protect the residential amenity of the locality during operation and to comply with the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE) and Selby District Council's Policy's SP19 and ENV2.

24. HGV's delivering to site and the wheeled loading shovel shall be operated only with a white noise reversing siren.

Reason

To protect the residential amenity of the locality during operation and to comply with the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE) and Selby District Council's Policy's SP19 and ENV2.

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

Reason

To protect the residential amenity of the locality during construction and to comply with the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE) and Selby District Council's Policy's SP19 and ENV2.

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

Reason

To protect the residential amenity of the locality during construction and to comply with the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE) and Selby District Council's Policy's SP19 and ENV2.

27. The system of water tanks and rain birds shall have a sufficient supply of water at all times to achieve permanent water suppression and shall be used to minimise dust emissions from within the installation boundary.

Reason

To protect the residential amenity of the locality from dust emissions during operation and to comply with the National Planning Policy Framework (NPPF) and Selby District Council's Policy's SP19 and ENV2.

28. Prior to commencement of any above ground works a detailed building finishes and colour scheme, to reduce overall visibility, scale and massing of proposed buildings including the silos shall be submitted to and agreed in writing by the LPA.

Reason

In the interest of visual amenity and protecting the wider landscape in accordance with saved policy ENV1 of the SDLP, policy SP18 of the Core Strategy and paragraphs 174 and 130 of the NPPF.

29. Prior to commencement of any above ground works a detailed lighting scheme, to minimise night-time visibility of the proposed development (including reflected light onto large vertical buildings and structures) shall be submitted to and agreed in writing by the Local Planning Authority.

Reason

In the interest of controlling light pollution and adverse impact on the night time landscape in accordance with Saved policies ENV1 (Control of development in the countryside), of the SDLP policy SP18 of the Core Strategy and paragraph 185 c) 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 2020/0149/FULM and associated documents.

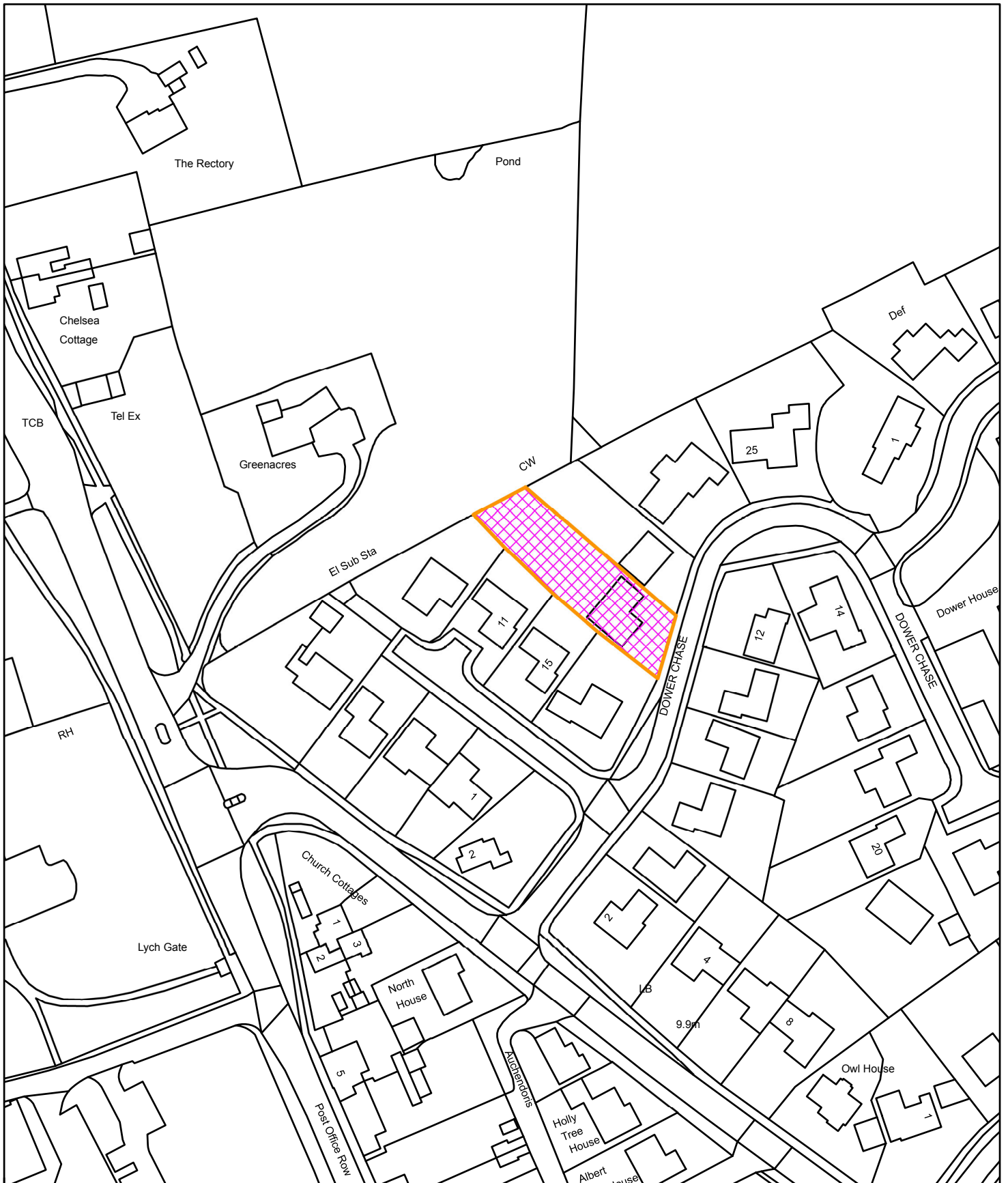
Contact Officer: Diane Holgate, Principal Planning Officer
dholgate@selby.gov.uk

Appendices: None

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Agenda Item 5.2

19 Dower Chase, Escrick
2021/0860/HPA



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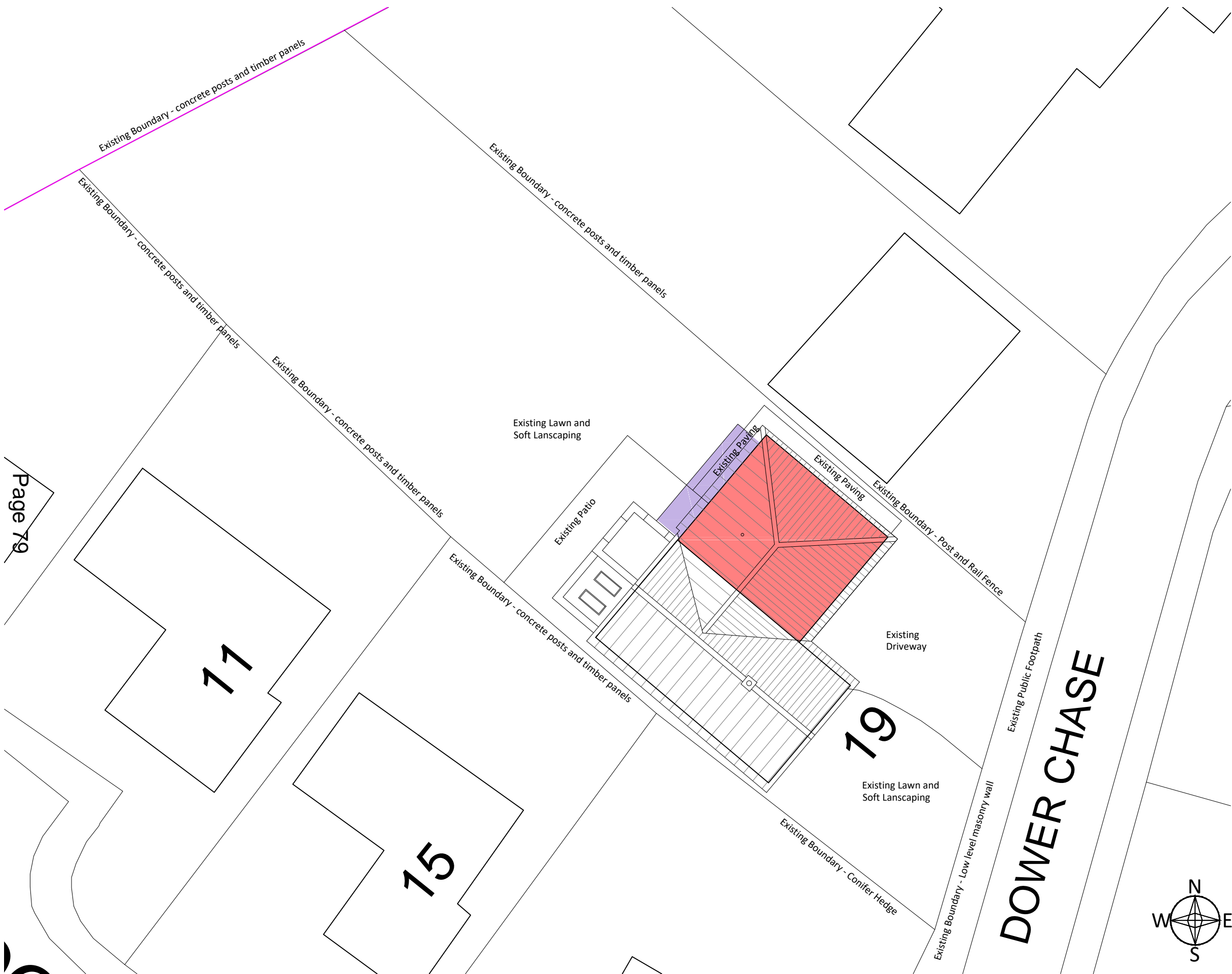
HAZARD / ACTIVITY LEADING TO UNUSUAL, SIGNIFICANT OR UNACCEPTABLE RISKS DURING CONSTRUCTION ARE IDENTIFIED ON THIS DRAWING AS:

The list below identifies certain risks but does not cover all possible unusual etc situations which may be encountered during the construction process, it is also therefore the main contractor's responsibility to identify any further risks / hazards and take appropriate action.

Risks / Hazards particular to this drawing are listed below in numerical references, please refer to architectural risk register for further details:

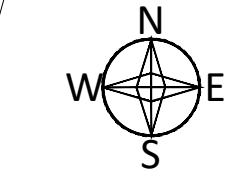
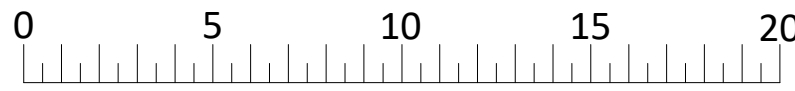


- Proposed First Floor Extension
- Proposed First Floor Balcony



Page 79

Proposed Block Plan



Scale 1:200

| Rev | Date | Drawn | Description | Checked |
|-----|------|-------|-------------|---------|
| | | | | |

| | |
|---------------------|-----------------------------------|
| PLANNING APP | |
| Client | Mr and Mrs Reader |
| Project | 19 Dower Chase, Escrick, YO19 6JF |
| Title | Proposed Site Plan |
| Issued From | York |
| Date | April 21 |
| Scale | 1:200 @ A3 |
| Drawn | AB |
| Auth | JJP |

Y-BSP-08651-20-19

LHL Group Property and Construction Consultants
 The Chocolate Works Suite 2 The Riverside Building
 Bishopthorpe Road Livingstone Road Harrogate
 York HU13 ODZ Newcastle Upon Tyne
 YO23 1DE HU13 ODZ Doncaster

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 www.lhlgroup.co.uk

LHL GROUP
 PROPERTY AND CONSTRUCTION CONSULTANTS

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Report Reference Number: 2021/0860/HPA

To: Planning Committee
Date: 10 November 2021
Author: Jac Cruickshank (Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

| | | | |
|---------------------|---|--------------|------------------------|
| APPLICATION NUMBER: | 2021/0860/HPA | PARISH: | Escrick Parish Council |
| APPLICANT: | Mr Neil Reader | VALID DATE: | 23rd July 2021 |
| | | EXPIRY DATE: | 17th September 2021 |
| PROPOSAL: | Erection of a new first floor annexe over the existing garage | | |
| LOCATION: | 19 Dower Chase Escrick Selby North Yorkshire YO19 6JF | | |
| RECOMMENDATION: | GRANT | | |

This application has been brought before Planning Committee as the applicant is a Ward Councillor.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located within the development limits of the settlement of Escrick.
- 1.2 The application site comprises of a two-storey detached dwelling, which has a driveway to the front of the property and garden areas to the front and rear. The host dwelling benefits from an integrated garage, which is attached to the side elevation. The dwelling is located on Dower Chase, which is residential in nature.

The Proposal

- 1.3 The application is seeking permission for the erection of a first-floor side extension, which would form a self-contained annexe. During the application process, amended plans were sought as concerns were raised over the creation of a balcony to the rear elevation, which would lead to potential overlooking towards the private amenity space of the neighbouring dwelling (no.21 Dower Chase). The revisions to

the scheme show that a privacy screen would be installed on the side elevation of the balcony, which would limit any significant potential for overlooking.

Relevant Planning History

- 1.4 The following historical application is considered to be relevant to the determination of this application.

2014/0097/HPA (PER – 19/03/2014) Single storey rear extension and balcony.

2. CONSULTATION AND PUBLICITY

- 2.1 **Neighbour Comments** – This application has been advertised by site notice resulting in no letters of representation being received.

- 2.2 **Parish Council** - Whilst there is no objection to the design and scale of the development proposed, there are concerns that the proposed first floor apartment is for a separate unit of accommodation.

Within a quiet cul de sac within the village, it would not be appropriate for a separate dwelling to be developed with no parking or amenity space, and its use as tourist accommodation (for example) would have amenity impact for neighbours. The applicant has advised that the 1st floor apartment is provide independent accommodation for an elderly parent in the future. As planning runs with the property, a condition must be imposed to ensure that it is not used as b + b or other let accommodation in the future, with potential amenity impact on surrounding neighbours with visitors coming and going at unsociable hours. A standard condition restricting the use of the new accommodation 'only by and in association with members of the family of the occupiers of the main dwelling' is required to achieve the protection of the amenity of surrounding neighbours.

Furthermore, there is only sufficient on-plot parking so long as used by the same household. This is satisfactory so long as the requested occupancy condition is imposed.

EPC has previously expressed concerns and objected to the installation of balconies at 1st floor level where there are potential overlooking and loss of amenity issues for neighbours. There is already an existing balcony to the master bedroom; this 2nd smaller one appears to have its views screened by the neighbouring property's gable wall, but we would ask the planning officer to satisfy him/herself that the amenity of neighbours will not be adversely affected.

Subject to the above, EPC has no objection to this application so long as the following condition is imposed as the proposed new living accommodation has a separate entrance and will be used as a separate independent unit of accommodation:

'The accommodation hereby permitted shall be, and shall remain, ancillary to the use of the dwelling known as 19 Dower Chase. It shall not be sold or let off separately and shall be used only by and in association with members of the family of the occupiers of that dwelling.'

- 2.3 **NYCC Highways** – No objections to the proposal.

3 SITE CONSTRAINTS

Constraints

- 3.1 The application site is located within the defined development limits of Escrick, which is a Designated Service Village with defined Development Limits as identified in the Core Strategy.
- 3.2 The application site is located within the setting of Escrick Conservation Area, which lies approximately 80 metres to the west of the proposed development.

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 (July 2021) (NPPF) replaced the February 2019 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 2021 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

"219...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:

SP1 - Presumption in Favour of Sustainable Development
SP15 - Sustainable Development and Climate Change
SP19 - Design Quality

Selby District Local Plan

4.7 The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development

5 APPRAISAL

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

- 1) The principle of the development.
- 2) Design and impact on the character and appearance of the area.
- 3) Impact on residential amenity.

The Principle of the Development

5.2 The application site is located within the defined development limits of Escrick and the application is seeking consent for the erection of a first-storey side extension to form an annexe. There is nothing in the NPPF to identify this type of development as being unsustainable or preclude in principle development of this type in this location.

Design and impact on the character and appearance of the area

5.3 Relevant policies in respect to design and impact on the character and appearance of the area include Policy ENV1 (1) and (4) of the Selby District Local Plan and Policy SP19 "Design Quality" of the Core Strategy. Significant weight should be attached to Local Plan Policy ENV1 as it is broadly consistent with the aims of the NPPF. Relevant policies within the NPPF which relate to design include paragraphs 130 to 136.

5.4 The host dwelling has a pitched roof with eaves to a maximum height of 5.4 metres and ridge to a height of 7.4 metres from ground level. The host dwelling benefits from a pitched-roofed garage, which has a ridge height of 5 metres and eaves to 2.4 metres. The garage projects out from the side elevation of the main dwelling by 7.2 metres. The host dwelling has also benefitted from a single storey extension to the rear, which has a balcony above.

