



Meeting: **PLANNING COMMITTEE**
Date: **WEDNESDAY, 6 JULY 2022**
Time: **2.00 PM**
Venue: **COUNCIL CHAMBER - CIVIC CENTRE, DONCASTER ROAD, SELBY, YO8 9FT**
To: **Councillors M Topping (Chairman), C Richardson (Vice-Chair), I Chilvers, K Ellis, G Ashton, R Packham, P Welch, J Duggan and D Mackay**

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 1 June 2022.

5. **Planning Applications Received (Pages 15 - 16)**
 - 5.1. **2020/1042/FULM - Police Station Brownfield Site, Portholme Road, Selby (Pages 17 - 54)**
 - 5.2. **2021/0788/EIA - Land North and South of Camela Lane, Camblesforth (Pages 55 - 104)**
 - 5.3. **2022/0188/FUL - Land off Main Street, Skipwith (Pages 105 - 118)**
 - 5.4. **2022/0381/COU - Braemar, Weeland Road, Eggborough (Pages 119 - 130)**
 - 5.5. **2022/0455/HPA - Field View, Wistow Road, Selby (Pages 131 - 144)**
 - 5.6. **TPO 3/2022 - Pigeon Post, Main Street, Bilbrough (Pages 145 - 152)**
6. **Humber Low Carbon Pipelines - Nationally Significant Infrastructure Project (Pages 153 - 160)**

To receive a report which has been brought before Planning Committee for information purposes. The report recommends that the report is noted by the Committee and that authorisation is sought from the Executive to authorise the Head of Planning and Interim Head of Regulatory Services in consultation with the Executive Member for Place Shaping to agree the Local Impact Report, Statement of Common Ground, the content of the draft DCO, and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.

Janet Waggott

Janet Waggott, Chief Executive

Dates of next meetings (2.00pm) Wednesday, 10 August 2022

Enquiries relating to this agenda, please contact Democratic Services on democraticservices@selby.gov.uk.

Recording at Council Meetings

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Planning Committee
Wednesday, 6 July 2022

Agenda Item 4



Minutes

Planning Committee

Venue:	Council Chamber - Civic Centre, Doncaster Road, Selby, YO8 9FT
Date:	Wednesday, 1 June 2022
Time:	2.00 pm
Present:	Councillor M Topping in the Chair Councillors C Richardson (Vice-Chair), I Chilvers, K Ellis, G Ashton, R Packham, P Welch, J Duggan and D Mackay
Officers Present:	Martin Granger, Head of Planning, Glenn Sharpe, Solicitor, Hannah Blackburn, Interim Planning Development Manager, Gareth Stent, Principal Planning Officer, Irma Sinkeviciene, Senior Planning Officer, Elizabeth Maw, Senior Planning Officer, Emma Howson, Senior Planning Officer, Josh Turner, Planning Officer and Victoria Foreman, Democratic Services Officer
Public:	5

1 APOLOGIES FOR ABSENCE

There were no apologies for absence.

2 DISCLOSURES OF INTEREST

There were no disclosures of interest.

3 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 were informed that any late representations on the applications would be summarised by the Officer in their presentation.

The Chair welcomed Councillors J Duggan and G Ashton to the committee, and Councillor C Richardson in his new role as Vice-Chair. The Chair also thanked Councillors J Cattanaich and J Mackman for their contributions to the work of the committee over a number of years.

4 MINUTES

The Committee considered the minutes of the Planning Committee meeting held on 11 May 2022.

RESOLVED:

To approve the minutes of the Planning Committee meeting held on 11 May 2022 for signing by the Chairman.

5 PLANNING APPLICATIONS RECEIVED

The Planning Committee considered the following planning applications.

5.1 2020/1042/FULM - POLICE STATION BROWNFIELD SITE, PORTHOLME ROAD, SELBY

Application: 2020/1042/FULM

Location: Police Station, Brownfield Site, Portholme Road, Selby

Proposal: Demolition and construction of a Class E food store, together with car parking, landscaping and associated works

The Principal Planning Officer presented the application which had been brought before Planning Committee as part of the site (the north-eastern corner (0.04 ha)) was still owned by Selby District Council and included some existing trees and redundant gas governor. The sale was agreed to Aldi in June 2021; however, its completion was subject to planning permission being obtained. Hence, the Council were still landowners. This therefore did not comply with Council's Constitution (3.8.9 b (ix)), which did not allow applications on Council owned land to be determined under delegated powers, unless they were minor applications and no objections had been received. The application had received objections and was not minor in nature.

Members noted that it was for the demolition and construction of a Class E food store, together with car parking, landscaping and associated works.

The Committee considered the Officer Update Note which set out the detail of two additional letters of representation and a consultation response, and the resulting supplementary conditions relating to detailed drainage design, exceedance flow routes and SuDs maintenance.

The Committee asked numerous questions of the Officer

relating to the road junction at Portholme Road, the increased levels of traffic in the area and the redesign of the access to the site, tree cover and replacement and representations by the Highways Authority and their acknowledgment that mitigation would be required to address the increase in traffic via a £125k contribution from the developers.

Officers recognised that traffic in the area would be busier, but that the Highways Authority's traffic assessment had been sought and potential issues acknowledged; the £125k contribution for mitigation of such issues was deemed appropriate by the Highways Authority.

The Committee noted that the existing trees on the site were not of great quality but did provide greenery. Officers confirmed that 17 new trees would be included on the site.

The Democratic Services Officer read out two representations submitted by J Webber and R Dodgson, objectors, who had asked that they be read out on their behalf to the Committee. The Chair had agreed that two representations could be read out on this occasion.

Will Brooke, the applicant, spoke in favour of the application.

Members debated the application further. Whilst they understood why some local residents would support it, the lack of proposed improvements to deal with the additional traffic were of significant concern, despite the Highway Authority's views. Members felt that clear guidance should be provided by the Highways Authority as to what specific works were envisaged to tackle the additional traffic in the area resulting from the development.

The Committee debated the proposals further and agreed that a decision on the application should be deferred in order for further discussions with the Highways Authority to take place.

It was proposed and seconded that a decision on the application be DEFERRED; a vote was taken and was carried.

RESOLVED:

That a decision on the application be

DEFERRED for further discussions to take place with the Highways Authority relating to the mitigation of expected traffic difficulties caused by the development, in particular:

- 1. the acceptability of the access/egress given the proximity of two other supermarkets;**
- 2. additional traffic on the localised network and;**
- 3. a better understanding of what NYCC planned to do to improve and when as part of the wider movement study.**

5.2 2021/0241/FUL - THE FARMSTEAD, LUND LANE, CLIFFE

Application: 2021/0241/FUL

Location: The Farmstead, Lund Lane, Cliffe

Proposal: Conversion of existing barn to form one dwelling, external alterations and a chimney

The Senior Planning Officer presented the application which had been brought before Planning Committee as the proposal was recommended for approval contrary to the requirements of the Development Plan (namely Criterion 1 of Policy H12 of the Selby District Local Plan), but it was considered that there were material considerations which would justify approval of the application.

Members noted that it was for the conversion of existing barn to form one dwelling, external alterations and a chimney.

There were no speakers.

It was proposed and seconded that the application be GRANTED; a vote was taken and was carried.

RESOLVED:

That the application be GRANTED, subject to the conditions set out in the report.

5.3 2021/0268/FUL - LAND OFF LARTH CLOSE, WHITLEY

Application:2021/0268/FUL

Location: Land Off Larth Close, Whitley

Proposal: Erection of 6 dwellings and garages (Amended Proposal)

The Senior Planning Officer presented the application which had been brought before Planning Committee as more than 10 letters of representation had been received which raised material planning considerations, and where Officers were recommending determination of the application contrary to these representations.

Members noted that it was for the erection of 6 dwellings and garages (Amended Proposal).

The Committee asked numerous questions of the Officer relating to the special circumstances for development in the green belt and the definition of limited infilling in villages. Officers explained that there was no specific definition nor guidance as to what number of dwellings would constitute appropriate infilling and therefore it was a matter for planning judgement based on the individual case, involving a comparison of the proposed built form to that previously approved.