5.5 The proposed development would include the erection of a first-floor extension, which would sit above the existing garage. The proposed extension would have a hipped roof with eaves to a maximum height of 5.2 metres and ridge to a height of 7.1 metres from ground level. The proposal would include the installation of a balcony to the rear elevation.

5.6 In considering the impact the proposed development would have on the character of the local area, the proposed extension would be to the side elevation of the host dwelling and would be clearly visible within the street scene. The extension is significant in its scale, however, it is noted that similar extensions have been approved in the vicinity and the extension would have a ridge height lower than the host dwelling and is set back from the main frontage, which would give extension

some sense of appearing subordinate to the host dwelling. Furthermore, the proposed materials and design is similar to that of the existing dwelling.

- 5.7 Having regard to the above, it is considered that the proposals are of an appropriate design and given their size and siting would not have a significant impact on the character and appearance of the area. The proposals are therefore in compliance with Policy SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan and the advice contained within the NPPF.

Impact on Residential Amenity

- 5.8 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the size, scale and massing of the development proposed.
- 5.9 With regards to overlooking, the proposed development would introduce several additional openings at first floor level and the installation of a balcony. With regards to the windows, these would include 3no. windows to the front elevation, 1no. window to the side elevation and 1no. window to the rear elevation. The windows to the front would face out towards the driveway and the public highway and would have limited impact on overlooking, the window to the side elevation would face the blank elevation of the neighbouring dwelling (no.21 Dower Chase) and the 1no. window to the rear elevation would face out into the rear garden of the dwelling and would only provide limited potential for overlooking due to the existing screening from the mature planting and shared boundary treatments, which include a 1.8 metre high timber fence.
- 5.10 The proposal would also include a balcony and a set of patio doors to the rear elevation. The balcony would be installed close to the shared boundary with no. 21 Dower Chase. Amendments were sought to include a privacy screen to the side of the balcony to help mitigate against excessive overlooking towards the neighbouring dwelling. It is also noted that the neighbouring dwelling (No.21) has benefitted from a single storey extension to the rear elevation, which isn't shown on the site plan and would help obscure views towards the private amenity space of the neighbouring dwelling from the balcony. Furthermore, no objections from the occupiers of the neighbouring dwelling have been received. As such, it is not considered that the proposed balcony would result in significant overlooking.
- 5.11 With regards to overshadowing and oppression, the proposed extension would be erected directly above the existing garage. The proposed ridge height would increase by 2.7 metres and the proposed extension would project slightly forward of No.21. However, it is not considered that the proposed development would be enough to cause any oppression or loss of outlook from the neighbouring first floor window (No.21) and the proposed extension would be erected along the blank elevation of the neighbouring dwelling. As such, overshadowing would be limited.
- 5.11 Having regard to the above, it is considered that the proposal would not have any significant adverse impact on the amenities of the occupiers of any neighbouring residential properties. The amenities of the adjacent residents would therefore be preserved in accordance with Policy ENV1 (1) of the Selby District Local Plan.

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 proposed development would not have a detrimental effect on the character and appearance of the area or on the residential amenity of the occupants of neighbouring properties. The application is therefore considered to be in compliance with Policies ENV1 of the Selby District Local Plan, Policies SP1, SP15 and SP19 of the Core Strategy and the advice contained within the NPPF.

7 RECOMMENDATION

This application is recommended to be Granted subject to the following conditions:

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

Reason:

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

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

| | | |
|-------------------------|---------------------|------------------|
| Y-BSP-08651-20-10 | Location Plan | Dated 12/07/2021 |
| Y-BSP-08651-20-14 Rev A | Proposed Plans | Dated 08/10/2021 |
| Y-BSP-08651-20-15 Rev A | Proposed Elevations | Dated 08/10/2021 |
| Y-BSP-08651-20-18 Rev A | Proposed Block Plan | Dated 23/07/2021 |

Reason:

For the avoidance of doubt.

03. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those of the existing building in colour and texture.

Reason:

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

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 **2021/0860/HPA** and associated documents.

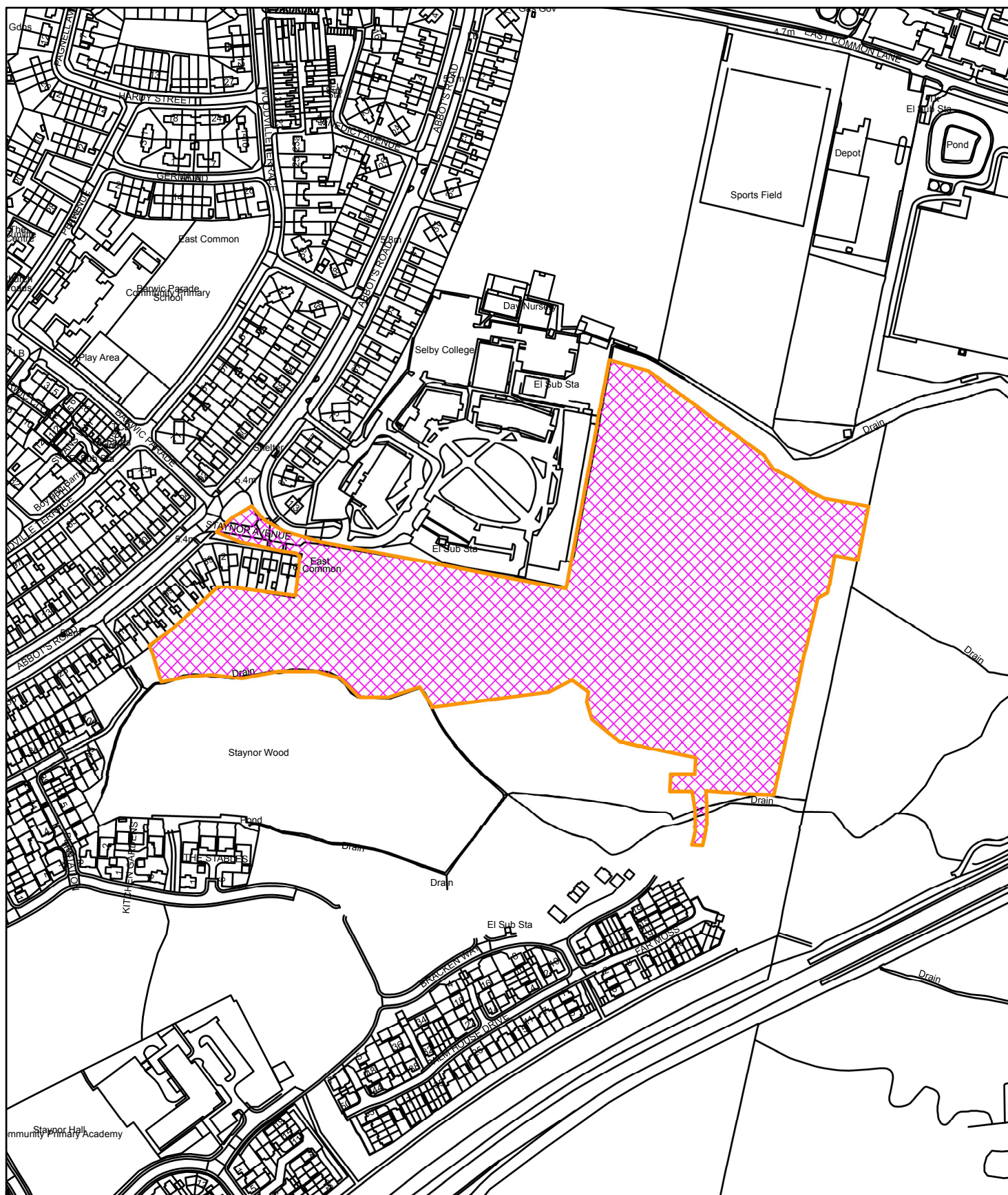
Contact Officer: Jac Cruickshank, Planning Officer
jcruickshank@selby.gov.uk

Appendices: None

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Agenda Item 5.3

Staynor Hall, Abbots Road, Selby
2015/0452/EIA



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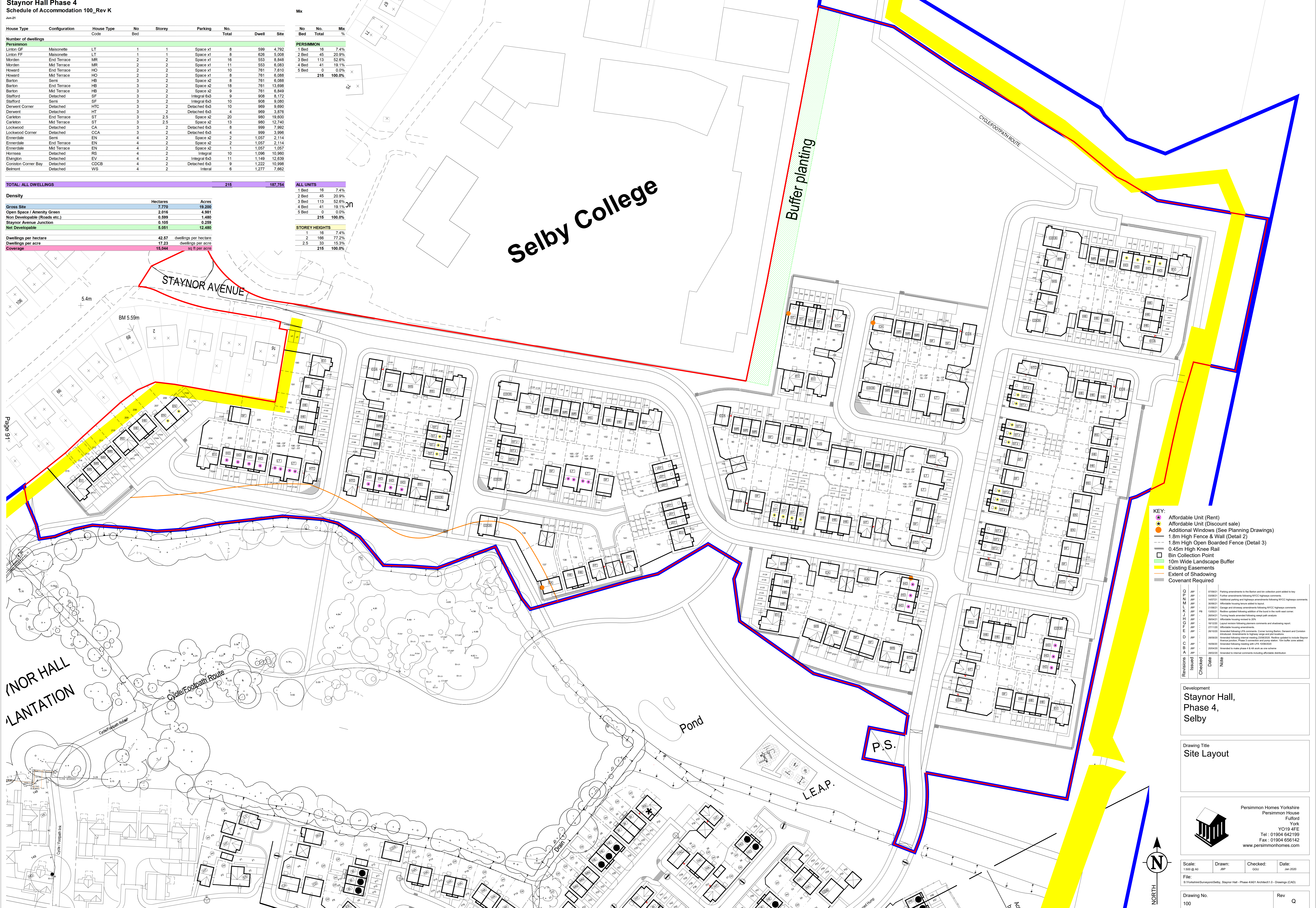
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Staynor Hall Phase 4
Schedule of Accommodation 100_Rev K

| House Type | Configuration | House Type Code | No. Bed | Storey | Parking | No. Total | Dwell | Site |
|---------------------|---------------|-----------------|---------|--------|--------------|-----------|-------|--------|
| Persimmon | | | | | | | | |
| Linton GF | Maisonette | LT | 1 | 1 | Space x1 | 8 | 599 | 4,792 |
| Linton FF | Maisonette | LT | 1 | 1 | Space x1 | 8 | 626 | 5,008 |
| Morden | End Terrace | MR | 2 | 2 | Space x1 | 11 | 553 | 6,848 |
| Morden | Mid Terrace | MR | 2 | 2 | Space x1 | 11 | 553 | 6,083 |
| Howard | End Terrace | HO | 2 | 2 | Space x1 | 10 | 761 | 7,610 |
| Howard | Mid Terrace | HO | 2 | 2 | Space x1 | 8 | 761 | 6,088 |
| Barton | Semi | HB | 3 | 2 | Space x2 | 8 | 761 | 6,088 |
| Barton | End Terrace | HB | 3 | 2 | Space x2 | 18 | 761 | 13,698 |
| Barton | Mid Terrace | HB | 3 | 2 | Space x2 | 9 | 761 | 6,849 |
| Stafford | Detached | SF | 3 | 2 | Integral 6x3 | 9 | 908 | 9,172 |
| Stafford | Semi | SF | 3 | 2 | Integral 6x3 | 10 | 908 | 9,080 |
| Derwent Corner | Detached | HTC | 3 | 2 | Detached 6x3 | 10 | 969 | 9,690 |
| Derwent | Detached | HT | 3 | 2 | Detached 6x3 | 4 | 969 | 3,876 |
| Carlton | End Terrace | ST | 3 | 2.5 | Space x2 | 20 | 980 | 19,600 |
| Carlton | Mid Terrace | ST | 3 | 2.5 | Space x2 | 13 | 980 | 12,740 |
| Lockwood | Detached | CA | 3 | 2 | Detached 6x3 | 8 | 999 | 7,992 |
| Lockwood Corner | Detached | CCA | 3 | 2 | Detached 6x3 | 4 | 999 | 3,996 |
| Emerdale | Semi | EN | 4 | 2 | Space x2 | 2 | 1,057 | 2,114 |
| Emerdale | End Terrace | EN | 4 | 2 | Space x2 | 2 | 1,057 | 2,114 |
| Emerdale | Mid Terrace | EN | 4 | 2 | Space x2 | 1 | 1,057 | 1,057 |
| Hemrose | Detached | RS | 4 | 2 | Integral | 10 | 1,288 | 10,960 |
| Elvington | Detached | EV | 4 | 2 | Integral 6x3 | 11 | 1,149 | 12,639 |
| Coniston Corner Bay | Detached | CDCB | 4 | 2 | Detached 6x3 | 9 | 1,222 | 10,998 |
| Belmont | Detached | WS | 4 | 2 | Integral | 6 | 1,277 | 7,662 |

| | | | | |
|------------------------------|----------|-----------------------|------------|----------------|
| TOTAL: ALL DWELLINGS | | | 215 | 187,784 |
| Density | | | | |
| Gross Site | Hectares | Acres | | |
| Open Space / Amenity Green | 7.770 | 19.200 | | |
| Non Developable (Roads etc.) | 2.016 | 4.981 | | |
| Staynor Avenue Junction | 0.599 | 1.480 | | |
| Net Developable | 0.105 | 0.259 | | |
| | 5.051 | 12.480 | | |
| Dwellings per hectare | 42.57 | dwellings per hectare | | |
| Dwellings per acre | 17.23 | dwellings per acre | | |
| Coverage | 15.044 | sq ft per acre | | |

| | | | |
|-----------------------|---------------|-------|--|
| ALL UNITS | | | |
| 1 Bed | 16 | 7.4% | |
| 2 Bed | 45 | 20.9% | |
| 3 Bed | 113 | 52.6% | |
| 4 Bed | 41 | 19.1% | |
| 5 Bed | 0 | 0.0% | |
| 215 | 100.0% | | |
| STOREY HEIGHTS | | | |
| 1 | 16 | 7.4% | |
| 2 | 169 | 77.2% | |
| 2.5 | 33 | 15.3% | |
| 215 | 100.0% | | |



KEY:

- Affordable Unit (Rent)
- Affordable Unit (Discount sale)
- Additional Windows (See Planning Drawings)
- 1.8m High Fence & Wall (Detail 2)
- 1.8m High Open Boarded Fence (Detail 3)
- 0.45m High Knee Rail
- Bin Collection Point
- 10m Wide Landscape Buffer
- Existing Easements
- Extent of Shadowing
- Covenant Required

| Revisions | Issued | Checked | Date | Note |
|-----------|--------|---------|----------|---|
| 01 | JBP | JBP | 07/09/21 | Parking arrangements in the Barton and bin collection point added to key |
| 02 | JBP | JBP | 13/09/21 | Further amendments following NPTC highway comments |
| 03 | JBP | JBP | 14/07/21 | Additional parking and highway arrangements following NPTC highway comments |
| 04 | JBP | JBP | 24/06/21 | Affordable housing scheme added to key |
| 05 | JBP | JBP | 21/06/21 | Garage and driveway arrangements following NPTC highway comments |
| 06 | JBP | JBP | 13/05/21 | Finalise updated housing address list for the north east corner |
| 07 | JBP | JBP | 25/04/21 | Fencing/haas amended following sweep path analysis |
| 08 | JBP | JBP | 25/04/21 | Affordable housing revised to 20% |
| 09 | JBP | JBP | 10/10/20 | Landscape revised following planners comments and shadowing report |
| 10 | JBP | JBP | 27/11/20 | Affordable housing amendments |
| 11 | JBP | JBP | 16/10/20 | Amended following LPA comments, Corner Linton, Derwent and Coniston |
| 12 | JBP | JBP | 25/09/20 | Amended following LPA comments, Corner Linton, Derwent and Coniston |
| 13 | JBP | JBP | 25/09/20 | Amended following LPA comments, Corner Linton, Derwent and Coniston |
| 14 | JBP | JBP | 16/08/20 | Amended following meeting with LPA, 15/06/2020 |
| 15 | JBP | JBP | 25/09/20 | Amended to make phase 3 & 4 work as one scheme |
| 16 | JBP | JBP | 25/09/20 | Amended to internal comments including affordable distribution |

Development
Staynor Hall,
Phase 4,
Selby

Drawing Title
Site Layout

Persimmon Homes Yorkshire
Persimmon House
Fulford
York
YO19 4FE
Tel : 01904 642199
Fax : 01904 656142
www.persimmonhomes.com

Scale: 1:1000 @ A0
Drawn: JBP
Checked: GSD
Date: Jan 2020

File: S:\Yorkshire\Surveyed\Selby_Staynor Hall - Phase 4\A01 Architect\1.0 - Drawings (CAD)

Drawing No. 100
Rev Q

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Report Reference Number: 2015/0452/EIA (8/19/1011AV/PA)

To: Planning Committee
Date: 10 November 2021
Author: Gareth Stent (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

| | | | |
|---------------------|---|-----------------------------|-------------------------------------|
| APPLICATION NUMBER: | 2015/0452/EIA | PARISH: | Selby Town Council |
| APPLICANT: | Persimmon Homes Yorkshire | VALID DATE: EXPIRY DATE: | 30th April 2015 20th August 2015 |
| PROPOSAL: | Reserved matters application for the erection of 215 dwellings following outline approval CO/2002/1185 (8/19/1011C/PA) for the erection of 1200 dwellings (4 existing to be demolished) employment, public open space, shopping and community facilities (including up to 2,000 sq m of shops) together with associated footpaths, cycleways, roads, engineering at Phase 4 | | |
| LOCATION: | Staynor Hall Abbots Road Selby | | |
| RECOMMENDATION: | GRANT | | |

This application has been brought before Planning Committee as this is a significant residential development that has received 3rd party objections, which raise material planning considerations in objection to the scheme and Officers would otherwise determine the application contrary to these representations. The application is also EIA development owing to the original outline consent.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The site is known as Staynor Hall, which is a significant 56-hectare urban extension within development limits to the southeast of the Selby town centre. Staynor Hall was granted outline planning permission in 2005 for a mixed-use development for 1,200 dwellings, employment floorspace, public open space, shopping and community facilities. The residential element of the development is divided in four main phases. Phases 1 and 2 are complete and Phase 3 is in the latter stages of completion, being built out by ten sub-phases, all of which have detailed

permission. This site is known as phase 4 and lies in the northeast corner of the site and would be the final phase of the development. The proposal also includes a small section previously known as 2D from the original phasing plan, adjacent to Staynor Avenue in the northwestern part of the site. The wider site has public open space, a central woodland (Staynor Hall Plantation), new community facilities and a new primary school within the centre of the development.

- 1.2 Access is gained via the existing estate road that runs through phase 3 leading from Bracken Way and loops through to Staynor Avenue and Abbot's Road to the west of the site adjacent to Selby College.
- 1.3 The site is L-shaped with the southern section abutting Staynor Plantation and adjoins phase 3. To the east and southeast is a wooded area and beyond this is the A63 Selby bypass. To the northeastern corner of the site is the industrial complex known as VPK UK Holdings formerly known as Rigid Containers manufacturing plant. To the north is the Selby College and its playing fields beyond. The site at its western most point, adjoins the rear gardens of the established dwellings on Abbott's Road.
- 1.4 The site is currently in agricultural use and has a series of unclaimed footpath routes through and around the perimeter of the site. In landscape character terms the surrounding area is virtually flat and open with screening to the northern, eastern and southern boundaries.

The Proposal

- 1.5 The proposal is a reserved matters application for 215 dwellings, following outline approval CO/2002/1185 (8/19/1011C/PA). The outline consisted of the erection of 1200 dwellings, employment, public open space, shopping and community facilities together with associated footpaths, cycleways, roads and engineering works. The matters reserved were for the siting, design and external appearance of each building, a schedule of materials used, access from Staynor Avenue, landscaping and the means of sewage and surface water disposal.
- 1.6 The outline was also accompanied by a detailed Section 106 (dated 3.6.2005) agreement that covered aspects such as the site wide open space provision, affordable housing to be calculated on a phase-by-phase basis, archaeology, community centre, drainage works, travel plans, health care facilities, landscaping, nature conservation and off-site highway works.
- 1.7 The application has been amended on several occasions to develop the site layout and address issues of the issues concerning the access to the college and the impact on neighbouring businesses to the north. This has involved reducing the dwellings from 230 to 215 and site plan Rev Q is the latest version.
- 1.8 The application is also being considered alongside a further application for 44 dwellings (2015/0455/EIA) as a standalone reserved matters application. This is on the undeveloped part of the site immediately to the rear of the Selby College that earmarked for a football pitch, which moved from phase 3 when houses were constructed on the land originally designated in the master plan for the pitch.

Relevant Planning History

- 1.9 Due to the sheer size of the site lots of history exists, which includes the first 3 phases, several deeds of variation, applications for the community centre, school extensions. Therefore, the relevant history is confined to this land along, the most relevant being the 2002 outline.
- CO/2002/1185: Outline application for the erection of 1200 dwellings (4 existing to be demolished), employment, public open space, shopping and community facilities (including up to 2,000 sq.m. of shops), together with associated footpaths, cycleways, roads, engineering works and landscaping on 56 hectares of land (Details provided for Phase 1 comprising of 236 houses): Staynor Hall, Abbots Road, Selby, North Yorkshire, YO8 8EE: PER, 06-JUN-05.
 - 2007/0106/REM - Approval of reserved matters. Phase 2 for the erection of 60no dwellings and associated works. Approved 26.3.2007.
 - 2009/0957/DPC: Discharge of conditions 33 (lopping/felling of trees) and 34 (archaeological investigation) in relation to approval 8/19/1011C/PA (CO/2002/1185) for 1200 dwellings: Staynor Hall, Abbots Road, Selby, YO8 8EE: COND, 21-JUL-11
 - 2009/0213/REM: Reserved matters application of outline 8/19/1011C/PA for the erection of 467 No. dwellings and a community hall: Staynor Hall Development, Bawtry Road, Selby, North Yorkshire: PER, 24-FEB-10
 - 2011/0066/DPC: Discharge of conditions 9, 13, 21, 22, 23, 25 & 32 of outline approval 8/19/1011C/PA (CO/2002/1185) for the erection of 1200 dwellings and associated works: Staynor Hall Development, Bawtry Road, Selby: COND, 26-OCT-11.
 - 2011/0076/DPC: Discharge of condition 3 (landscape management) of approval 2009/0213/REM (8/19/1011Y/PA) for reserved matters for the erection of 467 dwellings and a community hall: Staynor Hall Development, Bawtry Road, Selby: COND, 21-JUL-11
 - 2011/0507/MAN: Non-material amendment to revise public open spaces on site to eliminate any conflict with easements and new road layout as well as revised play equipment and surfacing within LEAPS on site from approval 2009/0213/REM: Staynor Hall Development, Bawtry Road, Selby: PER, 27-MAY-11
 - 2014/1186/COD: Request for written confirmation of conditions of planning approval 8/19/1011C/PA (CO/2002/1185) (ref 7 Jesse Close): Staynor Hall, Abbots Road, Selby: COD, 07-JAN-15
 - NY/2014/0253/FUL: Erection of a new primary school with associated pitches, hardstanding, car parking, perimeter fencing and landscaping: Staynor Hall, Abbots Road, Selby: PER 13-JAN-15
 - NY/2015/0149/A27: Application for the approval of details reserved by condition No's 3, 4, 7, 9, 10, 11, 12, 13, 14, 15, 16, 21, 24 & 27 of Planning Permission Ref. No. C8/2014/0835/CPO which relates to construction work details, cycle parking facilities, archaeological field investigations, foul and surface water drainage, roof-mounted photo-voltaic or solar panels,

ecological mitigation and enhancement measures, CCTV system, general and security lighting, measures for the prevention of discharge of surface water onto the public highway, highway improvement works and a Travel Plan: Staynor Hall, Abbots Road, Selby: PER 20-APR-16

- 2015/0556/CPO: Consultation on discharge of conditions application NY/2015/0149/A27 for approval of details reserved by condition No's 3, 4, 7, 9-16, 21, 24 & 27 of approval 2014/0835/CPO (NY/2014/0253/FUL) which relate to construction details, cycle parking facilities, archaeology, drainage, solar panels, ecology, CCTV, lighting, surface water, highway improvements and a travel plan: Staynor Hall Development, Bawtry Road, Selby: PER, 20-APR-16
- 2015/0579/REM: Reserved matters application for the erection of 150 dwellings following outline approval CO/2002/1185 APPROVED 28.10.2015
- 2015/0580/EIA: Reserved matters application for the erection of No.44 dwellings, community facilities and retail units following outline approval 8/19/1011C/PA (CO/2002/1185), Address: Staynor Hall, Abbots Road, Selby: PER, 21-OCT-16
- 2015/0455/EIA - Reserved matters application for the erection of 44 dwellings following outline approval CO/2002/1185 (8/19/1011C/PA) for the erection of 1200 dwellings (4 existing to be demolished) employment, public open space, shopping and community facilities (including up to 2000 sqm of shops) together with associated footpaths, cycleway roads, engineering at Phase 4a. Pending Consideration.
- 2016/1077/FULM - Erection of 37 residential dwellings with associated highways infrastructure (Phase 3F). PER 7.12.2018.
- 2018/0931/EIA: Section 73 application to vary condition 14 (drawings) of approval 2015/0580/EIA for reserved matters application for the erection of 44 dwellings, community facilities and retail units following outline approval 8/19/1011C/PA (CO/2002/1185): Staynor Hall, Abbots Road, Selby: Pending consideration
- 2019/0811/COD: Confirmation of discharge of conditions for approval 2009/0213/REM reserved matters application of outline 8/19/1011C/PA for the erection of 467 No. dwellings and a community hall: Staynor Hall Development, Bawtry Road, Selby: COD, 17-DEC-19

2. CONSULTATION AND PUBLICITY

2.1 Selby Town Council – No response received.

2.2 NYCC Highways

02.11.2021 - No objection to the proposals.

On Site Proposals. The onsite proposals are a continuation of the previous Phases of the Staynor Hall development. The current drawings, listed in the formal response, reflect the discussions that have taken place with the developer to which the LHA now have no objections.

Off Site Proposals. The principal of using Staynor Avenue to access the Staynor Hall development has already been established at Outline Planning stage. The off-site element of this application was to assess the form of the access into the Staynor Hall development, from Abbots Road, along Staynor Avenue.

The LHA has been in dialogue with Selby College, being a major user of Staynor Avenue, discussing the proposals and listening to the concerns raised by the College. Information provided by the College has been used in achieving the final proposals. The LHA would like to point out that in addition to the already completed Stage 1 Road Safety Audit, taken at the completion of the preliminary design, a Stage 2 Road Safety Audit will be undertaken. The Stage 2 Road Safety Audit will be carried out at the completion of the detailed design process, any issues highlighted with the proposals will need to be addressed to the satisfaction of the LHA, prior to the LHA allowing the developer to start the works to alter Abbots Road and Staynor Avenue. The proposals have been discussed and scrutinised at length by various LHA Officers and are now at a point where the LHA now have no objections.

Conclusion

The LHA raises no Highway related objections to the proposal if the development is carried out broadly in accordance with the drawings in the formal response. On this basis the LHA would ask that the requested conditions are attached to any planning permission that may be granted

2.3 13.5.2015 - Comments on the proposed site layout plan are as follows:

1. The 'Shared Space' roads should be laid out in accordance with the attached detail.
2. Is it possible for the footway/cycleway in the Staynor Hall Plantation to extend through to the access road as shown in pink on the attached plan.
3. Traffic calming in the form of raised tables should be provided at the locations shown in orange on the attached plan.
4. Plots 25 - 28 and 196 - 198 are three-bedroom dwellings and as such two parking spaces for each dwelling are required.
5. Visitor parking spaces should be provided adjacent to the Shared Space roads.

2.4 3.6.2015 - Refer to previous response dated 13 May 2015 which dealt with the internal layout proposals. Following a recent site visit it was concluded that the proposed access arrangements from Staynor Avenue shown on drawing number YO7.2471.010D are unsatisfactory. The plan shows a slight re-alignment of Staynor Avenue to provide a straight link through into the development site. However, it is not clear if the Applicant controls the land necessary to enable this work to be undertaken or to be offered for adoption as publicly maintained highway.

Access into Selby College has not been adequately considered. The drawing shows a simple spur off from the re-aligned section of Staynor Avenue. This is unsatisfactory as those vehicles which need to exit the college at this point will have difficulty seeing development traffic approaching from the east. The cross-roads arrangement which would be created is also unacceptable in terms of highway safety. The Applicant should discuss with the college and the Local Highway Authority an appropriate design which will provide a suitable access arrangement to both sites. A form of staggered crossroads might be the appropriate solution.

The Applicant should also consider the buses which presently park along Staynor Avenue at the start and end of the College day and the impact this will have on development traffic entering and leaving the site.

- 2.5 27.7.2016 - The Chapter refers to Larch Road on a number of occasions. It is presumed that the Transport Consultant actually means to refer to Hawthorn Road which is the northern main access road onto Bawtry Road. In section F5.1, no information has been provided as to how the trip rates were calculated. In section F5.2, no information has been provided as to how the trip rates for the Commercial Development have been calculated.
- 2.6 8.12.2020 - Holding response provided.
- 2.7 21.1.2021 – Transport Assessment & Travel Plan needs to be submitted. The proposals to alter Staynor Avenue need to be submitted. Regarding Site Layout, dwg no 100 Rev E, a meeting is welcomed with the Planning Officer and the Developer to discuss these proposals further.
- 2.8 18.5.2021 - Regarding the above 'LTP 2598 T3 01 01 Kerbside Space Comparison' drawing, the comparison does illustrate the space available for drop offs / pick-ups to the west of the 'cut through', probably less than is available now due to the specific location for turning movements, but still useable. What the applicant has not shown is the vehicle tracking for coaches using the 'cut through' from either a north to south or south to north direction whilst dropping off / picking up. If this can be produced and shown to be acceptable then the LHA can be comfortable with the proposals and reply to the planning application accordingly.
- 2.9 18.6.21 – Comments on site plan Rev K. Can an indication of the carriageway, footway, verge & cycleway footway widths be shown throughout the development. Roads 1-5 need adjustment, forward visibility splay required, turning head extending, speed reducing features required. Parking assessment needs attention, additional spaces required, garages made larger across several plots.
- Off-site Element – No objections to the details supplied i.e.
- Proposed Residential and College Access, Staynor Avenue – Option 3, Dwg. No. LTP/2598/T1/03.01 Revision E
- Swept Path Analysis Bus (Coach) Link Road Connection, Dwg. No. LTP/2598/T2/01.07 Revision A
- Swept Path Analysis Bus (Coach) Link Road Connection South to North Movement, Dwg. No. LTP/2598/T2/01.08 Revision -
- Proposed Staynor Avenue Access Design – Kerbside Space Comparison, Dwg. No. LTP/2598/T3/01.01 Revision –
- 2.10 7.7.21 – Bin collection points need showing. Further amendments to the visibility splays required. Roads need to be designed to 20 mph speed limits. Parking changes still required.
- 2.11 3.8.21 – Site plan needs more annotation. Changes required to traffic calming. Parking spaces to front of garages need increasing.