Peter Blackburn, objector, spoke against the application.

Philip Johnson, applicant, spoke in favour of the application.

Members debated the application further and agreed the proposals were acceptable and that the level of infilling was appropriate.

It was proposed and seconded that the application be GRANTED; a vote was taken and was carried.

RESOLVED:

That the application be GRANTED, subject to a S106 Agreement for Recreational Open Space and Waste/ Recycling Contributions, and the conditions set out in the report.

5.4 2021/0770/HPA - 32 ABBOTS MEWS, SELBY

Application: 2021/0770/HPA

Location: 32 Abbots Mews, Selby

Proposal: Raised paving area with step edged in treated timber sleepers and gazebo (retrospective)

The Planning Officer presented the application which had been brought before Planning Committee as the applicant was an employee of the Council within the Leadership Support Team.

Members noted that it was for a raised paving area with step edged in treated timber sleepers and gazebo (retrospective).

The Committee asked why the application before them required planning permission; Officers explained that this was due to the height of the structure.

There were no speakers.

It was proposed and seconded that the application be GRANTED; a vote was taken and was carried.

RESOLVED:

That the application be GRANTED subject to the conditions set out in the report.

5.5 2021/1308/HPA - BEAL HOUSE, 1 BROADMANOR, NORTH DUFFIELD

Application: 2021/1308/HPA

Location: Beal House, 1 Broadmanor, North Duffield

Proposal: Erection of rear single storey extension and realignment of garden fence to eastern boundary

The Planning Officer presented the application to the Planning Committee as a result of a request by Councillor K Arthur, on behalf of North Duffield Parish Council, for the following reasons: (1) The adverse visual impact on neighbouring properties of the proposed 2.3m high fence; (2) The siting of the proposed fence outside of the property boundaries and encroaching onto highway land at the junction of Broadmanor and Main Street; and (3) Inaccuracies and errors in the submitted application form.

Officers explained that the proposed fence was along the boundary line of the property rather than on highway land as the present fence. Members were also updated about the submission of a revised plan, ref. 21072-F101D, submitted since the agenda had been finalised that reduced the height of the fence at the front of the dwelling from 2m to 1.3, thereby lessening its visual impact.

Members noted that it was for the erection of a single storey extension and realignment of the garden fence to the eastern boundary.

There were no speakers.

Members agreed that the issues that had been identified by the Ward Member had been addressed, and that any inaccuracies in the application form were no longer relevant.

It was proposed and seconded that the application be GRANTED; a vote was taken and was carried.

RESOLVED:

That the application be GRANTED subject to the conditions set out in the report.

5.6 2022/0019/FUL - WOODSIDE FARM, SOUTH END LANE, BALNE

Application: 2022/0019/FUL

Location: Woodside Farm, South End Lane, Balne

Proposal: Conversion of agricultural barn and erection of single storey extension to create 1 no. dwelling, with provision of access; parking; formation of garden area and associated works following demolition of existing shed and covered yard buildings

The Senior Planning Officer presented the application which had been brought before Planning Committee as the proposal was recommended for approval contrary to the requirements of the Development Plan (namely Criterion 1 of Policy H12 of the Selby District Local Plan), but it was considered that there were material considerations which would justify approval of the application.

Members noted that it was for the conversion of agricultural barn and erection of single storey extension to create 1 no. dwelling, with provision of access; parking; formation of garden area and associated works following demolition of existing shed and covered yard buildings.

The Committee asked Officers about the site access; it was confirmed that the access would be moved and shared with the two existing agricultural buildings. Traffic

to the two buildings in question would be minimal as they were only used for storage.

There were no speakers.

It was proposed and seconded that the application be GRANTED; a vote was taken and was carried.

RESOLVED:

That the application be GRANTED subject to the conditions set out in the report.

5.7 2022/0341/FUL - LACE HOUSE, HULL ROAD, CLIFFE

Application: 2022/0341/FUL

Location: Lace House, Hull Road, Cliffe

Proposal: Erection of new detached dwelling and garage

The Senior Planning Officer presented the application which had been brought before the Planning Committee following a request from the Ward Councillor for the area where the proposal lay, for the following reasons considered to be valid material planning reasons:

- a) the proposal was sustainable development as it was for one dwelling within walking distance of the nearest convenience store, public house and other local facilities; and
- b) the proposal did not conflict with policies SP1, SP2 and SP4 of the Selby District Core Strategy Local Plan 2013 contrary to that stated by the Planning Officer concerned.

Members noted that the application was for the erection of new detached dwelling and garage.

The Committee asked numerous questions of the Officer relating to sustainability and maintaining the vitality of rural communities and access to facilities.

Officers also confirmed that there were no identified adverse effects on neighbouring properties.

The Democratic Services Officer read out a representation submitted on behalf of the applicants, Mr and Mrs Eccles, who had asked that it be read out to the Committee.

Members debated the proposal further; some disagreed with the Officers recommendation to refuse the scheme and the interpretation of the Core Strategy Local Plan 2013 policies SP2 (Spatial Development Strategy) and SP4 (Management of Residential Development in Settlements) on this particular application and felt that the proposal was sustainable development for a settlement the size of Cliffe. However, other Members supported the Officer's recommendation to refuse due to the conflicts with the categories in Policy SP4.

Officers advised Members that Policies SP2 and SP4 are clear, and the interpretation of infill had been confirmed through appeal. Development should be in accordance with the Council's policies save where material considerations outweighed the policy considerations. In specific cases, Members may wish to set aside policies SP2 and SP4 where material considerations exist.

Members noted that whilst the site was not within green belt; it was on the edge of a settlement and within development limits of the village. Approval of the scheme would not set a precedent for the fields to the north as this was open countryside but could set a precedent for future applications in comparable circumstances, i.e., larger properties with large gardens in similar villages. Officers indicated to Members on an aerial image the development limits of the village in question.

The majority of the Committee agreed that there were material considerations that outweighed the conflict with policies, and that the proposed development was a well-designed building of an appropriate scale and would contribute to the local economy.

It was proposed and seconded that the application be APPROVED; a vote was taken and was carried.

RESOLVED:

To APPROVE the application subject to conditions, the drafting of which would be delegated to the Head of Planning in consultation with the Chair of the Planning Committee.

The meeting closed at 4.07 pm.

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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 can do so remotely or in person**. If you cannot attend in person and don't wish to speak remotely, **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 attending the meeting in person and are encouraged to comply with Covid-safe procedures in the Council Chamber such as social distancing, mask wearing (unless exempt), sanitising of hands etc.
8. Only **ONE** person may register to speak for each category of speaker, per agenda item - i.e., one objector, one parish representative, one ward member

and either the applicant, agent or their representative. Registering to speak is on a 'first come, first served' basis.

9. The following speakers may address the committee for **not more than 5 minutes each in the following order**:
 - (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 (in person or remotely via Microsoft Teams) 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).**

10. 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).
11. Those registered to speak remotely are also asked to provide a copy of their speech so that their representation can be read out on their behalf (for the allotted five minutes) if they have technical issues and are unable to do so.
12. 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.
13. The number of people that can access the Civic Suite will need to be safely monitored due to Covid.
14. 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.
15. Speakers doing so remotely (online via Microsoft Teams) will be asked to access the meeting when their item begins and leave when they have finished speaking. They can then watch the rest of the meeting as it is streamed live on YouTube.
16. 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.
17. The members of the committee will then debate the application, consider the recommendations and then make a decision on the application.

18. 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.
19. 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.
20. This is a council committee meeting which is open to the public.
21. 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
22. The arrangements at the meeting may be varied at the discretion of the Chairman.
23. 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.
24. Please note that the meetings will be streamed live on YouTube and are recorded as a matter of course for future viewing.
25. These procedures are being regularly reviewed.