- 2.12 26.8.21 – Minor annotations outstanding, parking adjustment required.
- 2.13 14.9.21 – Highways no objections, all remaining issues addressed.
- 2.14 SuDS and Development Control Officer – (17th June 2015) With reference to the above application for the approval of reserved matters, as the same documents were submitted for application refs. 2015/0452/REM, 2015/0455/REM and 2015/0580/REM, comments are the same as those for responses to the other applications in that:
1. The original decision notice requires details to be provided for the means of sewage and surface water disposal. The application documents include a drainage statement which proposes the disposal of foul water to sewer and surface water to watercourse. This is satisfactory in principle but the required detail to assess the propriety of surface water management proposals is not present.
 2. Section 3.7 of the Drainage Statement states that the development will add further volumes of water to the general network, furthermore it is stated that SuDS will be utilised. SuDS principles require that proposed surface water runoff will not be greater than that from the undeveloped or greenfield site so the Drainage Statement needs to reflect the fact that there will not be further volumes of water added to the general network. In the same document, 4.27 later states: “The outlet control will be designed to reflect the natural run-off to the existing watercourses and therefore the rate of discharge will not exacerbate flood conditions in the downstream reaches”. However, section 3.10 states “The outlet control will be designed to the satisfaction of the Selby Area Internal Drainage Board and Yorkshire Water Services to reflect the agreed rate of discharge of 400 litres per second from the Staynor Hall Housing development, and this is a rate catered for in the design of the pump station that will not exacerbate flood conditions in the downstream reaches”. It is not likely that greenfield runoff from the undeveloped site is 400 litres per second and as such the discharge rate proposed in section 3.10 of the Drainage Statement is excessive and not in accordance with the rates described within sections 3.7 and 4.27.
- 2.15 Development Policy – No objection. The proposal is inside the Development Limits of the Principal Town and is therefore compliant with the adopted Selby District Local Plan. Provided there are no other adverse impacts identified by the case officer the Policy and Strategy team raise no objections to the scheme.
- 2.16 Environmental Health – No objection.
- 2.17 6th Sept 2015 - Further to your consultation dated 11th August 2015 concerning the above proposals. Environmental Noise Solutions (ENS) has submitted a noise impact assessment, reference NIA/5926/15/5822, on behalf of the applicant, the assessment concludes that the ambient noise climate across the application site is primarily associated with road traffic noise. The assessment states that providing the recommendations contained within the assessment are implemented the ambient noise climate does not constitute a constraint to the residential development of the site in terms of the National Planning Policy Guidance (NPPF). In view of the above it is recommended that the recommendations contained within the assessment are fully implemented in order to protect the residential development from noise from road traffic.

Additional information has been submitted in relation to this application from and on behalf of a nearby industrial / commercial operation, namely Rigid Containers Ltd. Rigid Containers Ltd have expressed concerns that the noise impact assessment does not adequately assess the likely impact of the industrial / commercial operation of their site on the residential amenity of the proposed development. While it is not intended to address every point made by Rigid Paper Ltd in relation to noise and the noise impact assessment comment as follows: Paragraph 123 of the National Planning Policy Guidance (NPPF) states that "existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established".

Furthermore, Selby Council's Core Strategy SP19 states that development should not be put at unacceptable risk from being adversely affected from unacceptable levels of noise pollution. The noise impact assessment does not specifically assess the potential impact on residential amenity of the development from the industrial / commercial operation nearby. Monitoring was undertaken near to the industrial / commercial site at monitoring location MP3 where "No significant noise emissions audible from the industrial units" was noted. The monitoring was undertaken on 13th April 2015 for two periods of fifteen minutes each. Since the monitoring was undertaken at a time when no noise emissions were noted from the industrial / commercial site it is not possible to assess whether or not the noise from the industrial / commercial site would give rise to an adverse impact on the residential amenity of the development.

In view of the above it is recommended that the applicant is required to assess the likely impact of the industrial / commercial site on the residential amenity of the development due to noise together with any mitigation that may be required in order to protect the residential amenity of the development and the continued operation of the industrial / commercial site. The noise impact assessment submitted by the applicant considers various guidance, including WHO guidelines and British Standard BS8233: 2014. It is agreed that this guidance is applicable to the development site in this case in terms of absolute noise levels but would advise that British Standard BS4142: 2014 provides further guidance specific to this scenario.

- 2.18 3.8.2016 - Noise: Having considered the noise sections of the Supplementary Environmental Statement and the ENS Noise Impact Assessment and have a number of areas, as outlined below, where clarification is required or further information requested.

Significance Criteria: The Supplementary Environmental Statement in Section D3.3 of the noise chapter advises that significance of the noise levels will be determined according to the scale given in that section. It is asked that the applicant clarifies why this criteria has been used and not that provided in the Planning Practice Guidance on Noise.

Background Noise Levels: The ENS June 16 Noise Impact Assessment did not establish background noise levels during times when the factory does not operate and the Supplementary Environmental Statement in Paragraph D4.0 refers to baseline monitoring undertaken as part of the original outline Environmental Statement in October 2002 where it states that monitoring sites at the rear of 191 Abbot's Road and the boundary with Selby college are relevant to Phase 4/4A. However it should be realised that the noise environment will have changed in the intervening years especially due to the opening of the bypass and hence in order to

establish the background levels in the vicinity of the factory when the factory is not operating further noise monitoring should be undertaken at monitoring point 3 and 3A. This information is required to input into the BS4142:2014 assessment (see below).

Comments made that the Supplementary Environmental Statement states in paragraph D4.11 that ambient noise levels at the development site were determined during the noise monitoring undertaken on the 13 and 14 April 2015. However, the comments in the Noise Impact Assessment where these results are reported in Table 3.1 mention that construction noise was audible.

BS4142:2014: Neither the Supplementary Environmental Statement or the Noise Impact Assessment carried out a BS4142 assessment in respect to the impact of the noise from the adjacent factory as requested in the memorandum consultation response of the 6 September 2015 which is referred to in Paragraph D3.4 of the Supplementary Environmental Statement. It is requested that a BS4142:2014 assessment on the noise from the factory is provided which includes all aspects of the noise from the factory at the various times of day compared to the current levels when the factory is not in operation. The assessment should also give specific consideration to the Pelleter noise (see below).

CRTN: The Supplementary Environmental Statement discusses in the Policy Context and Baseline Noise Level sections the impact of road traffic noise from the Selby bypass and how it should be assessed and gives an indication of the expected noise level at the boundary of the site at Monitoring Point 4/4A but does not discuss the impact on the residential receptors of the impact of the acoustic barrier on the map in Appendix 2. Also, the basis of the mitigation required has been determined by an undocumented method of determining the noise levels from the Selby bypass as shown in Sections D4.17 to D4.22 of the statement. It is suggested that it would be more appropriate, as the bypass is already in operation, to determine the actual noise levels due to traffic by monitoring. The results of this monitoring can then be used to determine the level of mitigation required to meet the levels in habitable rooms and the garden area.

Pelleter: It is noted that the mention of the air release from the Pelleter which occurs every two minutes with a mid to high frequency noise emission and is assumed to be a short term event although this is not specified. Even with the bund that it currently present this will result in a noise level in residential gardens of up to 60 dBA. It is the opinion of the EHO that this type of noise is likely to lead to complaints from the residents of the proposed properties in this vicinity and could result in statutory nuisance action against the factory. It is therefore, requested that additional information on the noise itself including the frequency spectrum, operational hours, it is assessed as part of a BS4142 assessment and consideration given to the property layout in this area. It is noted that the exact layout would not seem to have been finalised as the Non-Technical Summary contains Test Layout Options 1 and 2 (drawing numbers YOR.2471.010D and YOR.2471.009E).

Mitigation: In section D6 of the Environmental Supplementary Statement various mitigation measures are discussed.

- **During Construction**: do these measures form part of a CEMP. It is recommended that this is conditioned if permission is to be given to this application.

- Viability of Existing Industrial Uses: in order to protect the proposed residential dwellings the Statement seems to be suggesting that it should entail acoustic bunding and glazing/ventilation and concludes in Section D7.4 that the proposed development is not an unreasonable restriction on the existing industrial uses. EHO is not of the opinion that this has been demonstrated and would also point out that the initial point of the NPPF relates to good design so that mitigation is not necessary. It is not felt that consideration has been given to the possible development of the business in the vicinity and any permission given will be reliant on the noise levels from the business not increasing which would place an unreasonable restriction on the development of the existing business.
- The mitigation section does not detail the provision of a bund in the southeast corner of the site to protect those properties from traffic noise from the bypass. Once this information has been provided, it is requested re-consulted occurs on this application.

2.19 28.6.2018 – Further to the memorandums of the 3 August 2016 and 7 September 2016 having reviewed the additional noise data provided in the ENS letter of the 18 April 2018 (Ref: NIA/6644/18/7787v1.0) comments are as follows:

Background Noise Levels: The revised assessment still does not establish background levels during times when the factory does not operate but calculates a night time level using monitoring undertaken in 2018. The monitoring was carried out over a period including a Monday and Tuesday. This is potentially not the lowest background levels that occur in this area as that would be at a weekend when there is no construction work on the Staynor Hall site, reduced industrial noise from the factories on East Common Lane and reduced traffic levels. This potentially elevated background noise level has an impact on the BS4142:2014 assessment below.

BS4142:2014: The revised assessment has conducted a BS4142:2014 assessment as requested but only for the night time period and considers character adjustments only the noise from the Pelleter. The assessment is based on a night time hour rather than an event specific noise of the Pelleter, which is discussed further below. Other noises that have been audible from the Rigid Containers Ltd site include FLT and HGV movements which would attract a penalty of 3dB as being distinctive against the residual acoustic environment. The assessment concludes that there is an indication of an adverse impact, depending on the context and includes the mitigation due to the 4m bund.

However, if the background level during the weekend nights is lower and an additional penalty added for the movement of FLT and HGV's the assessment would indicate a significant adverse impact.

Pelleter: it has been noted that the noise from the Pelleter has been included in the BS4142:2014 assessment as a penalty has been added for this noise source. However, the assessment has not considered the maximum level of the Pelleter noise in isolation from other noises from the Rigid Containers site to establish if this source alone would still be an issue to residents in the proposed dwellings. It was previously requested that the frequency spectrum and operational hours of this equipment is provided but it has not been. It is anticipated that where the Pelleter can be heard it will lead to complaints and this should be considered at the quietest time when the Pelleter is operational. The Pelleter has previously been quoted as having a level of up to 60 dB LAFmax on the development site despite mitigation due to the existing bund and the level of top of the bund being up to 69 dB LAFmax. , therefore, still do not have sufficient information to establish if the Pelleter will

cause a loss of amenity to the residents of the new properties or not and request that this additional information is provided including a BS4142:2014 assessment on the Pelleter noise and has reference to Annex E of this document.

Traffic Noise from A63: the assessment has considered the impact of traffic on properties and private garden space and has concluded that internal design criteria can be achieved using standard thermal double glazing and trickle vents. Also, that garden area criteria of 50-55 dbLAeq (07:00 to 23:00) could be achieved with no specific attenuation measures. It is pointed out that the required level in private garden space is < 50dbLAeq (07:00 to 23:00) and hence some mitigation will be required to some of the site plots. The following conditions are therefore, recommended for this area of the site:

Private garden space to the proposed residential properties shall be protected from noise from the traffic on the A63 either by the residential property or by a barrier that shall be constructed of either timber and or concrete to a height of 2m above the surrounding ground level. The panels shall have a surface mass of not less than 17kgm² and shall be free from gaps and cracks. All joints to post to be effectively sealed as shall the joint between the lower edge of the panels and the soil. The barrier shall be maintained throughout the life of the development.

Double glazing with trickle vents shall be provided to all habitable rooms with a direct sight line to the A63.

Conclusion: Noted that the design of the site assessed in NIA/6644/18/7787v1.0 has considered the impact of noise from the A63 and the Rigid Containers site leading to the 4m bund and football pitch being provided in the north east corner of the site. It is also envisaged that the residential properties would be orientated to ensure that private garden space is protected from noise from these sources. Conditions relating to the A63 are given above and no further information is required in this respect.

It is also noted that besides the 4 m bund, enhanced double glazing and mechanical ventilation are recommended for habitable rooms on the elevations of properties facing the football pitch or Rigid Containers, which there are no objections to, however as stated above there is not sufficient information to establish if the Pelleter will cause a loss of amenity to the residents of the new properties and additional information is requested.

- 2.20 9.11.2018 - Further to previous memorandums including the 28 June 2018 it is advised that EHO have now received an email from Thomas Crabb of ENS on the 2 November 2018 (see attached). As concluded in previous memorandum the outstanding issue was in relation to the Pelleter noise and how this would impact on residential receptors. Having considered the information provided as above and the previous noise assessments provided with this application and would advise that concerns remain that noise from the pelleter will give rise to complaints from residents in the proposed residential properties to be located adjacent to the proposed football pitch.

The method used to establish the impact in the above document averages out the noise from the pelleter over a 15 min period which does not give a true indication of what would be heard outside or inside the proposed properties. It is suggested that the most effective way of alleviating this issue would be to mitigate at source and

that this may be discussed with management representatives of Rigid Containers Selby Plant.

It should be noted that having previously recommended conditions be applied to limit the noise level in private garden spaces and in respect to glazing and ventilation to habitable rooms facing the A63. Also, that the provision of the 4m bund and design of the site with the football pitch location being closest to the Rigid Paper site and private garden spaces being shielded by the residential properties are part of the mitigation measures required to protect residents.

- 2.21 13.3.2020 - Having considered the information provided in the revised Noise Impact Assessment NIA/8699/19/8772/v2/Staynor Hall Phase 4/4A and new layouts proposed in Drawings No 100 and No 100 Rev A and would comment as follows: Considering the information provided the noise from the Pelleter is unlikely to cause sleep disturbance if the enhanced double glazing rated at >29dB Rw+Ctr and the mechanical ventilation system as referred to in paragraph 5.19 is installed to the facades of the properties shown on drawings in Appendix 3 of the Noise Impact Assessment.

In respect to the private garden space the noise from the Pelleter will be mitigated by the 4m acoustic bund and the residential properties but is likely to still be audible. As previously referred to the method used to establish the impact in the above document averages out the noise from the Pelleter over a 15 min period which does not give a true indication of what would be heard outside the proposed properties. Have also previously suggested that the most effective way of alleviating this issue would be to mitigate at source and that this may be discussed with management representatives of Rigid Containers Selby Plant.

Putting aside the possibility of mitigation at source, as the applicant has advised this is not a viable option, the impact on the residential receptors in the private garden space remains a vague area in that it cannot be determined if this noise would be upheld as a statutory noise nuisance by a Magistrate, however, it is accepted that there is little more mitigation can be put in place unless it is at source.

- 2.21 10.12.2020 - Further to consultation dated 1st December 2020 concerning the above proposals. Having considered the information provided by the applicant and would make the following comments:

It is noted the amended plans for the site including the revised layout. There are no additional comments to make to in the communication of the 13 March 2020.

- 2.22 11.6.2021 - Having now reviewed the revised acoustic assessment NIA/8699/19/8772/v3/Staynor Hall Phase 4 the following is recommended:

- i) That the enhanced double glazing to habitable rooms facing the Rigid site be conditioned to the specification given in paragraph 5.18 of the above assessment. This should be applied to Plots 56 to 65 inclusive.
- ii) That a mechanical ventilation strategy is provided too Plots 56 to 65 inclusive in line with paragraph 5.19 of the above assessment.
- iii) That the glazing/ventilation configuration provides at least 31 DB(A) sound inclusion form external to internal in line with paragraph 5.20 of the above assessment.

2.23 Yorkshire Water Services Ltd – (26th May 2015) - The Drainage Statement (prepared by MET Consulting Engineers - Report ATK/11644/5002 dated January 2009) is acceptable. The site layout submitted on drawing YOR.2471.010D dated March 2015 that has been prepared by Pegasus are NOT acceptable to Yorkshire Water. The following points should be addressed.

- 1) the submitted drawing appears to show a building proposed to be built-over the line of public sewer crossing the site, contrary to our request
- 2) the submitted drawing should show the site-surveyed position of the public sewer crossing the site
- 3) the submitted drawing should show the required building stand-off from public sewer or an agreed alternative scheme
- 4) the submitted drawing should show foul and surface water drainage proposals both on and off site
- 5) no trees to be planted within 5m of the public sewer

2.24 2nd Response: 16th August 2016

The content of 'Volume 1' Environmental Statement Non-technical Summary (prepared by Persimmon- Report 11610217v1 dated June 2016) is noted. The report indicates;

- i) Foul water will discharge to a public combined water sewer in East Common Lane, via a sewer requisitions.
- ii) Surface water is to discharge to watercourse - connection subject to Environment Agency / Local Land Drainage Authority / Internal Drainage Board requirements.

Note: There is no site layout included in the above report. According to the Statutory Sewer Map, there is a 300 mm, 450 mm, 750 mm and 1000 mm diameter public sewer and a 225 mm rising main recorded to cross the site or near the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. In this instance: a stand-off distance of 3 (three) metres is required at each side of the 225 mm diameter rising main and the 300 mm diameter public sewer centre-line a stand-off distance of 3.5 (three and a half) metres is required at each side of the 450 mm diameter public sewer centre-line a stand-off distance of 4 (four) metres is required at each side of the 750 mm diameter public sewer centre-line a stand-off distance of 5 (five) metres is required at each side of the 1000 mm diameter public sewer centre-line There are surface water outfalls to watercourse, under the control of Yorkshire Water, located near to the site. Vehicular access, including with large tankers, could be required at any time.

2.25 3rd Response - 18th December 2020.

Yorkshire Water has no objection to the discharge of the reserved matters. Yorkshire Water has no objection to the proposed building stand-off distances from public sewer centre-lines as submitted on drawing 100 (revision E) dated 26/10/2020 prepared by Persimmon Homes Yorkshire. The submitted drawing does not show any foul water or surface water drainage proposals.

- 2.26 4th response – awaited – reconsulted Yorkshire Water on site plan Q. Members will be updated at Planning Committee.
- 2.27 Environment Agency – No objection. (5.5.2015) - According to our records, the EA were not consulted on the original outline application for this development. The EA did however give a response to a previous Reserved Matters application. Previous response dated 31 October 2013 Ref RA/2013/126547 (2013/0983/REM).
- 2.28 11.8.2015 – Reiterated that the EA has no further comments to make on the Reserved Matters application.
- 2.29 9.8.2016 – Reiterated that the EA have no further comments to add regarding this Reserved Matters application.
- 2.30 Selby Area Internal Drainage Board – (1.12.2020) No objections subject to standard conditions.
- 2.31 HER Officer – (20th May 2015) can confirm that no archaeological recording is required during this phase. However, as archaeological recording and excavation is still required in subsequent phases of development.
- 2.32 Designing Out Crime Officer – (11.5.2015) No objections but suggested some design changes. - The Layout drawing indicates a development where properties have been sited to maximise natural surveillance. In the majority of cases, rear gardens have been plotted against other rear gardens. This minimises the risk of possible unwanted access. Front doors would be clearly visible and not hidden in deep recesses or behind building lines. Parking spaces are being provided within the curtilage of dwellings through a drive and/or garage or a secure space to the front of the property. These parking spaces will be directly overlooked by the residents that they are designed to serve. Rear parking courts have been avoided. Proposed roads and footpath links within the development are positioned to ensure good levels of natural surveillance. The proposed Local Equipped Area of Play is sited a) where it will achieve good surveillance opportunities and b) is located far enough away from properties to ensure that residents do not suffer from loss of amenity as a result of noise, nuisance or other anti-social behaviour.

Recommendations - The application documents contain no details to show how the applicant has considered crime prevention and how it will be incorporated into their proposal. The layout drawing contains very little detail in respect of boundary treatments and landscaping. Recommendations on both boundary treatments and landscaping were made.

The layout drawing indicates an area of ambiguous space located between the rear of plots 123 to 130 and Selby College. This area will not be directly overlooked by any properties in proximity to the space. The space could therefore provide a venue for anti-social behaviour and loitering as well as providing the criminal with hidden access to rear gardens. This space should be 'designed out'. It lacks obvious purpose or ownership and does not relate to structures/spaces around it.

- 2.33 22.7.21 - The documents submitted would appear to be an updated Environmental Impact Assessment. It is now generally accepted that the commission of crime and anti-social behaviour has a carbon footprint and therefore any new development

has the potential to have a negative impact on the environment if designing out of crime and disorder is not considered and implemented. Therefore, reference is made to previous report dated 11th May 2015 (221-2/2015/JS), which was in response to consultation request for the reserved matters application for this development.

2.34 11.12.2020 – The response was revised due to the National Planning Policy Framework (NPPF) has been revised since the submission of previous reports in 2015.

Design and Layout - The overall design & layout continues to provide a scheme with many positive aspects in terms of Designing Out Crime.

Tenure - The current Site Layout identifies that affordable housing will be spatially integrated to ensure that tenure is blind, which will promote a cohesive community. This conforms to the guidance contained within the document Building for a Healthy Life 20191 (BHL).

Access & Movement - The proposed vehicular access onto the site and movement within it are suitable as it keeps permeability at an appropriate level. Internal routes are well overlooked and will provide road users and pedestrians with a sense of safety and security.

Site Layout (Drawing No 100 Rev E), that there appears to be four footpath links on the Southern boundary providing access to open space outside the limits of 1 The industry standard, endorsed by government, for well-designed homes and neighbourhoods the site area. And a further two links on the Eastern boundary, which in my opinion creates excessive permeability.

Whilst it is acknowledged that residents require access to local amenities, excessive permeability can undermine the security of a development by providing offenders with multiple accesses and escape routes and therefore careful consideration needs to take place when considering the amount and positioning of pedestrian/cycle routes to provide connectivity to the wider area.

Public Open Space - The drawings submitted with this current application do not identify any areas of Public Open Space (POS), within the site, however, there is an area in the North-East corner of the scheme that was previously identified as being a football pitch.

However, the route to it is well overlooked from surrounding dwellings, which will make it more difficult to move around unobserved. The area itself is also provided with good levels of overlooking, which provides a sense of guardianship that can deter criminal and anti-social behaviour.

Children's Play Area - It is also noted that the drawings submitted with this current application do not show the inclusion of a children's play area, but as can be seen from the previous Site Plan, there was a Local Equipped Area of Play (LEAP) in the North-East corner of the site.

Ambiguous Space - There are some examples of this type of feature that can be found to the sides of Plots 22 and 23, and also between Plots 29 & 30.

In his report Mr. Shanks identified an area between Selby College and the rear of what were Plots 123 and 130 (now Plots 124 and 125), as ambiguous space. It is noted that this area is now described as a "10m wide Landscape Buffer" and the submitted drawings show that this is to be planted. There is no information to indicate the reason for this "buffer", but it is assumed that there is some rationale for it being incorporated. This area originally lacked overlooking and would have provided an offender with an area of concealment in which to operate. The amended drawings show this area as being capable of being overlooked from some nearby dwellings and there is the opportunity for passive surveillance from the road.

Defensible space & Boundary Treatments - It is pleasing to see that each property has a buffer zone to the front between the dwelling and the public realm. However, for this to become defensible space, unless the area immediately to the front of the property is providing vehicle parking, when a symbolic barrier, such as a change in road surface colour and/or material is appropriate; then some form of physical demarcation, such as a wall or fence to a maximum height of 1m or robust planting, should be provided.

Although it is acknowledged that the Landscape Plan (Drawing No 102) shows the inclusion of planting to the front of properties, this is generally shown as being immediately to the front of the dwelling and not where the private frontage meets the public realm. Defensible space also requires the clear demarcation of private spaces between house frontages, as failure to provide this can lead to neighbour disputes over ownership or maintenance. This demarcation is lacking on a number of plots.

Careful consideration needs to be taken when using physical boundaries at the front of properties to define defensible space, not to create climbing aids at the same time that would assist potential offenders to overcome the boundary protection to the rear garden. There are a number of locations where a climbing aid has been created, where the 450mm knee rail abuts the boundary treatment to the rear garden.

The submitted drawings show rear boundary and sub-divisional treatments to a height of 1.8m, which is appropriate and will provide a good level of security. As already referred to, there are a number of properties where the boundary treatments have been supplemented with hedging on the outer face and this will enhance the security of these dwellings.

Car Parking - In general the proposed parking provision is to be commended as it complies with best practice by either providing a garage, having in curtilage parking or parking in front of the property where it can be seen by the owner and avoiding the excessive use of rear parking courts.

It is noted that the amended layout has introduced a small number of parking courts. The number of dwellings served by these parking courts is small in number and conforms to guidance. It is pleasing to see that visitor parking has been provided as this reduces the likelihood of neighbour disputes caused by indiscriminate parking.

Landscaping - The proposed landscaping details are appropriate and raise no concerns in relation to designing out crime.

Planning Condition suggested requiring that prior to the commencement of any works that the applicant provides full written details of how the issues raised by the Police Designing Out Crime Officer are to be addressed.

2.35 North Yorkshire Fire & Rescue Service - The consultation appears satisfactory, and meets the access requirements concerning fire service appliances, to the proposed development. It is assumed that water supplies for fire hydrants will meet the requirements set out in National guidance document on the provision of water for fire-fighting, Appendix 5.

2.36 The Woodland Trust - The Trust objects to planning application 2015/0452/EIA on the basis of damage to Staynor Wood a Plantation on Ancient Woodland Site designated on Natural England's Ancient Woodland Inventory.

Ancient Woodland - Natural England and the Forestry Commission defines ancient woodland "as an irreplaceable habitat [which] is important for its: wildlife (which include rare and threatened species); soils; recreational value; cultural, historical and landscape value [which] has been wooded continuously since at least 1600AD.

"It includes: "Ancient semi-natural woodland [ASNW] mainly made up of trees and shrubs native to the site, usually arising from natural regeneration Plantations on ancient woodland sites - [PAWS] replanted with conifer or broadleaved trees that retain ancient woodland features, such as undisturbed soil, ground flora and fungi"

Both ASNW and PAWS woodland are given equal protection in government's National Planning Policy Framework (NPPF) regardless of the woodland's condition, size or features. Loss of or damage to Ancient Woodland

National Planning Policy Framework, paragraph 180 states: "When determining planning applications, local planning authorities should apply the following principles: development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists;

Impacts to Ancient Woodland

Natural England has identified the impacts of development on ancient woodland or veteran trees within their standing advice. This guidance should be considered as Natural England's position with regards to development impacting ancient woodland.

Indirect impacts

"Nearby development can also have an indirect impact on ancient woodland or veteran trees and the species they support. These can include:

- breaking up or destroying connections between woodlands and veteran trees
- reducing the amount of semi-natural habitats next to ancient woodland and other habitats
- increasing the amount of pollution, including dust
- increasing disturbance to wildlife from additional traffic and visitors
- increasing light pollution

- increasing damaging activities like fly-tipping and the impact of domestic pets
- changing the landscape character of the area"

When land use is intensified such as in this situation, plant and animal populations are exposed to environmental impacts from the outside of a woodland. In particular, the habitats become more vulnerable to the outside influences, or edge effects, that result from the adjacent land's change of use. These can impact cumulatively on ancient woodland - this is much more damaging than individual effects and significantly threatens the resilience of the ecosystem over time.

The Trust are specifically concerned about the following impacts to the ancient woodland:

- Intensification of the recreational activity of humans and their pets can result in disturbance to breeding birds, vegetation damage, trampling and litter.
- Fragmentation as a result of the separation of adjacent semi-natural habitats, such as small wooded areas, grasslands, hedgerows, individual trees and wetland habitats.
- Noise, light and dust pollution occurring from adjacent development, during both construction and operational phases.
- Where the wood edge overhangs areas in active use, trees can become safety issues and be indiscriminately lopped/felled, resulting in a reduction of the woodland canopy and threatening the long-term retention of such trees.
- Adverse hydrological impacts can occur where the introduction or expansion of hardstanding areas and water run-offs affect the quality and quantity of surface and groundwater. This can result in the introduction of harmful pollutants/contaminants into the woodland.
- Introduction of non-native and/or invasive plant species into gardens by residents can aid their colonisation of the woodland;
- Where gardens abut woodland or the site is readily accessible to nearby housing, it gives the opportunity for garden waste to be dumped in woodland and for adjacent landowners to extend garden areas into the woodland. It can also create pressure to fell boundary trees because of shade and leaf fall and interference with TV reception. It also forces boundary trees to be put into tree safety inspection zones resulting costs for neighbours and increasingly comprehensive felling.
- Any effect of development can impact cumulatively on ancient woodland - this is much more damaging than individual effects.

Of particular concern in this case are the positions of plots 23-42 as depicted on the layout plan (dated 26/11/20); these dwellings appear to have gardens facing directly onto Staynor wood, with no indication of a buffer zone.

Given the presence of trees directly adjacent to the site, the Trust are also concerned that an up-to date arboricultural survey does not appear to have been submitted with this application. It is requested that until such time as a report is submitted that the application is delayed due to lack of information.

Mitigation

Detrimental edge effects have been shown to penetrate woodland causing changes in ancient woodland characteristics that extend up to three times the canopy height

in from the forest edges. As such, it is necessary for mitigation to be considered to alleviate such impacts.

Buffering

This development should allow for a buffer zone of at least 20 metres to avoid root damage and to allow for the effect of pollution from the development. The Council should ensure that the width of the proposed buffer is adequate to protect the adjacent ancient woodland. The buffer should be planted before construction commences on site. HERAS fencing fitted with acoustic and dust screening measures should also be put in place during construction to ensure that the buffer zone does not suffer from encroachment of construction vehicles/stockpiles, and to limit the effects of other indirect impacts.

Conclusion - The Trust objects to this planning application unless the applicant commits to providing a 20m buffer between any development and Staynor Wood.

Note the Trust has been reconsulted on the revised plan and the response is awaited.

- 2.37 Low Carbon Project officer – It would be good if the Council could encourage some further tree planting to extend the woodland, as it is classed as ancient woodland. This might be challenging so perhaps an option once the development is complete, and the open green spaces are handed over to the council for maintenance.

Looking at the plan, the planting proposes Callery Pear, native to China and European Hornbeam. It would be nice if the planting options included only native species, and perhaps more than just 2 tree species to ensure a bit more biodiversity. However, there isn't a description of the three types of landscape beds so these might also include some more planting.

Publicity

- 2.38 The application was widely advertised since 2015, with the application appearing in the Selby Times 14.5.2015 & 28.7.2016. Several rounds of neighbour notification has occurred direct by post and site notices have been erected on Staynor Avenue, Abbots Road, East Common Lane and Far Moss Drive within the Phase 3 connection from Staynor Link. The latest notices were posted 21.10.21, which expire 16.11.21. The latest neighbour notification letter expires 12.11.21.

- 2.39 Selby College 18.12.20

There has been significant concern registered from Selby College through numerous emails and representation letters, which for the purposes of this report are consolidated into 1 objection: These were presented by Janet O'Neil with assistance from highway consultants WSP. These are very detailed representations stemming from the proposed new access adjacent to the entrance of Selby College.

The concerns are listed in a letter from Selby College Principal.

College Entrance/ Road Safety / Traffic Management

The entrance onto the College campus is via Staynor Avenue. At various times of the day the entrance is very busy with College traffic – cars, bikes, buses,

minibuses and contractors' vans. Many hundreds of pedestrians who are mainly students and staff gain access to our site from Staynor Avenue.

It's unclear from the plans how construction and residential traffic would gain access and egress to and from the development before, during and after the building phase. The plans do not appear to show any access from Staynor Avenue. Vehicular access onto/off the proposed estate from Staynor Avenue, either during construction or afterwards, would we believe represent a significant danger to anyone entering the College.

The College needs clarification and assurance that this will not be the case.

It is understood that in 2015 Persimmon offered to let the College have their detailed proposal showing how site access would work. The College has received no plans since and can't see how a safe working junction can be created without adversely affecting the existing College access.

1) Can the College have a copy of the detailed Site Access Proposal from Persimmon, if they are still planning to employ it?

If Persimmon Homes are planning to access the site for vehicles from Staynor Avenue during construction or thereafter, the College strongly oppose this. If so:

2) Can the College have sight of any Traffic Management Plans for the development – before, during and after construction?

3) Has consideration been given to heavy plant accessing and egressing the site during the building phase?

4) How would heavy goods vehicles be directed on and off the building site?

5) What route would they take?

6) Would a banksman be deployed?

7) If there was an intention for the two entrances to exist side-by-side then how would this be done safely?

8) If there were to be an increase in traffic volume on Staynor Avenue around the College entrance, what safety measures have been considered to ensure there's no increased risk to pedestrians (students/staff/contractors/visitors) coming on and off the campus?

9) Can assurances be given that construction traffic will not be permitted access onto the development via Staynor Avenue at peak student arrival and departure times?

10) Has consideration been given to the buses pick-up, drop-off and waiting points outside the College gates which could conflict with traffic going on and off the housing estate?

11) What are the long-term plans for allowing residential traffic onto the Staynor Hall development?

Environmental Considerations

Concerned about site noise damaging the learning and physical environment of the College:

12) What procedures will be in place to ensure that noise levels during the building phase will not affect teaching?

13) Have maximum noise levels been set? How will this be monitored? It is requested to have sight of the Noise Management Plan.

14) How will risks of building dust blowing into the campus be dealt with?

15) What is the proposed timescale for the development?

- 16) What are the proposed hours of working?
- 17) How will the section of Staynor Avenue directly outside the College gates be kept clean and tidy if allowed to be used? What plans would there be for clearing up mud deposited on surrounding roads by construction vehicles?
- 18) How will the site hoardings be decorated?
- 19) Will they detract from the overall appearance of the College?
- 20) Is there potential for the developers to wrap the hoardings in College branding (at their expense) during the construction phase to compensate for any negative visual impact of the building site?

Security

It is anticipated that there will be an increased security risk to College during the development, as trespassers on the building site may be tempted onto College grounds.

- 21) What security measures will be deployed by the developers?
- 22) Will this cover College too e.g. overnight patrols / extra CCTV?