Contact: Democratic Services

Email: democraticservices@selby.gov.uk

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Agenda Item 5

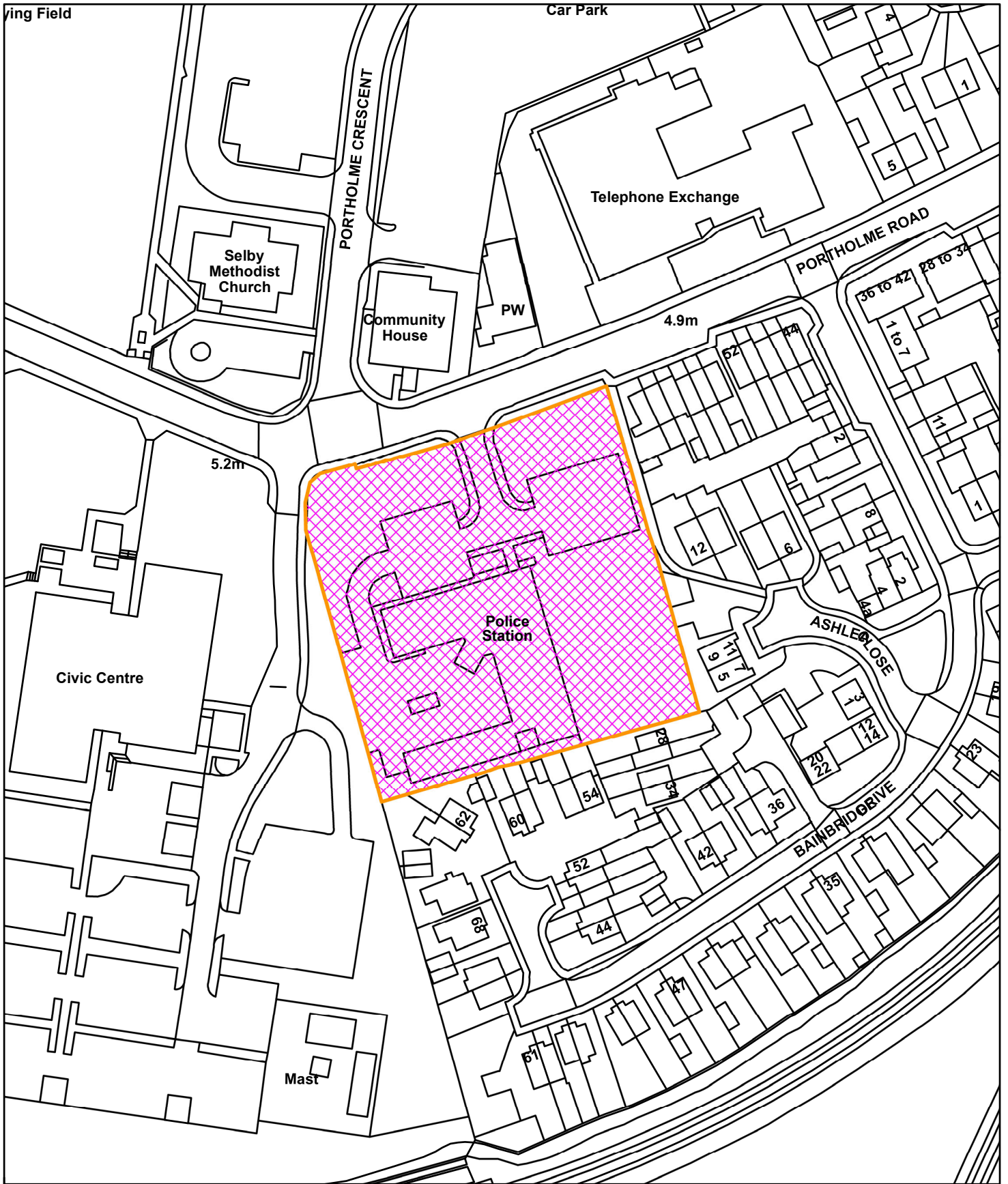
Items for Planning Committee – 6 July 2022

Item No.	Ref	Site Address	Description	Officer	Pages
5.1	2020/1042/FULM	Police Station Brownfield Site, Portholme Road, Selby	Demolition and construction of a Class E food store, together with car parking, landscaping and associated works	GAST	17 - 54
5.2	2022/0788/EIA	Land North and South of Camela Lane, Camblesforth	Development of a ground-mounted solar farm including associated infrastructure Land North And South Of Camela Lane Camblesforth Selby North Yorkshire	JETY	55 - 104
5.3	2022/0188/FUL	Land off Main Street, Skipwith	Change of use of land from agricultural to wildflower meadow with new perimeter timber fence to 2 No sides with double gates, new pedestrian access and 3 No new rustic timber benches	EMHO	105 - 118
5.4	2022/0381/COU	Braemar, Weeland Road, Eggborough	Change of use from C3 to C2 to be a Children's home for 4 children ages 8 – 18	EMHO	119 - 130
5.5	2022/0455/HPA	Field View, Wistow Road, Selby	Siting of a static caravan for purposes ancillary to the main dwellinghouse	JOTU	131 - 144
5.7	TPO 3.2022	Pigeon Post, Main Street, Bilbrough	Confirmation of Provision TPO Reference 03/2022 relating to 1(no) Eucalyptus	BEHA	145 - 152

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Agenda Item 5.1

Police Station, Brownfield Site, Portholme Road, Selby
2020/1042/FULM



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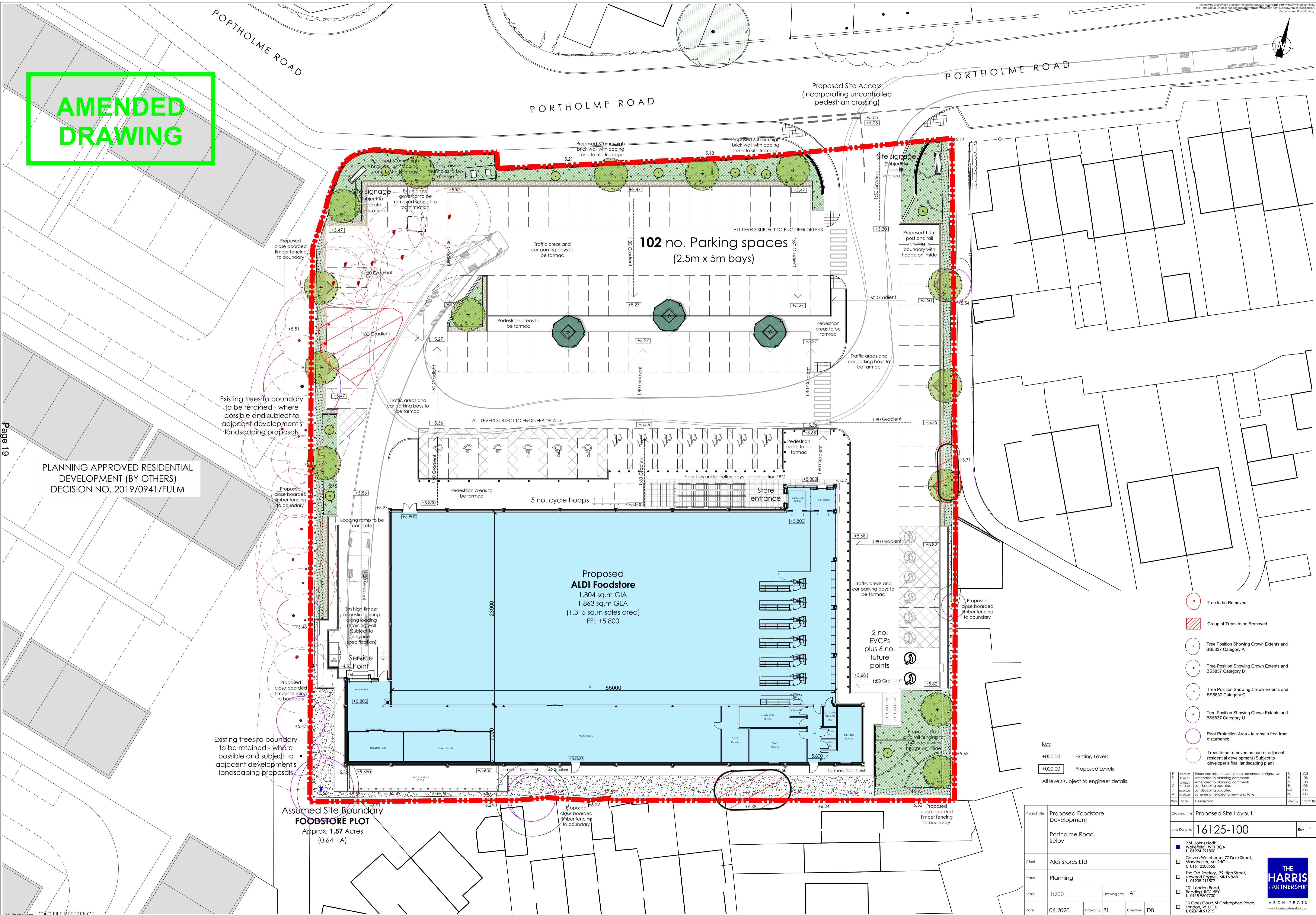
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AMENDED DRAWING