Community Benefits

23) The College would be happy to engage with relevant parties to explore how the local area could benefit from any potential investment in community facilities and infrastructure e.g. improved signage directing visitors to College / investment in the highway / enhanced street lighting / traffic calming measures / pedestrian crossing etc.

24) Is there potential for contractors to provide work placements for students e.g. construction / engineering / electrical / joinery etc.?

25) What short, medium and long-term employment opportunities will be created?

26) Is there potential for contractors to access training provided by Selby College?

Ongoing Communication

It is worth noting that to date, the College has had limited meaningful discussion with Persimmon Homes during the planning phase of the development. Important information requested has not been provided.

As a major local stakeholder, this is bitterly disappointing. From the questions above, it is shown that the College have had no contact from the contractor about the reactivation of the site near the College.

The College would welcome the opportunity to actively engage in meaningful consultation and dialogue with partners throughout the process with a view to minimising disruption and facilitating the best possible outcomes for all parties.

Having assessed the highway documents and consultation responses the College maintain the view below:

- (Selby college) have made the case consistently that the applicants must take account of the movements of the College for the safety of the students and staff.
- This is not least in relation the 400 students who every weekday arrive and leave by 6 contract buses, which currently lay up in Staynor Avenue, a cul-de-sac.

- The road becoming a thorough route creates a number of hazards, such as lack of safe waiting space for the 400 students, and absence of adequate laying up provision for the buses.
- The road safety audit prepared by the applicant's highway consultants is basically flawed, as assessed in detail by WSP, consultants for the College.
- The audit takes no account of the movements of over 1000 people on the site on weekdays, not least the range of buses that manoeuvre twice a day in what is currently a cul-de-sac, and where 400 students gathering to await the buses are currently safe. Creation of a through road for a 1200 unit housing scheme radically changes this situation.
- The College have submitted details of a video recording of these movements at the end of a typical day, showing students and buses.
- The application's highway design is therefore inappropriate and unsafe.

The College were reconsulted 22.10.21 once all the latest documentation was uploaded and the response is awaited.

2.40 Rigid Containers/now VPK UK Holdings

Similar to the above, the application has received numerous representations from the manufacturing plant to the north of the site once known as Rigid Containers and now know as VPK UK Holdings. The representation have been presented through Buckles Solicitors and more recently Berry's planning consultants.

The concerns are as follows:

June 2015 –

- Rigid Papers occupy the site at East Common Lane, where they relocated to in 2005 from the former Paper Mill site at Denison Road. This was on the back of storing advice from the council that reinvestment of the Denison Road site for continued employment purposes was unacceptable, due to the conflict with residential uses.
- The current scheme places residential dwellings very close to the existing rigid site. No objection in principle, but object to the current layout as it takes homes very close to the boundary between the two site without any consideration of the noise impacts on the residential amenity of these units, or any screening/buffers that may be required as mitigation.
- No Noise assessment work has been undertaken. Note that Environmental health requested an assessment to take into account the impacts of noise from the college and this should be extended to consider noise from all adjoining land uses to ensure no conflicts exist.
- Suggest repositioning the sports pitch within the site to run parallel with the northern boundary to act as a buffer.
- The proposal as it stands is contrary to NPPF which requires that noise impacts on health and quality of life are taken into account when taking planning decisions. Also contrary to CS19 (Design Quality) of the Core Strategy which requires new development should not "contribute to or be put

at an unacceptable risk from, or be adversely affected by unacceptable levels of soil, air, water, light or noise pollution or land instability.”

2.41 25.8.2015

- Concerns over the adequacy of the applicant’s noise report. The ENS noise report is very limited, no noise mitigation has been identified for the site boundary and the report fails to meet the requirements of BS 8233. The report fails to explain how the required internal noise limits are met through insulation/glazing. Therefore, there are unresolved questions over the adequacy and accuracy of the assessment. Unless this is satisfactorily dealt with before permission is issued, Rigid Paper will be left with no choice but to challenge any such permission by Judicial Review. Failure to consider whether the ENS report is adequate and provide adequate assessment of the necessary mitigation measures would amount to failure to take into account material considerations in the decision-making process.
- Rigid Papers objective is limited to requiring adequate consideration of noise impacts on future residential occupiers and securing mitigation measures, so that all parties can co exist in harmony, its seems much more sensible for the council to require the applicants to address this issue property now rather than going down more contentious routes.

17.12.2020 – Representation from Berrys Planning Consultants on behalf of VPK UK Holdings (formally Rigid Containers)

- VPK have operated at the site for 15 years and it is imperative to them that any development within the surrounding area does not impact upon the commercial operations at the East Common Lane site.
- Concerns have been raised by VPK since application ref: 2015/0452/EIA was first submitted in 2015 specifically in regard to how potential noise concerns from the conflicting land uses would be mitigated against by the applicant. It is feared that without adequate noise mitigation strategies on site that once residential occupants move onto the site that VPK could begin receiving noise complaints due to the proximity to the VPK site impacting upon their residential amenity.
- Objections have been previously been submitted behalf of VPK in June 2015 regarding the 2015/0452/EIA application. With regard to revised noise assessment this isn’t uploaded onto the website so VPK maintain the objection. In summary we object on behalf of our clients to application ref: 2015/0452/EIA in its current format for the following reasons:
 - Lack of clarity as to the location and extend of the proposed acoustic bund we propose that the layout plan is amended to provide this information.
 - Currently unable to fully assess the proposal and how noise impact will be mitigated against as the revised noise assessment has not been submitted as a publicly accessible document.

2.42 VPK were reconsulted on the 22.10.21 and any further representations will be provided within the update.

2.43 Representations from Residents.

There has been 9 letters of objection:

- As a local resident directly affected by the new plans, object to the inconvenience of the noise and lack of privacy from the building site, of which is usually a tranquil setting, also the air pollution from the building dust, causing dirty windows, conservatory and house which is rendered and cream, also won't be able to have windows open or hang washing out.
- Object to the above application that is proposing to use the road on Staynor Avenue as an access road to Staynor Hall estate. This road is already very well used by the college with cars and buses using it at all times of the day and in the evening.
- No construction traffic should enter via Staynor Avenue due to the 7.5t weight limit.
- It will also be hazardous for elderly and disabled persons trying to cross the road to get to the local shops and the bus stop. In the past this road has subsided due to the weight of the traffic using it so an increase in traffic could exacerbate this problem.
- Increase traffic flow will inhibit access to property.
- The new houses are proposed to be built on land that is proven to be affected by regular flooding by the year 2030.
- Have ongoing issues with the drains outside houses due to the weight of the said busses, although the bus companies refute they are the cause of this problem. The use of heavy plant machinery and implied use of Lorries using this as an access route will further impinge this effect see number 2 for further issues of heavy plant machinery and increase of Lorries and potential affect.
- Have concerns relating to potential structural damage to our property relating to any piledriving which may have to be undertaken whilst digging the footings for proposed properties. These properties on Staynor Avenue have already been subjected to these practices from the new estate being built further away from us on land subjected to flooding.
- The proposed site of the new development in the field directly behind Staynor Avenue shows signs of water-logging and may therefore suggest that pile-driving may be required to stabilise the properties proposed prior to building upwards. Resident's home has and is subject to the effects of vibration whilst this practice is being done further on the new estate being built. Would therefore anticipate provision of an independent structural engineer, paid for by either the Council or the developers, to ascertain any damage incurred to resident's properties will be as a direct result of these buildings being built. Furthermore, would expect any potential damage/repairs to be made good by a third party at no cost to residents.

- Would further ask that the boundary line (dwellings on Abbots Road) is left accessible to allow maintenance of the property. Whilst it is appreciated that residents have no right to loss of view over land which they do not own, it would be appreciated that the newly developed properties do not directly face onto existing houses, as residents do have a right to privacy which residents currently have and would be reluctant to lose. The properties built further up on the Abbots Road estate have been built with little or no regard or consideration of this in mind to their occupants.
- The development is an overcrowding of the woodland driving all the wildlife away. The abundance of natural bluebells within the wooded area suggests that the wood can be considered as ancient woodland. Living within the said area are (to name but a few) are badgers, foxes, visiting and established herd of roe deer, owls, woodpeckers, nesting red kites, have any considerations even made towards the maintenance of the woodland area, or will this be 'developed' too?
- The site plan shows a footpath going through the middle of this which should not be allowed due to this being ancient woodland. The effect on the woodland due to reducing habitats next to the woodland and the connections between them. Increasing the amount of air and light pollution. Changing the water table around the woodland.
- Housing will see a loss of wildlife; an alternative should be park for children as this would still attract wildlife from the woods.

3 SITE CONSTRAINTS

Constraints

- 3.1 The site lies within the development limits of Selby, is a major residential site by virtue of the outline consent and is within Flood zone 3.

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 (July 2021) (NPPF) replaced the February 2019 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 2021 NPPF.

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

“219...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:

- SP1: Presumption in Favour of Sustainable Development;
- SP2: Spatial Development Strategy;
- SP8: Housing Mix
- SP9: Affordable housing;
- 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.
- ENV 10 - General Nature Conservation Considerations
- ENV 20 - Landscaping Requirements
- ENV 21 - Landscaping Requirements
- T1 - Development in Relation to the Highway.
- T2 - Access to Roads.
- RT2 – Open Space Requirements
- SEL/2 - Land for housing development between Abbots Road/Selby Bypass, Selby.

4.8 Other Policies and Guidance

Affordable Housing Supplementary Planning Document
NYCC Interim Parking Standards 2015

5 APPRAISAL

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

Principle of development

Layout, Scale and Design
Affordable housing
Access, highway layout and parking
Flood Risk and Drainage
Impact on residential amenity and the noise environment
Archaeology
Recreational Open Space
Landscape features
Contamination
Climate change and Broadband

Principle of development

- 5.2 The Core Strategy sets out the Vision for the District, which includes the need to provide a suitable level of new homes for the district. Selby is the main focus of growth given its 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 which skirts the site to the east, 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 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.
- 5.5 The site is within the development limits of Selby and is allocated for development by Local Plan policy SEL/2 and has an extant permission, a product of the 2005 outline planning permission for the allocation as a whole. The principle of proposed development of 215 no. dwellings therefore accords with the policies of the Development Plan and has also been established through the granting of Outline Planning Permission. The proposal will also help maintain the Council's 5 year housing land supply. The proposal is also considered to constitute sustainable development in accordance with Policy SP1 and the NPPF due to the location of the site.
- 5.6 In terms of the approved master plan, the use of the site for residential purposes is consistent with the master plan, which showed the land to be used for medium and low-density development at 30-35 dwellings per hectare. The master plan always showed a link through to Abbots Road via Staynor Avenue.

Layout, Scale, Design and Housing mix.

- 5.7 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 taken into account 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.

- 5.8 Paragraph 130 of the NPPF states that planning decisions should ensure that developments; are visually attractive as a result of layout and landscaping; sympathetic to local character, while not preventing change, and establish a sense of place.
- 5.9 CS Policy SP8 seeks the creation of mixed communities by ensuring that the types and sizes of dwellings provided in housing developments 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.
- 5.10 The outline consent and accompanying master plan set out the design parameters in relation, to accessibility and permeability and the nature of the land use. The master plan showed an access from phase 3 looping through to Staynor Avenue. It is therefore necessary that this reserved matters submission makes the best and most efficient use of land, without comprising local distinctiveness, character and form. Also, that the layout positively contributes to an area's identity and minimise risk of crime or fear of crime, particularly through active frontages and natural surveillance. It is also necessary to ensure the woodland is afforded the relevant protection.
- 5.11 The layout provides for a mixture of detached, semi-detached and terraced properties arranged around a series of estate roads and cul-de-sacs predetermined at the Outline Planning Stage. These properties are a mixture of 1 (Maisonettes), 2 and 2 & a half dwellings designed in a similar manner to those already approved on previous phases of the development as a whole. The density is 42dph, which is slightly above what the master plan envisaged. Car parking provision accords with NYCC standards and this is considered to achieve an appropriate balance between providing adequate provision and car parking not dominating the street scene. The layout of the scheme provides for a mix of 1 (16), 2 (45) 3 (113) & 4 (41) bedroomed dwellings.
- 5.12 The design and layout of the proposed scheme has been amended on several occasions in response to the consultation responses in particular highways, designing out crime officer to ensure a layout that is safer, allows sufficient off-street parking and respects the plantation to the south of the site.
- 5.13 The layout generally provides for the main elevations of dwellings facing the street scene, with open green frontages or boundary treatment set back with planting in front to soften the impact of hard boundary treatment. It is noted that some dwellings have been designed to consist of double frontages or windows inserted to create more active frontages. The larger 4 bed dwellings have been placed on key vistas to define corners and street frontages. When this is not the case the design and layout has ensured that suitable boundary treatment and landscaping is utilised.
- 5.14 The design and layout has largely been welcomed by the Designing Out Crime officer who notes that parking is generally overlooking and active frontages to provide natural surveillance to the vacant areas.

- 5.15 Policy ENV1 (1) of the Local Plan states that in the determination of planning applications, the local planning authority will give consideration to the impact proposals would have on the amenity of neighbouring occupiers.
- 5.16 The site is largely self-contained with the only dwellings immediately affected are the dwellings in the northwest corner of the site on Abbots Road. Plots 215-205 have a separation distance of over 27m in terms of direct elevation to elevation distances. Plot 205 is also 23m away from No.16 Staynor Avenue. In terms of the internal distances plot to plot, these are generally acceptable. There are instances where distances are slightly below standards that would normally be expected but it is considered that they are sufficiently mitigated against with the position of boundary treatment, side gables and windows etc.
- 5.17 In terms of the impact on Staynor Plantation, the proposal has received an objection from the Woodland Trust, who wanted a greater buffer between the dwellings and the wood. The amended layout takes account of some of these concerns by removing gardens from the woodland to avoid shading and to also 'front on' from a good design point of view.
- 5.18 The dwellings are generally set away from the wood with only a small number being within 15m of the edge of the wood and only plot 136 being within 7m but it has its side gable facing the wood. Similarly, plot 137 has its main aspect and garden facing away from the wood. The redesign of the layout generally reflects the character and form of the masterplan and provides sufficient space between the wood and the new occupiers to ensure no harm is created.
- 5.19 On balance and taking account of the above, it is considered that the layout has achieved a balance between minimising crime through layout considerations, providing a visually pleasing street scene, functions correctly and maintains the interest of the historic woodland. In this context the Layout, Scale and Design of the proposed development is considered as far as reasonable in the context of an amended reserved matters proposal acceptable in accordance with Policy ENV 1 (4) of the Local Plan and Policies SP8 & SP19 of the Core Strategy.

Affordable Housing

- 5.20 CS Policy SP9 seeks to achieve a 40/60% affordable/general market housing ratio within overall housing delivery. In pursuit of this aim, the Council normally negotiates for on-site provision of affordable housing up to a maximum of 40% of the total new dwellings on all market housing sites at or above the threshold of 10 dwellings or more.
- 5.21 In terms of affordable housing, the Section 106 agreement within the outline submission concluded that the level of affordable housing within the development was to be agreed on a phase-by-phase basis. This was to be via a scheme prior to development of each phase commencing. Therefore, whilst Affordable Housing is not a reserved matter defined by Condition 2 of the outline consent, it is appropriate for it to be considered within this application as it ties in with the terms of the outline consent. This phased approach allows the current market conditions to be taken account of, as an when the particular phase comes forward. This is particularly important given the outline was granted in 2005, some 16 years ago.
- 5.22 The level of affordable housing contribution has been the subject of significant debate in recent months between the applicants and the Local Planning Authority. In

order to assess the amount of affordable housing necessary the applicants commissioned a Financial Viability Assessment, by Allsops dated May 2021. This notes that previous phases of development on Staynor Hall have delivered between 14% and 28% affordable housing, with an average of 20% across all phases. This is below the target policy level of 40%. The assessment delivers a negative residual land value of around – (minus) £123,000. The report by Allsops concludes that, to make the scheme viable, the proportion of affordable housing needs to be reduced to 12%.