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PLANNING APPROVED RESIDENTIAL DEVELOPMENT (BY OTHERS) DECISION NO. 2019/0941/FULM



Existing trees to boundary to be retained - where possible and subject to adjacent development's landscaping proposals

Existing trees to boundary to be retained - where possible and subject to adjacent development's landscaping proposals


Assumed Site Boundary
FOODSTORE PLOT
Approx. 1.57 Acres
(0.64 HA)

Key
+000.00 Existing Levels
+000.00 Proposed Levels
All levels subject to engineer details

- Tree to be Removed
- Group of Trees to be Removed
- Tree Position Showing Crown Extents and BS5837 Category A
- Tree Position Showing Crown Extents and BS5837 Category B
- Tree Position Showing Crown Extents and BS5837 Category C
- Tree Position Showing Crown Extents and BS5837 Category U
- Root Protection Area - to remain free from disturbance
- Trees to be removed as part of adjacent residential development (Subject to developer's final landscaping plan)

Rev	Date	Description	Rev	Check
F	12.03.22	Pedestrian link removed. Access amended to highways	BL	JDB
E	27.04.21	Amended to planning comments	BL	JDB
D	10.03.21	Amended to planning comments	BL	JDB
C	23.11.20	Landscaping updated	BL	JDB
B	03.09.20	Landscaping updated	RM	JDB
A	27.09.20	Scheme amended to new land take	BL	JDB

Project Title	Proposed Foodstore Development		
Client	Aldi Stores Ltd		
Status	Planning		
Scale	1:200	Drawing Size	A1
Date	06.2020	Drawn By	BL
		Checked	JDB

Drawing Title	Proposed Site Layout		
Job-Dwg No.	16125-100	Rev	F
<ul style="list-style-type: none"> <input checked="" type="checkbox"/> 2 St. Johns North, Wakefield, WF1 3GA t. 01924 291800 <input type="checkbox"/> Carvers Warehouse, 77 Dale Street, Manchester, M1 2HG t. 0161 238855 <input type="checkbox"/> The Old Rectory, 79 High Street, Newport Pagnell, MK16 6AB t. 01908 211577 <input type="checkbox"/> 101 London Road, Reading, RG1 5BT t. 0118 9507700 <input type="checkbox"/> 10 Goss Court, St Christophers Place, London, W1U 1JJ t. 0207 4091215 			
 THE HARRIS PARTNERSHIP ARCHITECTS www.harrispartnership.com			

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Report Reference Number: 2020/1042/FULM

To: Planning Committee
Date: 6 July 2022
Author: Gareth Stent (Principal Planning Officer)
Lead Officer: Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2020/1042/FULM	PARISH:	Selby Town Council
APPLICANT:	Aldi Stores Ltd	VALID DATE: EXPIRY DATE:	19th October 2020 8th July 2022
PROPOSAL:	Demolition and construction of a Class E foodstore, together with car parking, landscaping and associated works		
LOCATION:	Police Station Brownfield Site Portholme Road Selby		
RECOMMENDATION:	Grant		

The application was previously presented to the 1st June 2022 committee and deferred for further discussions to take place with the NYCC Highways Authority relating to the mitigation of expected traffic difficulties caused by the development. In particular:

1. The acceptability of the access/ egress given the proximity of two other supermarkets;
2. Additional traffic on the localised network and;
3. A better understanding of the 'Selby Places and Movement Study' in particular what NYCC plan to do to improve the local highway network and its timings.

The committee report has been updated to reflect the officer update notes from the 1st June 2022 Planning Committee. The highway section has also been amended to reflect post deferral discussions with NYCC Highways regarding the impact of the traffic generated by the proposals, the need for the financial contribution and the movement study.

This application has been brought before Planning Committee as part of the site i.e., the north-eastern corner (0.04 ha) is still owned by Selby District Council and includes some existing trees and redundant gas governor. The sale was agreed to Aldi in June 2021;

however, its completion is subject to planning permission being obtained. Hence, the Council are still landowners. This therefore does not comply with Council's constitution (3.8.9 b (ix)), which doesn't allow applications on Council owned land to be determined under delegated powers unless they are minor applications and no objections have been received. The application has received objections and is not minor in nature.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site consists of the currently vacant former Selby Police Station that fronts Portholme Road on the fringe of the town centre. The total development site extends to 6,069 sq. m (1.50 acres).
- 1.2 The northern boundary is immediately bound by Portholme Road adjacent to which are 2 churches. Further north is Portholme Crescent short stay parking, with the Morrisons and Selby town centre slightly further north.
- 1.3 The eastern boundary is bound by a small to mid-sized existing residential development accessed from Bainbridge Drive. To the south is the same residential development accessed from Bainbridge Drive, with the residential dwellings mainly facing north-south, meaning the rear gardens directly face the application site. There is a small cul-de-sac known as Ashlea Close, which borders the eastern boundary and has a pedestrian link through to Portholme Road.
- 1.4 The western boundary is bound by a cluster of trees and access to the former Portholme Road long stay parking facility that occupied the former council building. This is now under construction for a high-density residential scheme known as the L&G development. Further west is the Tesco Superstore with residential beyond this.
- 1.5 The current site has a central access from Portholme Road, then a grassed frontage leading to parking. The main building is 2 storey in height and sits centrally within the site. This then extends with a series of high flat roof single storey structures to the southern boundary. The residential dwellings to the south are on slightly elevated land as shown by the sectional drawings and topographical survey.

The Proposal

- 1.6 The proposal is for the demolition of the former police station and the construction of a Class E foodstore (GEA of 1,880sqm (1,315sqm sales)) together with a 102-space car park and landscaping to the frontage.
- 1.7 The applicant describes the application as 'the relocation of the existing, out-dated store at Three Lakes Retail Store (GEA c.1,300sqm (940sqm sales) to a modern fit for purpose retail unit closer to the town centre. The application site represents a significant regeneration opportunity of vacant brownfield land in a highly accessible and sustainable edge of centre location.'
- 1.8 The proposal has been the result of preapplication discussions (PREAPP/2020/0044) and has been amended on several occasions during the processing of the application to address some inaccuracies within the original

submission, address issues raised by consultees with the most significant changes being to the design of the building and landscaping.

Relevant Planning History

- 1.9 The following historical application is considered to be relevant to the determination of this application. The history mainly relates to the former police station, the key permissions are:
- CO/1980/32831 - Outline App For The Erection Of A Police Station. Granted 16-DEC-80.
 - CO/1984/0015 - Approval of reserved matters for the erection of a sub-divisional Police Station. Granted 01-MAY-84.
- 1.10 Two recent applications for the residential development to the south-west include:
- 2019/0941/FULM - Proposed redevelopment of site to provide 154 residential units (Use Class C3), construction of new vehicular access onto Portholme Road and laying out of open space, Granted 16th July 2020.
 - 2020/0776/FULM - Redevelopment of the Site to provide 102 residential units (Use Class C3), along with associated parking provision, construction of the vehicular access onto Portholme Road and laying out of open space. Pending consideration.

2. CONSULTATION AND PUBLICITY

2.1 Selby Town Council

1st response - objects to the planning application on the basis that the Design & Access document is inaccurate in parts. The foodstore will encourage more traffic onto Portholme Road, already heavily used by public and delivery lorries for the two existing supermarkets. There appears to be no consideration for the extra traffic generated by the adjacent development of 154 residential units (2019/0941/FULM). Both the junctions from Portholme Road onto Park Street at one end and Brook Street at the other, are not suitable for the wide delivery lorries which cause traffic to come to a standstill whilst they manoeuvre. Finally, adverse effect on the residential amenity of the neighbouring properties due to noise from deliveries and traffic.

2nd response to the revised plans: Selby Town Council object to the revised plans, and comments made on 1/12/20 still stand. The revised plans still do not address the problems with additional HGV's accessing Portholme Road from either Bawtry Road/Park Street and Brook Street/Union Lane junctions. The amended access road (staggered junction with Portholme Crescent) adds to the problems of traffic flow along Portholme Road. The Town Council would also like to be reassured that a suitable sustainable drainage system is in place if the development is to be built at the same level as the adjacent housing development.

2.2 Selby Civic Society – Objects to the application.

Selby has its shopping area focussed on the east end of Gowthorpe and around the marketplace. New developments at Abbey Walk to the north, and Market Cross to

the south of Gowthorpe, extend the pedestrian shopping routes to incorporate Sainsbury's and Morrisons supermarkets respectively. The proposed foodstore on the opposite side of Portholme Road is further disconnected from the town centre and its primary shopping destinations, thereby relying on shoppers arriving by car. We object on the grounds that the foodstore will encourage more traffic onto Portholme Road above the additional traffic levels already expected from the adjacent development of 154 residential units (2019/0941/FULM). Both ends of Portholme Road currently cause severe traffic bottlenecks, especially during HGV movements, and there appears to be no traffic flow modelling or mitigations present in this application. We are also concerned that the noise will further impact on those that live nearby.

2.3 NYCC Highways

Initially issued a holding objection (22.12.2020)

HGV tracking needs to be shown along with Forward Visibility Splays and Visibility Splays at the Portholme Road junction. The parking provision needs to be in accordance with the latest LHA Guidance, an increase in both car and cycle spaces is required. In addition, the LHA requests the details of the proposed engineering alterations to Portholme Road to enable the proposed junction to be constructed, to include but not limited to: vertical & horizontal alignments, drainage and street lighting. Documents not submitted that are required:

- Transport Assessment
- Travel Plan
- Demolition Management Plan
- Construction Management Plan

2nd response provided (2.2.2021) - holding objection further detail required.

Transport Assessment - The Committed development element needs discussing further. The A1041 / Park Street mini roundabout proposals needs discussing / engineering information submitting. The A19 / Union Lane mini roundabout capacity needs discussing further.

Interim Travel Plan – Further detail required in respect of sustainable travel, including walking and cycling.

Final response (11.5.22) - No objection.

The LHA has assessed the amended documents, with the aim of trying to ensure there is not an unacceptable detrimental impact on the Highway network in the vicinity of the site.

The LHA have extensively scrutinised the Transport Assessment, discussing numerous issues. The proposal to alter the existing layout at the A1041 Bawtry Road / Station Road / Park Street junction for a mini roundabout layout was considered in depth. The LHA concluded that the proposals could not be accepted as the design was outside numerous standards as detailed in the Design Manual for Roads and Bridges.

The LHA have agreed with the Developer that a payment of £125,000 by the Developer, equal to an estimate of the initial proposed Highway alterations, be

payable to contribute to the Selby Place & Movement Study, including the Portholme Road corridor

The LHA do not consider the impact of the traffic generated by the development will result in an unacceptable impact on highway safety or that the residual cumulative impact on the road network will be severe. Conditions covering the following were recommended:

- Control over the new access, Closure of the existing access, Visibility Splays, Provision of Approved Access, Turning and Parking Areas, Travel Plans, Construction Management Plan, Verge crossing.

2.4 **Yorkshire Water**

No objections subject to the development being carried out in accordance with the Flood Risk Assessment & Drainage Statement prepared by 3E Consulting Engineers (Report dated June 2020). The report states that foul water will discharge to public foul sewer network and surface water will discharge to the culverted watercourse crossing the site at a restricted rate of 32 litres/second. Run off from car parking, access roads and loading areas will pass through a suitably designed petrol interceptor.

2.5 **Selby Area Internal Drainage Board**

No objection subject to the appropriate treatment of the surface water.

2.6 **SuDS and Development Control Officer** - No objection subject to conditions.

In assessing the Flood Risk Assessment & Drainage Statement the applicant states in section 6.10 that *'All proposed surface water systems should be designed to accommodate the worst case 1 in 30-year storm event without flooding. Furthermore, the worst case 1 in 100-year plus climate change storm event should also be retained on site in an area that will not cause flooding to any existing or proposed buildings.'*

However, the applicant has not provided an exceedance flow route nor details of the extent or depth relating to the exceedance of the system in a 1:100-year event. This would confirm that flooding above the 1:30 year event would be contained on site. If this information is not submitted prior to determination, then the LLFA would suggest a condition should be included to ensure that this detail comes forward prior to the commencement of works.

It is also noted that the submitted MicroDrainage calculations show that the storage volumes will accommodate an event up to a 1:100 plus climate change allowance. However, section 6.10 suggests that the drainage system will not be designed to accommodate such an event and the above ground areas within the site will store any event over 1:30 year event. Therefore, calculations and detailed designs of the piped system and attenuation area along with calculations to reflect the detailed designs would be expected. If this is not submitted prior to determination, then the LLFA would suggest a condition should be included to ensure that this detail comes forward prior to the commencement of works.

A maintenance and operation manual for the SuDS including access arrangements and establishment of a maintenance organisation/body has not been provided. We have applied a suitable condition in relation to this.

The LLFA officer notes that the applicant intends to discharge into a culverted watercourse. We would suggest that they discuss any discharge rates and volumes with the Internal Drainage Board for the area if the culverted pipe is considered a watercourse. If not, then it is assumed that it is a sewer and therefore Yorkshire Water should be consulted. The LPA should satisfy itself that permissions from the relevant organisation has been sought in terms of discharge arrangements.

2.7 Environmental Health

No objections subject to conditions requiring control over the noise omitted from external plant and equipment. Store opening hours and delivery times were also suggested to be controlled to:

The store opening hours shall be limited to 08:00 to 22:00 Monday to Saturday and 10:00 to 18:00 on Sundays. The delivery period shall be limited to 07:00 to 23:00 Monday to Saturday and 08:00 to 20:00 on Sundays.

The proposed development is likely to entail an extended construction phase inclusive of demolition. This phase of development may negatively impact upon nearby residential amenity due to the potential for generation of dust, noise & vibration. This could be controlled through the submission of a Construction Environmental Management Plan (CEMP).

In terms of Air Quality, the accompany report acknowledges the potential for increased traffic movements through a designated Air Quality Management Area (AQMA) as a result of the proposals, quantified as a 1% increase in NO₂ emissions based on traffic data provided by the applicant's transport consultants. There is no direct reference to how the applicant intends to offset the impact; however, it is noted the intention to provide two electric vehicle charging points which is considered sufficient. It is recommended that the provision of electric vehicle charging points is secured by condition

No objection to the proposed plant subject to condition. The officer took the view that irrespective of fixed plant selection, the applicant is subject to compliance with acceptable noise criteria. Notes that the noise levels provided within the plans are meaningless without an understanding of whether the levels are sound power levels (L_w) or sound pressure levels (L_p), and the latter necessitates a distance at which it applies (e.g., 38dBA at x metres).

2.8 Conservation Officer

No objections. Given the building height, no significant direct heritage impact which is the way we have considered the adjoining site also (Old Civic Centre).