- 5.23 This was assessed by the Local Planning Authority's Independent Viability experts CPV, who use the ARGUS Developer toolkit. This is an industry approved cash-flow model, designed specifically for residual appraisals. The assessor also engaged a third-party independent quantity surveyor (RCS Construction Ltd) to undertake a review of the costs put forward in Allsops' appraisal.
- 5.24 In summary, CPV's modelling demonstrates that an onsite affordable housing provision of between 68 and 86 dwellings can be provided (31.63% to 40%). They therefore disagree with Allsop's findings and consider the offer of 12% affordable housing to be significantly below expectations. CPV conclude that the Council is justified in seeking to retain its policy ask for affordable housing (i.e. 40%).
- 5.25 Allsop's provided a rebuttal based on the CPV's initial assessment. They maintained their view on adopted revenues and abnormal costs, however did revise their profit levels of 20% to 19%, and accept a revised BLV position. Allsop's concluded that a revised affordable housing provision of 18% is acceptable, but a figure in excess will be unviable.
- 5.26 CPV reassessed the Viability report in response to Allsop's rebuttal. This shows the scheme is viable with 60 affordable units (34 social rent and 26 intermediate) which is 27.91%. CPV stressed that this is the bottom end of what they consider to be viable (if the RCS abnormal are applied the level of affordable units increases closer to 40%). The Local Planning Authority's assessor suggested the affordable housing offer by the applicants of 18% is therefore too low and should be refused. 27.91% is the minimum that is deemed to be viable.
- 5.27 The Applicants wrote to the Local Planning Authority on the 24th September 2021 outlining that the applicants final offer was to deliver 20% affordable homes at the site. The letter states "whilst Persimmon Homes stand by the evidence submitted on their behalf and are being advised by their experts to maintain the current identified offer of 18%, they are seeking to make this offer in order to move the application forward."
- 5.28 The Agent explained that the offer was made on the basis of the Council's emerging planning policy position in respect of affordable housing (and its supporting evidence) and the historical level of affordable housing delivery at the Staynor Hall site. Both of which identify that the provision of 20% affordable homes at the site is justifiable. The Agent stressed that anything in excess of this may lead the scheme to be unviable.
- 5.29 The letter also highlighted the recent discussions with the Council's Housing Officers to identify the Council's aspirations in respect of the mix and tenure of the affordable housing to be delivered within the scheme. The letter also alluded to the Applicant's agreement in principle to the prospect of the Council purchasing the Affordable Rent Units which would be provided.

- 5.30 Finally, the Agent indicated that the percentage of affordable housing for the initial phase of the development was agreed at 23%. On the latter phases it was then agreed at 20% (phase 3). Furthermore, the abnormal/build costs of the latest phase 4 are worse due to the need for piled foundations. Whereas there was no piling required to date on either of the two earlier phases.
- 5.31 In light of the above, whilst 20% which equates to 43 units is below what the Council's viability expert considered obtainable, it does reflect a similar percentage of what has been delivered across the wider site. To move the application forward, Officers consider that the 20% offer is a reasonable compromise. Members are therefore invited to support this figure, alternatively if Members wish to hold out for the 27.9% suggested by the viability experts, then a refusal of planning permission or a deferral may be necessary.
- 5.32 In terms of the affordable housing mix, this would be 22 units affordable rent and 21 shared ownership and these are evenly distributed throughout the layout. The proposal therefore will provide for a mixed and diverse housing offer and provide a reasonable level of affordable housing in line with Core Strategy Policies SP8 and SP9.

Access, highway layout and parking

- 5.33 Policies ENV1 (2), T1 and T2 of the Selby District Local Plan require development to ensure that there is no detrimental impact on the existing highway network or parking arrangements. Policy T2 specifically 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.
- 5.34 The Outline Planning Permission permitted two principal accesses from Bawtry Road, with a third off Abbot's Road. The junctions onto Bawtry Road have been constructed and now serve the completed phases of the development.
- 5.35 It is proposed that the site will be accessed via the existing Phase 3 linking through Staynor Hall in the southern tip of the site and then heading north west to be accessed via Staynor Avenue. Various highway improvement works are shown at the Staynor Avenue entrance, with access to the college being separated from the residential access.
- 5.36 This access through Staynor Avenue has generated considerable concerns from the adjoining Selby College (detailed in the representations section of this report), who initially considered that the scheme failed to take account of the movements of the College for the safety of the students and staff. This is in relation the 400 students who every weekday arrive and leave by contract buses, which currently lay up in Staynor Avenue cul-de-sac.
- 5.37 The College considers the road becoming a through route creates a number of hazards, such as lack of safe waiting space for the students that use the bus to access college, and absence of adequate laying up provision for the 12 (6 morning + 6 evening) buses that visit the site between 08:40-9:10 and 16:15-16:45. The college made representations through WSP Highway consultants to advise and

considered the Road Safety Audit submitted as being inadequate. WSP produced an Access Review document (22.2.2021), which was considered by the applicants and NYCC highways.

- 5.38 The WSP report considers “the design of the access has been developed to utilise public highway which has led to a compromised highway design. The scheme is vehicle-orientated and does not take into account the bus movements in this area. The duplication of roads also provides additional conflict points for pedestrians and cyclists.”
- 5.39 A further Road Safety Audit was also undertaken but needed to be revisited to be surveyed in the correct period i.e., when buses arrive and leave Staynor Avenue. The report concludes by encouraging Persimmon to work with the College to enable a suitable design to be developed for access to both the College and residential development.
- 5.40 The transport consultants LTP working on behalf of Persimmon produced a kerbside space comparison assessment to show that the reconfigured highway design would not reduce available kerbside space for buses. NYCC Highways stated that the Kerbside Comparison’ drawing, does illustrate the space available for drop offs / pick-ups to the west of the ‘cut through’, probably less than is available now due to the specific location for turning movements, but still useable. The applicants were asked to show the vehicle tracking for coaches using the ‘cut through’ from either a north to south or south to north direction whilst dropping off / picking up.
- 5.41 The College then provided details of the numbers of students (450-500) that use the buses and the times and numbers of buses. A plan of the bus waiting areas was supplied as well as a Video Footage review by WSP. The college maintained the view that the arrangements for the transport of the students is an existing situation that would result in significant highway safety risks if not taken into account in the consideration of this planning application. The safety of the students is of paramount importance to the Principal and Governors of the College.
- 5.42 The applicant’s highway consultant (LTP) supplied the revised swept path analysis for bus/coaches link road connection. This shows this movement for 4 buses laying up with both the existing and proposed layouts, which demonstrates that there is no material difference in the manoeuvring space/ability for these vehicles.
- 5.43 The LPT also noted that the representations by the college show that Staynor Avenue is utilised by four buses, all of which use the road layout in a clockwise direction (i.e. north to south), as other vehicles that travel north on Abbot’s Road after boarding/alighting pupils are not required to park/turn on Staynor Avenue (and therefore remain on Abbot’s Road). LTP did not shown the anti-clockwise movement (i.e. south to north) however this was later supplied.
- 5.44 The applicants via LTP considered the representation submitted on behalf of Selby College and do not consider that there is anything that changes the requirements for the proposed works to Staynor Avenue. LTP noted that all of the services are public buses, not dedicated private services, and that the use of Staynor Avenue (rather than Abbot’s Road) by the buses is more related to turning/waiting preferences, given that there are no formal bus stops on Staynor Avenue. They therefore consider that the vehicle tracking provides the appropriate information required to facilitate confirmed acceptance of the Staynor Avenue access design.

The college still maintain the view that 11 buses use the visit the college and at least 3 are double decked. The applicants responded by stating:

- *The kerbside space available for bus parking (whether single or double decker) will marginally increase by 3m. So it is effectively the same.*
- *We will be providing formalised/safe pedestrian crossing points which do not currently exist. One across Abbot's Road and one across the new entrance to the site.*
- *The works will create a better flow of vehicle movement through formalising the design of the existing roundabout.*
- *We have tracked the movement for both the existing and proposed junction layouts and there is no material difference in the manoeuvring space/ability for buses.*
- *The proposals retain the ability for the College to utilise the current access for two-way movements in the future. Though the current movements are 'one-way' (arrivals only), we wanted to make sure that the ability for two-way movements wasn't impeded in the future.*
- *We have provided off-road parking for existing residents within our scheme to ensure that they won't be impacted by the proposed amendments to the junction.*
- *The latest scheme includes amendments to incorporate all comments/requests from the Local Highway Authority and the recommendations from a formal Road Safety Audit.*
- *Whilst 11 buses may operate to/from the College, a number of them either stop on Abbot's Road (where there are formal bus stops that also accommodate the wider public) and those that do access Staynor Avenue wouldn't access it at the same time as there wouldn't be sufficient space now.*

5.45 In terms of parking and the wider estate layout, the plans were then amended on multiple occasion throughout recent months to address technical inadequacies concerning parking, garage spaces, refuse collection, forward visibility and the connection to phase 3. NYCC Highways have been consulted and following requests for revisions have no objections subject to various planning conditions being attached to any permission. It is considered therefore that the proposal is acceptable and in accordance with SDLP Policies T1, T2 and also national policy contained in the NPPF.

Flood Risk and Drainage

5.46 Policy SP15 SDCS and Chapter 14 of the NPPF 2021 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 3 (High risk) as identified by the Government Flood Maps for Planning and as such it is necessary to consider the flooding implications of the proposal. The submission was supported by a Drainage Statement and Flood Risk Assessment. Drainage was a reserved matter within condition 2 (iv) of the outline. The overall drainage strategy therefore needs agreement.

5.47 Despite the whole site being located within Flood Zone 3, the principle of development has already been established by the outline consent, so there is no need to apply the sequential and exception tests.

5.48 The Environment Agency did not provide any detailed comments on the reserved matters are they state they were not consulted on the outline application. They

instead said the comments previously provided for phase 3 under application 2013/0983/REM were applicable. Within this 2013 response, they stressed the importance of the site being within flood zone 3 and provided suggested conditions to ensure floor levels were set a minimum of 300mm above whichever is the greater of existing ground levels, the highest recorded flood level (if available) or the 1 in 100 modelled level (if available), plus a further 300mm of flood proofing. These conditions are therefore carried forward to this current application.

- 5.49 Yorkshire Water were initially concerned with the original layout in terms of the dwelling's proximity to a water main that crosses the site, however subsequent plan revisions have overcome this concern. This was based on site plan revision E, which has once again evolved into revision Q, so Yorkshire Water have been reconsulted. Officers do not expect there to be any new issues based on the revised design. Yorkshire Water also noted the lack of surface water and foul drainage detail.
- 5.50 Similarly, the LLFA considered the drainage statement which proposes the disposal of foul water to sewer and surface water to watercourse as being satisfactory in principle, but the required detail to assess the propriety of surface water management proposals is not present within the submission. The LLFA also raised issues with the potential SuDS arrangements. SuDS principles require that proposed surface water runoff will not be greater than that from the undeveloped or greenfield site so the Drainage Statement needs to reflect the fact that there will not be further volumes of water added to the general network. Concern was also raised over the discharge rates suggested in the drainage statement.
- 5.51 The applicant revised the drainage strategy for the amended layout and points out that the wider scheme needs only to be agreed in principle, which the documents within the submission comprehensively do. This is because full details are caught by Condition 25 of the outline approval. This is a pre-commencement condition, which specifically requires full details which the developer will need to discharge before commencing Phase 4 in due course. The condition states as follows: -

No development shall be commenced on any phase of the development until schemes for the disposal of foul and surface water drainage for the said phase including details of any balancing works and off site works has been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved schemes have been fully implemented. The works detailed in the approved schemes shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.

- 5.52 So all that needs to be 'approved' in the Reserved Matters scheme is the principle and a number of documents have previously been submitted to demonstrate this. The outline also includes various other drainage conditions similar to those suggested by the IDB within their consultation response. Taking into account the aforementioned policies the proposal is considered to be acceptable in terms of flooding and drainage and subject to new updated details being supplied via the outline conditions this will ensure that the detailed technical designs can be approved prior to commencement of this reserved matters submission.

Impact on residential amenity and the noise environment.

- 5.53 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 130 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.
- 5.54 SDLP Policy ENV2 states 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 in the scheme.
- 5.55 The application site lies to the south west of an allocated employment site, which is occupied by VPK UK Limited (formally Rigid Containers Limited - cardboard packaging), located off East Common Lane. The application has received a representation from VPK Limited, who explain how they relocated to the current site in 2005 on the advice from Selby District Council due to the future expansion concerns of the Denison Road site due to neighboring residential uses. The current site was said to have been chosen due to its remoteness from residential dwellings.
- 5.56 The representation points out that whilst the company has no objection in principle to the residential development, they objected to the initial layout as it took residential homes right up to their boundary without any consideration of noise impacts on the residential amenity of these units or any appropriate screening/buffers that may be required as mitigation. No noise assessment was initially supplied within the 2015 submission. The 2015 objection letter details how the sports pitch that's shown in the north western corner should be relocated and run parallel with the northern boundary to provide a buffer.
- 5.57 A noise report was commissioned by the applicants dated 9th June 2015 by ENS limited. This considered potential noise from the college, adjacent A63 and the adjoining industrial premises. This noted that the industrial units were 110m beyond the north eastern site boundary. During the course of the noise survey, distant road traffic (including the A63 Selby Bypass) was noted to be the main noise source across the site, with no significant noise emissions noted from Selby College or the industrial unit either during the daytime or night time monitoring periods.
- 5.58 The report concluded that sound attenuation measures could ensure satisfactory living environments are created. In terms of glazing and ventilation as the development footprint is set back at least 100 metres from the A63 Selby Bypass, the internal design criteria can be achieved across the development using standard thermal double glazing and window frame trickle vents.
- 5.59 In terms of garden areas, based on the measured noise levels, the guideline design criteria of 50 - 55 dB LAeq(0700-2300) in gardens can be achieved across the majority of the development without any specific attenuation measures. For the southernmost plots, in closest proximity to the A63, it is recommended that a 1.8 metre high reflective acoustic barrier is installed along the site boundary in this area to provide screening to the plots from traffic noise. As a precautionary measure, it also recommended that a 1.8 metre high reflective acoustic barrier is installed along a section of the northern site boundary to provide screening to the plots from the sports pitches.
- 5.60 Solicitors for Rigid Paper at that time commented on the Noise Assessment by ENS and raised concerns over level of assessment and the lack of mitigation on the

northern boundary of the site. The Environmental Health Officer (EHO) assessed the noise report and considered the representations by Rigid Paper. The EHO recommend that the applicant is required to assess the likely impact of the industrial / commercial site on the residential amenity of the development due to noise together with any mitigation that may be required in order to protect the residential amenity of the development and the continued operation of the industrial / commercial site.

- 5.61 The Noise consultant ENS responded 21.6.2016 setting out that the LPA was aware of the allocation of the land for housing when the Rigid Paper application was applied for in 2003, therefore phase 4 is not about the principle of development adjacent to the Rigid Paper site but more about developing an appropriate noise attenuation scheme. Several email exchanges occurred over the period 2016-2020, where the noise assessment was discussed between EHO and the noise consultants ENS.
- 5.62 The plans were subsequently amended in Nov 2020 (Rev E), which reduced the number of dwellings (215) and moved the dwellings away from the northern boundary and showed an acoustic planting buffer. An acoustic enhancement plan was also provided, showing an elevated 2m acoustic fence sat on a 2m high bund around the north eastern corner of the site. The location plan was also enlarged to enable this to sit within the reserved matters site and be delivered.
- 5.63 VPK UK Holdings Limited (formerly Rigid Containers Limited), once again commented on the proposals, reiterating previous concerns about the revised noise assessment not being available to view and that the 4m high acoustic bund details were not on the website. VPK Holdings support alteration to the proposed site layout, which has enabled a larger distance between the dwellings located in the north of the site and the commercial buildings at East Common Lane. They also support the use of enhanced double glazing and the orientation of private garden space to protect occupants from potential noise from the neighbouring commercial land uses.
- 5.64 The EHO officer reviewed the latest layout and Revision 3 and raised no objection to the development providing conditions were imposed ensuring that the enhanced double glazing to habitable rooms facing the former Rigid site be conditioned to the specification given in paragraph 5.18 of the Noise assessment and applied to Plots 56 to 65 inclusive. Also, that a mechanical ventilation strategy is provided in line with paragraph 5.19 of the above assessment. Finally, that the glazing/ventilation configuration provides at least 31 DB(A) sound inclusion from external to internal in line with paragraph 5.20 of the above assessment.
- 5.65 The planning agent questioned the need for Plot 65 being included, and the EHO confirmed that the wording in paragraph 5.18 recommends “that habitable rooms fronting towards the Rigid site should be fitted with enhanced double glazing”. Plot 65 does face the Rigid site and has a living room and bedroom on the protruding part of the design. Both of these are habitable rooms. The agent accepted the condition in relation to mitigation inclusive of plots 56-65.
- 5.66 VPK were formally reconsulted and any response will be included as an officer update for members. Officers are however expecting no objections being raised on account of the amendments and the EHO being satisfied.

- 5.67 To conclude, the revised scheme with the dwellings pulled away from the northern boundary, together with the proposed hard landscape fence/buffer and noise mitigation requirements for the habitable rooms of the dwellings that face the employment site to the north, will ensure that future occupants can enjoy a good level of amenity. This will ensure that both the new residential dwellings and the established major employer can co-exist. The proposal is considered to be in compliance with SDLP Policies ENV 1, ENV2 and Section 12 of the NPPF.