2.9 Natural England

No comments to make on this application.

2.10 North Yorkshire Bat Group

No response received.

2.11 Yorkshire Wildlife Trust

No response received.

2.12 County Ecologist

No objections subject to conditions.

5.11.2020. The application includes a PEA by Brooks Ecological and a bat survey by Naturally Wild. In relation to bats it is noted that the survey recorded that bats are absent from the buildings on site and as such no further survey or mitigation is proposed.

The PEA calculated the baseline biodiversity units on site using the Defra Metric and provides recommendations for avoiding adverse effects and ideas for enhancement (net gain). However, despite providing a site layout plan and a landscape scheme there is currently no post development biodiversity unit score which makes it very difficult to determine if the development can achieve no net loss or a net gain for biodiversity.

It is requested that a post development biodiversity metric calculation is carried out and submitted. Where possible in line with current policy the post development scheme should be seeking to secure net gains.

The ecologist requested to see the recommendations for biodiversity identified on the landscape scheme. At present much of the landscape planting is non-native and the recommendations in relation INNS and hedgehog do not appear to have been incorporated. A clear plan showing the biodiversity measures would be useful. The timing of tree works in relation to nesting birds can be suitably covered by an informative.

25.1.21 – The biodiversity net gain calculation submitted as an addendum to the PEA would be reasonable in this instance. It doesn't really matter what the report is called, the important thing is that it demonstrates how the recommendations within the PEA have been taken into account and how biodiversity net gain will be achieved. The officer notes that native planting has been included within the landscape plan which is welcomed. Once the BNG report is available the officer would provide more detailed comments.

20.7.2021 – The officer reviewed the layout plan, the landscape plan and the revised BNG calculations. It is disappointing that the applicant has chosen not to provide a net gain for biodiversity as part of this application. The BNG report confirms that there will be a net loss of biodiversity from the site. The NPPF encourages developments to 'secure measurable net gains for biodiversity'. If gains cannot be provided on site opportunities to provide gains within the local area could be explored e.g., working with a Town Council to provide biodiversity enhancements within public open space within Selby. This being said it is a very small loss of biodiversity units of commonplace habitats and currently there is no formal mechanism available to provide these types of minor off site compensation

provisions. Due to the minor scale of loss, the officer will not insist on offsite compensation.

The BNG report does suggest that species roosting features could be put in place as an alternative to habitat provision. This is supported and that these details could be secured by condition requiring submission of a Biodiversity Enhancement Plan.

2.13 Designing Out Crime Officer

In general, the overall design & layout of the proposed development is to be commended as it contains many Designing Out Crime principles and reduces the opportunity for crime & disorder. Below is a list of some measures, which if incorporated, would enhance the safety and security of the development.

- Installation of CCTV to cover footpath at rear of building.
- Relocating of motorcycle parking bays.
- Provision of ground anchors and /or metal support stands for motorcycle parking.
- Provision of security lighting to building elevations.

Access & Movement - It is noted that there is a potential pedestrian link to be incorporated into the scheme that will provide access into the site from the new neighbouring residential development to the west that was subject of Planning Application 2019/0941/FULM. As this link will have an impact on the permeability of the adjacent residential scheme referred to above, it is requested that this should be formalised link, rather than a “desire line1”, which may be created, provided it is of a suitable width and is appropriately illuminated. In terms of the impact the proposed link may have on the site for the new retail store, no concerns were raised.

Landscaping - It is also noted that as part of the amended scheme that there are to be several additional trees planted within the car parking area. It is important to maintain the canopy of these trees so that the lowest branch is a minimum of 2.5m from ground level to ensure that surveillance across the car_park is not impeded.

2.14 North Yorkshire Fire & Rescue Service

No objection.

2.15 Public Rights of Way Officer

No response received.

2.16 HER Officer

The site has a low archaeological potential, largely as a result of 19th and 20th century development. No objections.

2.17 Environment Agency (Liaison Officer)

No objection provided the proposed development is built in accordance with the submitted FRA.

2.18 Waste and Recycling Officer

No response received.

2.19 Contaminated Land Consultant

8.11.2020 - The report (phase 2 Geo-Environmental Assessment) shows that the site has previously been used as a police station, including a small fuel pump and underground fuel (diesel) storage tank. Prior to this, the land has accommodated railway lines, a culvert, and a car and lorry park. These past activities could have given rise to land contamination from fuel spillages, asbestos and heavy metals. 10 soil samples were collected and tested for metals, boron, chromium, organic carbon, water soluble sulphate, polyaromatic hydrocarbons, petroleum hydrocarbons and asbestos. No contaminants were detected within these samples above the relevant adopted assessment criteria for a commercial end use, and so there is considered to be negligible risk to human health from soil contamination. 2 rounds of gas monitoring had been carried out at the time of writing the report, detecting slightly elevated levels of carbon dioxide and methane, however the full monitoring program is not complete. The report recommends that a remediation strategy is prepared for the removal of the underground storage tank.

The Phase 1 report (ref: P19-299/DS Issue 1) will need to be provided so that the appropriateness of the site investigation strategy can be assessed in relation to the location of historical potentially contaminative activities on site. Additionally, the completed gas monitoring and gas risk assessment will need to be provided.

A remediation strategy will need to be produced for the removal of the fuel storage tank and any ground gas protection measures found to be necessary upon completion of the gas risk assessment, which will also require verification.

The applicant submitted a Phase 1 report and gas monitoring details.

22.11.2020 - The provision of the completed gas risk assessment and the Phase 1 report are sufficient for "condition 1: investigation of land contamination" to be left off. The gas monitoring identified elevated concentrations of both carbon dioxide and methane, necessitating the provision of gas protection. The remaining conditions (below) will therefore still be required.

Condition 2: Submission of a Remediation Scheme Prior to development,
Condition 3: Verification of Remedial Works Prior to first occupation or use.
Condition 4: Reporting of Unexpected Contamination

17.1.2021 - The report and the proposed remedial works are acceptable, and condition 2 will not be required. Condition 3 will still be required to ensure the remediation is carried out and verified, and condition 4 will still be required in case any further contamination is encountered during development works.

2.20 Urban Designer

No objection following the submission of amended plans.

Initially objected (27.1.2020) - Clear pre application guidance was given in June 2020 regarding expectations for the character and quality of new development on

Portholme Road, in particular the use of contextual materials. Unfortunately, the design narrative bears little relationship to the proposed designs, and contains numerous inaccuracies, which ultimately arrive at generic design that is unjustified. The design does not respond to the local context, or to national and local policies regarding quality design. Further work on the design and contextual relationship is required.

Urban Design 2nd response: 16th June 2021 – The revised design and attention to the Design and Access Statement is welcomed. The scheme is close to an acceptable form (from a Design perspective), subject to further details being changed in respect of boundary treatments particularly on the site frontage. Also, the orientation of the building needs further justification as spatially, the front is fronting the main car park, and Portholme Road. Architecturally, the front is down the side of the building. The pedestrian links to the west are welcomed. Further detail is also needed in respect of surface materials and all materials should be conditioned.

Urban Design 3rd response: 5th July 2021 – The scheme is close to being acceptable. The officer still raised concerns over the close boarded fence to the west. Still maintained concern of the siting of the building i.e. recessed from the road. The use of tarmac for the surface materials needs attention to ensure a higher quality hard landscape.

2.21 **Planning Policy comments**

In the absence of any sequentially preferable sites, the principle of retail development in this location is acceptable and complies with policy.

2.22 **Landscape officer**

No objection following the submission of amended plans.

24.2.21 – Initial holding objection.

The officer initially objected to the scheme over the likely to adversely affect the residential amenity of adjoining residential properties due to layout, proximity and conflicts of use. The site was said to be over-developed. There is insufficient stand-off at the boundaries to allow retention of existing trees and sufficient landscape boundary screening. Additionally, there is potential for night-time impacts due to lighting. Also, inaccuracies existed in the Design and Access Statement and the Arboricultural Impact Assessment.

Further detail was requested in respect of proposed boundary treatments, the protection and retention of existing boundary trees, particularly to the NW side, more substantial landscape boundary screening and stand-off along site boundaries, particularly to the west and east sides, additional tree and shrub planting within internal car park areas and further details and cross sections of boundary treatment, retaining structures and foundations, fencing and planting is required.

2.6.21 – Broadly supportive of the revised layout but would like to see more emphasis on tree establishment to ensure future amenity benefit of the trees, particularly since a number of existing good mature trees are to be removed to allow the current layout. The officer requested further detail on the tree pits. The

officer was not supportive of the central 3 trees planted within hard paved areas as they will remain dependent on watering and aftercare.

30.6.21 – The officer could see no reason why the central hard linear island within the car park cannot be grass and to provide additional soil and growing space for the trees (layout could be the same). The landscape officer requested further re-assurance on establishment of these central trees because trees planted within hard surfacing will always struggle and never do well. The tree planting details previously submitted have constrained root zones and potential for poor drainage.

1.7.21 – If the applicant is not able to make further changes and improvements for proposed replacement trees, and increase planting areas generally to accommodate this, then it is requested to see a commitment to longer-term maintenance and management for all the proposed landscape areas. This is over and above a 5-year replacement defects period which would typically be imposed.

7.7.21 – The officer was satisfied providing the following conditions were added:

- 10-year planting defects replacement period
- Maintenance aftercare plan together with a schedule; initial establishment period (10 years); and long-term maintenance thereafter.

Neighbour and 3rd Party representations

2.23 The proposal was publicised by a site notice and direct neighbour notification of residents. 3 neutral letters were received, one concerning the need for a changing places facility for disabled and a one in response to concerns raised in the local press concerning HGV movements. Concern over a tree showing to be retained on the southern boundary and would prefer removal.

2.24 The application received 72 letters of support, (many generic letters indicating general support), 1 from signed by 4 persons. The comments in support were detailed as follows:

- The new store will create new jobs for Selby people hopefully.
- The addition of Aldi to Selby Town shopping as opposed to the out-of-town position it holds now is a benefit to all, enabling shopping without using the private car.
- The town centre store will be accessible for the elderly to travel on foot.
- Planning needs to make special note of the road situation re Portholme as this road has junction adjacent to this site and a hazard needs to be avoided.
- The larger store will provide affordable shopping to the people of Selby who have no means of transport or way of accessing out of town shopping. A new store in an easily accessible place will give this choice to many more people as public transport is now on such a decline locally. It is important that local choice is there creating more competition between different stores.
- It will give more choice for customers.
- Its refusal would show poor judgement, presenting an image of a town that's opposed to investment from a world-player, and leaving Selby with an eyesore derelict building.
- Accept that there may be increased traffic if the supermarket is built and that councillors might be concerned by this, but surely a junction, built to jointly

acceptable standards to minimise congestion into and out of the site can be part of the discussions between Aldi and the Council.

- Not overly concerned as far as increased traffic along Union Lane goes. The road is already busy at peak times, quieter at non-peak. If anything, it is the modular homes site that'll make the road busier than an extra supermarket, we're used to having two of the town's biggest as neighbours.
- Also, Aldi setting up there will CUT congestion elsewhere, as fewer people will be driving out to the Three Lakes, and those that do, who live in the town centre, will have the option to walk.
- The company is already established in Selby so will have no adverse effect on retailers. Town centre store more accessible to older residents.
- Asset to Selby, excellent use of a brownfield site in the heart of our town.
- Better than site being derelict.

2.25 7 letters of objection, the comments were as follows:

- The traffic on Portholme Road is currently very busy. Firstly, the added amount of traffic this would create, to the already very busy Portholme Road and Park Street, both from customers and deliveries to store. The residents of the Bainbridge estate would have a significant impact crossing the road, with traffic coming out of three major supermarkets. This store will cause an increase in traffic.
- There is building happening in that area for a large housing complex.
- Deliveries to the existing supermarkets currently causes more problems, one more supermarket will make it a whole lot worse.
- Residents on Union Lane, Massey Street, New Church Terrace, parts of Portholme Drive and Portholme Road will be badly affected.
- The only access to the area by large goods vehicles is either Union Lane/Massey Street/Portholme Road or Park Street/Portholme Road.
- The only sensible solution is to either refuse the application, or mandate that deliveries are between 11pm and 5am. That said, residents in that area will be troubled by noise for most of the night.
- The construction of another food store within the town centre is unnecessary and it should be built further out of town. Selby Town Centre is already well served with supermarkets.
- Further traffic into the town centre should not be encouraged encourage into the town centre especially in this area of Portholme Road which gets congested already.
- Maybe there could be something built here to encourage people to walk more like an outside space to exercise in or relax in, a community space. Aldi's current location is appealing as it's out of town, but it will lose custom to Lidl if it relocates to the town centre.
- The anticipated increase in traffic and consequent enhanced danger at the existing junction of Portholme Road and Portholme Crescent convince us that these applications cannot be considered separately, but the total impact of increased traffic in Portholme Road should be taken into account. If the application is to proceed, surely the access can be taken off a traffic island at the existing Portholme Road/Crescent junction as previously suggested, preferably with the original proposal for the Crescent to be joined to Park Street to also proceed.
- This road has woeful crossing points.
- Where is the infrastructure improvements to accommodate this development?

- Where are all the controlled crossings going to be to make this a safe thoroughfare for pedestrians, especially mobility challenged? Why haven't any groups representing disabled residents been consulted? Where is the impact on pedestrian through traffic consultation? This is a pedestrian route for my wife who is blind to avoid the pitfalls of going through town to access Bawtry road.
- When are you going to reinstate the footpath at the base of the bridge so she doesn't have to use the dangerous steps, because that's the only way to access Bawtry road from this end of town.
- The current suggestion for the delivery period from 07:00 to 23:00 Monday to Saturday and 08:00 to 20:00 on Sundays seems to be excessive. As the additional noise level caused by the lorries and the loading cannot be fully estimated, the delivery times should be set as follows for the time being: 07:00 to 21:00 Monday to Saturday and 08:00 to 18:00 on Sundays due to the proximity to residential buildings.
- Traffic - The L&G; residential development alone will have an additional and major impact on the overall traffic volume in Portholme Rd and the town centre in general, especially in combination with the two already existing supermarkets in direct proximity. The overall level of pedestrian crossing in the area is poor, particularly the A19 roundabout pedestrian crossing on roundabout. The whole Portholme route needs to be looked at particularly in the interested of pedestrian safety and users with a disability. Disabled groups have not been consulted with.

3 SITE CONSTRAINTS

Constraints

- 3.1 The application site is located within the development limits for Selby. The site is brownfield and lies on the southern fringe of the town centre outside the Shopping and Commercial Centre and outside the Conservation Area. The site is within Flood Zones 2 and 3 (benefitting from flood defences) the latter of which has a high probability of flooding. The site does not contain any protected trees and there are no statutory or local landscape or heritage designations.