Archaeology

- 5.68 As part of the Section 106 Agreement attached to the Outline Planning Permission an Archaeological Scheme for the pre-determined zone of Archaeological Sensitivity (area around Staynor Hall) was required to be submitted. Also, an archaeological scheme is not a reserved matter as defined by condition 2 of the outline planning permission and therefore is not being considered as part of this reserved matter application. Furthermore phase 4 is not within the pre-determined zone of Archaeological Sensitive Area (area around Staynor Hall). Therefore, as the Archaeology consultation response has indicated phase 4 doesn't require any further assessment.

Recreational Open Space

- 5.69 Policy RT2 of the Selby District Local Plan refers to Public Open Space and the requirements for its provision. The Master Plan illustrates how open space is to be provided across the whole site. It proposes a total of 21 hectares, which includes both formal and informal open space area together with the retention of the Staynor Hall Plantation, which sits immediately to the south of this proposed phase 4. This final phase does not provide any formal Recreational Open Space provision. Occupants will be able to use the plantation for informal recreation and the facilities and provision within the wider Staynor Hall estate for recreation. There is a Locally Equipped Area of Play (LEAP) proposed to the south of the site where the access from Staynor Hall occurs.
- 5.70 This reserved matters application also sits alongside the outstanding application for 44 dwellings (2015/0455/EIA). This is on the undeveloped part of the site immediately to the rear of the Selby College that designated for a football pitch, which moved from phase 3 when houses were constructed on the land originally designated in the master plan for a pitch. The applicant's position is that this pitch is not necessary, however the merits of this will be discussed within the determination of the relevant application. In terms of this current Reserved Matters submission, this proposal does not impinge or reduce the amount of POS originally allocated. The scheme is therefore considered to be in accordance with the provisions of the outline consent.

Nature Conservation

- 5.71 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 chapter 15 of the NPPF. The presence of a protected species is a material planning consideration as is tree loss and landscaping.
- 5.72 The Staynor Hall outline consent site was accompanied by an Environmental Statement. In 2002 the site was recorded as principally arable farmland habitat, with the land being flat with few hedgerows. The arable agricultural land was considered

to be of minimal ecological value due to the intensity of management. None of the hedgerows within the site qualify as important hedgerows under the Hedgerow Regulations 1997 based upon their ecological importance. The northern boundary of the site was demarked by urban development and Selby College, with Selby Bypass to the south of the site. A drainage ditch running from Staynor Plantation across agricultural farmland to the east was recorded. There is no evidence to suggest that the land management on the site has changed significantly between 2002 to this present day. The ES (October 2002) did not identify the presence of any plant species or habitats protected by law, or considered rare in the UK within development area relevant to this document. Therefore whilst NYCC ecologist hasn't been actively involved in the phase, there is no reason to suggest the terms ecological conditions or terms of the outline have changed in order a different recommendation could be reached.

- 5.73 The development of phase 4, will however naturally enclose the Staynor Hall woodland to the south of the site, which is known to host a variety of species which include deer, fox, birds of prey specifically commented on in the letters of objection. The development has no direct impact on the woodland and the dwellings have been set away from the perimeter, however it will further enclose this habitat. This however is a product of the outline consent and cannot be revisited. The proposed scheme retains all of the existing boundary planting to the north and east and plan shows a new boundary buffer planting to the eastern rear boundary of Selby College. The scheme is also accompanied by a landscaping scheme, which will provide some planting within the residential plots and some boundary planting to improve biodiversity.
- 5.74 Also, as part of the Section 106 Agreement a Nature Conservation Plan was required to be submitted. This covered the need for POS and nature Areas, which are on earlier phases of the scheme, particularly measures covering the woodland. The Nature Conservation Plan obligation for phase 3 to the south has been discharged and will soon be implemented, as such the nature conservation issues have been considered by the existing Section 106 Agreement attached to the Outline Planning Permission. The Nature Conservation Plan is not a Reserved Matter as defined by condition no. 2 of the Outline Planning Permission and therefore is not being considered as part of this Reserved Matters scheme.

Landscape Features

- 5.75 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 174.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 174.b).
- 5.76 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.
- 5.77 The outline consent agreed the principle of developing the site and phase 4 comprises of generally flat agricultural land that is divided into 2 agricultural fields.

The site is enclosed to the north west by the college, to the south by the plantation and phase 3, and then to the east by a copse before the A63.

- 5.78 There are very few other internal natural landscape features within the site, apart from boundary planting to the college on its southern boundary. Residents of Abbots Road and phase 3 currently have uninterrupted views across the site. The site is also used for walking with access from Staynor Avenue and a number of unadopted routes exist on the land.
- 5.79 As part of the overall concept of the wider site new planting and other landscaping are incorporated with the key elements being as follows:
- Buffer planting 10 metres deep with native planting on the western boundary adjacent to the rear of the college.
 - Planting of public open space and amenity areas.
 - Local planting to the housing areas.
- 5.80 The Council's Landscape Officer has not been directly involved in this scheme given the outline already being agreed, and the internal planting proposed is relatively standard in its specification. The landscape plans were amended to include greater detail and more tree planting, which sees the main road running through the site being tree lined. Conditions (31-33) are already included within the outline covering tree protection and replacement planting. On this basis the proposed landscaping scheme will mitigate any harm caused by the residential use of the site and soften the transition between the existing built development and the current use of the site, in accordance with the aforementioned policies.

Contamination

- 5.81 The outline application did not consider contamination to a concern, and no conditions were attached to the consent. The Environmental Statement that accompanies this application states; "There is no evidence that the site has been used for anything other than agriculture. The study did not identify any potentially contaminative activities that may have been located on the site. It is considered unlikely that the existing ground conditions at the development site pose a risk to human health or to the quality of controlled waters."
- 5.82 The report goes onto say "The area of the former Selby Brick Works, close to the western boundary of the site is a site of potentially contaminated land. Although it is considered that the likelihood of the migration of landfill gases from the filled areas to the development site is low, a gas assessment should be carried out in the western part of the site. If necessary, gas control measures will be incorporated into the development to minimise any possible impacts."
- 5.83 The outline also agreed the principle of developing this site for residential purposes and contamination is not a reserved matter. Any gas control measures will also be picked up by Building Regulations. Officers are therefore satisfied that the scheme accords with Policy ENV2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

Climate Change & Broadband

- 5.84 A condition is recommended for Electric Vehicle Charging points to be submitted to and approved in writing. Core Strategy Policy SP15 specifically deals with

Sustainable Development and Climate Change consideration is given to key design principles and environmental requirements. In particular this policy requires that new development should deliver high standards of sustainable design. Opportunities to minimise the adverse impacts arising from pollution runs through the Core Strategy document with all development encouraged to minimise impacts on air quality. The use of electric vehicles is a key measure in reducing emissions locally and therefore the provision of infrastructure to facilitate and stimulate this change is essential. Growth in the uptake of plug in vehicles is also growing significantly and therefore it is important that developers recognise and respond to this change. In turn provision should be made within new developments to facilitate this. This doesn't have to be onerous, more the provision of an outside socket on the external wall or garage of the dwellings proposed. Such provision will make for a scheme that complies with Core Strategy Policy SP15.

- 5.85 In respect of broadband, this is now a vital component of infrastructure in today's world. It is key to growing a sustainable local economy, vital for education and home working and an increasingly central part of community cohesion and resilience, particularly in rural areas. In addition, Local Authorities are increasingly reliant on digital infrastructure to provide services and interact with their customers.
- 5.86 As key place shapers at the centre of their communities Local Planning Authorities have a pivotal role to play in encouraging developers to 'future-proof' their developments by installing high speed broadband infrastructure. The NPPF in Paragraphs 114 to 118 Supports high quality communications infrastructure. Paragraph 114 states "Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments"
- 5.87 A condition is recommended to resonate with this requesting details of measures the developer will take for to facilitate the provision of high speed broadband for the dwellings. Such works will then be required to be carried out in accordance with the approved details prior to occupation of each dwelling.

In terms of the remaining proposed planning conditions, this submission address much of the outstanding detail and where necessary the applicants will have to make a separate discharge of condition request to tie up any outstanding matters from the outline consent.

6 CONCLUSION

- 6.1 The application seeks reserved matters permission for the erection of 215 dwellings following outline consent granted for 1200 dwellings, employment, open space and community uses on the 6.6.2005. The site is the final phase (4), with phases 1,2 and 3 being completed. The outline consent and accompanying master plan set out the parameters for the wider development which involved a link through to Staynor Avenue. Phase 4 has always ever been the residential part of the scheme.
- 6.2 A number of issues are not for consideration within this application as they are governed by the original outline and accompanying Section 106 agreement. These

include for example ecology, archaeology and affordable housing, however this is explained within the report as to how the 20% contribution is reached.

- 6.3 The proposal has seen a reduction in dwelling numbers and mitigation measures to safeguard new occupiers from any amenity concerns from the industrial developments to the north. The layout and design of the scheme has also been amended on numerous occasions to address concerns that have arisen from consultations responses, particularly highways, designing out crime officers and to lessen the impact on the adjacent woodland. There also remains strong opposition from the adjacent Selby College over the access arrangements, however NYCC Highways are consent with the submissions. The site lies within Flood Zone 3 however has previously been found to be acceptable and flood mitigation measures are included. A new drainage design will be necessary and will be dealt with through the outline conditions. The impacts on residential amenity are considered to be acceptable.
- 6.4 The Reserved Matter scheme is therefore considered to comply with the provisions of the Development Plan and those of the Core Strategy. There are no other material considerations that are considered to be of sufficient weight to warrant refusal of this reserved matters scheme. The Reserved Matters is therefore recommended for approval subject to conditions.

7 RECOMMENDATION

This application is recommended to be Granted subject to the expiry of the publicity on the 16.11.2021 and subject to no new issues being raised. Following the expiry of the publicity the Head of Planning/Planning Development Manager be authorised to issue the Reserved matters permission.

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

| | | |
|--------------------------------|------------|-------|
| Location Plan | 001 | Rev A |
| Site Layout | 100 | Rev Q |
| Phase 3 Connection | 100-Ph3 | Rev A |
| Materials Layout | 101 | Rev B |
| Enabling Plan | 103 | Rev - |
| Landscape Layout Plot | 102 | Rev B |
| Landscape Layout POS | R-1283-15A | Rev A |
| Acoustic Amendments | 110 | Rev - |
| Acoustic Enhancement | 110-2 | Rev B |
| Street Scene & Section Sheet 1 | 100_WD10-1 | Rev B |
| Street Scene & Section Sheet 2 | 100_WD10-2 | Rev B |
| Barton | HB-WD10 | Rev E |
| Barton Corner | HBC-WD10 | Rev D |
| Belmont | WS-WD10 | Rev J |
| Carleton | ST-WD10 | Rev G |
| Carleton Extra Window | ST-WD10-2 | Rev G |
| Coniston | CD-WD10 | Rev H |
| Coniston Corner Bay | CDCB-WD10 | Rev H |
| Derwent | HT-WD10 | Rev G |

| | | |
|--|------------------------|--------|
| Derwent Corner | HTC-WD10 | Rev F |
| Elvington | EV-WD10 | Rev - |
| Hornsea | RS-WD10 | Rev D |
| Hornsea Extra Window | RS-WD10-2 | Rev D |
| Howard | HO-WD10 | Rev - |
| Lockwood | CA-WD10 | Rev D |
| Lockwood Extra Window | CA-WD10-2 | Rev D |
| Lockwood Corner | CCA-WD10 | Rev C |
| Morden | MR-WD10 | Rev T |
| Morden Extra Window | MR-WD10-2 | Rev T |
| Moseley | MS-WD10 | Rev AA |
| Stafford | SF-WD10 | Rev J |
| Stafford Extra Window | SF-WD10-2 | Rev J |
| Single & Double Garage | SDG-6x3-WD10 | Rev – |
| Staynor Hall Overview - | LTP 2598 T1 01 01 | Rev B |
| Staynor Hall Refuse Vehicle sheet 1 of 2 | LTP 2598 T1 01 02 | Rev B |
| Staynor Hall Refuse Vehicle sheet 2 of 2 | LTP 2598 T1 01 03 | Rev B |
| Staynor Hall Forward Visibility sheet 1 of 2 | LTP 2598 T1 01 04 | Rev B |
| Staynor Hall Forward Visibility sheet 2 of 2 | LTP 2598 T1 01 05 | Rev B |
| Drainage Strategy Layout Option A | P20-00552-Met-M2-C-001 | V2 |

Reason

For the avoidance of doubt.

02. Prior to the occupation of plots 56 to 65 inclusive the following noise mitigation measures shall be installed:

- Enhanced double glazing to habitable rooms facing the Rigid site in line with paragraph 5.18 of the Noise assessment V3 i.e. glazing rated at ≥ 29 dB Rw+Ctr, such as a generic 8 mm float glass (16 mm air) 4 mm float glass double glazing system.
- That a mechanical ventilation strategy is provided to in line with paragraph 5.19 of the Noise Assessment V3.
- That the glazing/ventilation configuration provides at least 31 DB(A) sound inclusion form external to internal in line with paragraph 5.20 of the above assessment.

Reason

To safeguard the dwellings from noise from the adjoining industrial premises in line with Policies ENV 1 & 2 of the Local Plan.

03. The development hereby permitted shall be carried out in accordance with the following requirements:

1) Finished Floor Levels (FFLs) for the development in Flood Zone 3 should be set a minimum of 600mm above whichever is the greater of existing ground levels, the highest recorded flood level (if available) or the 1 in 100 modelled level (if available), plus a further 300mm of flood proofing.

2) Finished Floor Levels for development in Flood Zone 2 should be set a minimum of 300mm above whichever is the greater of existing ground levels, the highest recorded flood level (if available) or the 1 in 100 modelled level (if available), plus a further 300mm of flood proofing.

The applicant should also consider the use of flood resilient / flood proof construction techniques, some examples of which are detailed as follows:

- o Solid floor construction e.g. continuous concrete ground floor slab minimum of 150mm thick reinforced with mesh on lapped and topped 1200 gauge visqueen damp proof membrane (dpm).
- o Electricity supply cables to enter building from roof level and wired downwards; electric sockets to be positioned at least 600mm above floor level.
- o Flood sensitive equipment raised 600mm above floor level.
- o Tanking of external walls to 600mm above proposed ground floor level and continuous with floor dpm.
- o Anti flood valves on internal building drainage.
- o Water tight external door construction to minimum of 600mm above proposed floor level.
- o Ceramic tiles or lime based plaster should be used on the internal face of the external walls at ground floor level.
- o Water resilient ground floor coverings should be considered, such as clay tiles.
- o Waterproof seal between cladding and floor slab

Reason

This condition is imposed in order to ensure the satisfactory storage of/disposal of surface water and to reduce the impact of flooding on the proposed development and future occupants.

04. All tree planting, landscaping, seeding or turfing comprised in the approved Detailed Landscape Plan Rev B shall be carried out in the first planting seasons following the first occupation of the dwellings or the substantial completion of the development, whichever is the sooner.

Reason

In order to ensure for the preservation and planting of trees and landscaping in accordance with s.197 of the Act and in order to comply with saved Policy ENV1 of the Selby District Local Plan.

05. 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

In the interests of amenity and in order to comply with Plan Policy ENV1.

06. No development above slab level of the dwellings hereby approved shall commence until details of electric vehicle charging points for each dwelling have been submitted to and approved in writing by the Local Planning Authority. 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.

07. No development above slab level of the dwellings hereby approved shall take place until details of measures to facilitate the provision of high speed broadband for the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. 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 Plan Policy SP12.

08. 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.

09. 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.

10. The development must not be brought into use until the access to the site at Staynor Avenue has 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 must be formed broadly in accordance with : Proposed Residential and College Access, Staynor Avenue – Option 3, Dwg. No. LTP/2598/T1/03.01 Revision E and that part of the access road extending 30 metres into the site must be constructed in accordance with Staynor Hall, Phase 4, Selby, Site Layout, drawing number 100 Rev Q.

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.

11. 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.

12. Prior to the first occupation of the development, a Travel Plan must be submitted to and approved in writing by the Local Planning Authority. The Travel Plan will include:

- agreed targets to promote sustainable travel and reduce vehicle trips and emissions within specified timescales and a programme for delivery;
- a programme for the delivery of any proposed physical works;
- effective measures for the on-going monitoring and review of the travel plan;
- a commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development, and;
- effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers of the development.

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.

13. 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 construction access to the site;

2. restriction on the use of the Staynor Avenue access for construction purposes during 'drop off and pick up times' of students at the start and end of the Selby College working day;
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;
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 carriageway and footway users at all times during demolition and construction;
9. protection of contractors working adjacent to the highway;
10. details of site working hours;
11. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
12. 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;
13. measures to control and monitor construction noise;
14. an undertaking that there must be no burning of materials on site at any time during construction;
15. removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
16. details of the measures to be taken for the protection of trees;
17. details of external lighting equipment;
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

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 2015/0452/EIA and associated documents.

Contact Officer: Gareth Stent, Principal Planning Officer

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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