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
SP13 - Scale and Distribution of Economic Growth
SP14 - Town Centre and Local Services
SP15 - Sustainable Development and Climate Change
SP16 - Improving Resource Efficiency
SP18 - Protecting and Enhancing the Environment
SP19 - Design Quality

Selby District Local Plan

4.7 The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development
ENV2 - Environmental Pollution and Contaminated Land
ENV28 - Other Archaeological Remains
EMP2 - Location of Economic Development
EMP6 - Employment Development within Development Limits
T1 - Development in Relation to Highway
T2 - Access to Roads
S3 - Local Shops

National Planning Policy Framework

4.8 Relevant sections include:

2 – Achieving sustainable development
4 – Decision-making
7 – Ensuring the vitality of town centres
9 – Promoting sustainable transport
11 – Making effective use of land

- 12 – Achieving well-designed places
- 14 – Meeting the challenge of climate change, flooding and coastal change
- 15 – Conserving and enhancing the natural environment
- 16 – Conserving and enhancing the historic environment

5 APPRAISAL

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

- Principle of development - sequential test and retail impact
- Design and Impact on the Character of the Area
- Trees and Landscaping
- Impact on Highway Safety Highway Matters
- Impact on Residential Amenity
- Noise Environment
- Flood Risk and Drainage
- Nature Conservation and Protected Species
- Heritage Assets
- Land Contamination
- Other Matters

The principle of development including sequential test and retail impact

- 5.2 Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development and that development proposals which accord with an up-to-date development plan should be approved.
- 5.3 Paragraph 12 of the NPPF re-emphasises that the development plan is the starting point for decision making, adding that where a planning application conflicts with an up-to-date Development Plan permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. Para. 47 reiterates that planning law requires that applications for planning permission be determined in accordance with the development plan.
- 5.4 The Core Strategy (CS) was adopted in October 2013, however Planning Practice Guidance states that a plan does not become out-of-date automatically after 5 years. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Due weight should be given to relevant policies in existing plans according to their consistency with the NPPF. It will be up to the decision maker to decide the weight to give to the policies. The policies in the SDLP (saved) and adopted CS are consistent with the NPPF.
- 5.5 CS Policy SP2 sets out the spatial strategy for the district and states that Selby, as the Principal Town will be the focus for new development, including retail.
- 5.6 CS Policy SP14 states that town centre uses should be focussed on the town centres of Selby, Tadcaster and Sherburn in Elmet. Proposals are required to comply with national planning policy which states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan.

The site is located approximately 300 metres from the Primary Shopping Area and is therefore regarded as edge of centre in planning policy terms.

The sequential test

- 5.7 It is noted that a sequential test assessment has been submitted in support of the application, which finds that there are no sequentially preferable sites which are available, suitable or viable. At the time of the submission the Council had recently undertaken a Call for Sites exercise as part of the emerging new Local Plan and the policy team confirm that no sequentially preferable sites have been identified through this process.
- 5.8 The former police station site is considered to be a well-connected, brownfield, accessible edge of centre site which could potentially benefit the town centre through facilitating linked trips. The relocation of Aldi from an out-of-centre retail park to this edge of centre location is broadly supported for this reason.

Retail impact

- 5.9 When assessing applications for retail developments outside town centres, which are not in accordance with an up-to-date plan, an impact assessment is also required. Given the absence of a locally set threshold in the Development Plan, the default threshold set out in the NPPF is 2,500 sq m.
- 5.10 The Council have published a Retail, Town Centre and Leisure Study (November 2020) which concludes that there is very limited capacity for additional convenience retail floorspace in Selby Town in the period to 2030 (603 sq m net). Whilst retail need is no longer one of the retail tests, a lack of surplus expenditure indicates that the impact on existing stores will be greater and significant diversion of trade from in-centre stores (Sainsburys and Morrisons) could have an impact on the vitality and viability of Selby town centre. The 2020 Retail Study finds that Morrisons is overtrading (by £1.92m) when compared to company benchmark turnovers and the Sainsburys store is under-trading (by £3.62m). In the circumstances where in-centre stores are under-trading, further diversion of expenditure may have a more significant impact on the vitality and viability of the town centre. However, the study finds that the existing out-of-centre Aldi foodstore is found to be massively over-trading by £11.4m and it is considered that the relocation of the store will help to relieve this over-trading and absorb some of this surplus expenditure.
- 5.11 The submission of an impact assessment by the applicant is welcomed, as despite the modest size of the proposal (1,315 sq. m net sales area) the deep discounters can have a significant impact on existing trading patterns. The submitted Retail Impact Assessment appears robust. It is based on the Council's previous Retail Study which was published in 2015 (as the 2020 update was not available at the point of submission) and the assumptions it uses for catchment area / trade draw and benchmark turnovers are considered to be realistic.
- 5.12 The Retail Assessment has provided an assessment of different scenarios, including a cumulative impact assessment of the proposal, alongside the Lidl proposal at Staynor Hall and the existing Aldi unit being retained as a foodstore which is welcomed. The assessment demonstrates that overall, there would be no significant impacts on town centre facilities.
- 5.13 The proposal is considered to be acceptable on the basis that:

- It represents a relocation of an existing store and proposes a modest uplift in sales area (+375 sq. m net).
- The Council's 2020 found that the existing Aldi store at Three Lakes Retail Park is significantly overtrading, and the store's relocation will relieve this overtrading and absorb some of this surplus expenditure.
- The store will be relocated from an out-of-centre location to an edge-of-centre which may bring related benefits to Selby town centre through linked trips.
- The application site represents a significant regeneration opportunity of vacant brownfield land in a highly accessible and sustainable edge of centre location.

Design and Impact on the Appearance of the Area

- 5.14 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. 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.
- 5.15 The design of the building has been perhaps the major area of concern from the initial submission. The urban design officers' comments above adequately detail this and explain how the original scheme was considered bland, not responsive to its overall context. This has been gradually improved through looking at other example stores, moving away from the modern grey clad frontage and introducing more traditional materials such as red brick with full height piers, with cladding at higher level only. The roof design has also changed from a mono pitch design to a lower flat roof design. This palette of colours is now far more in-keeping with the built form in the area, including the houses on Portholme Road and the Morrison's. It is also consistent with the neighbouring housing site, whose materials have recently been signed off for use of red/brown brick and dark grey tiles and sheet roofing (2020/0957/DOC). In other words, it is far more contextually responsive with the existing and committed surrounding developments.
- 5.16 Other more subtle design changes were made to the pavement treatments, the landscaping, the entrance detailing and the choice of boundary materials to help anchor the development with streetscene. Whilst the main glazed aspect does face east, the frontage once the landscaping becomes established will enhance the streetscene. Limited opportunity also existed to enhance the planting areas, due to the store size requirement and resultant number of parking spaces. The pedestrian access to the west through the L&G Housing development was also later omitted due to the land level differences and an unwillingness of the residential developer to facilitate this.
- 5.17 Therefore on balance, the proposal has been significantly enhanced from its initial submission and is regarded to be visually acceptable and would not detract from the character of the surrounding area. The proposed development is therefore considered to be in accordance with SDLP Policies ENV1, CS Policy SP19 and national policy contained in the NPPF.

Trees and Landscaping

- 5.18 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.
- 5.19 The impact on the landscape is particularly important in this proposal as the proposed development will inevitably change the character and form of buildings on the site. The current building on site only occupies roughly half of the site, with the remainder of the site being grassed. A group of trees (mainly birch) exists on the north-western corner of the site, and these extend down the western boundary, and provide some greenery within this street frontage. The trees within the western boundary are outside the site and are to be removed as part of the current L&G development.
- 5.20 The tree survey submitted with the application regarded the north-western grouping to be of moderate and low quality, but within reasonable to good physiological and structural condition. Both the landscape officer and urban design officer considered that these should be retained, however the application site was enlarged during the processing of the application and subsumed these trees within a proposed parking and landscaping area.
- 5.21 The extent of the development, tree loss and the amount of landscaping was discussed at length during the processing of the application, with the applicants wishing to maximise the use of the site, leaving very little area for landscaping and the site feeling intensively developed. These discussions are fully detailed in the landscape officers' consultations responses above.
- 5.22 The landscaping was gradually enhanced by a series of amendments and additional information being submitted. The frontage was shown to be fully landscaped, along with the site boundaries and the south-eastern corner of the site. Trees were also shown in the central parking area, made possible via tree pits. A landscape plan was also submitted showing a total of 17 new trees, all of which were of heavy standard and extra heavy standard to give some immediate tree cover to the site and compensate for the trees being removed. This was all supplemented by shrub planting in the car park areas and boundaries.
- 5.23 The landscape officer was broadly supportive of the changes made and sought a commitment to longer-term maintenance and management for all the proposed landscaping. The need for a maintenance management plan is secured by condition as is the need to replacement defects period being 10 years as opposed to the normal 5 years. The applicants have agreed to this condition.
- 5.24 In terms of boundary treatment, again this was discussed and amended during the application. The site frontage is enclosed by a 600mm wall with copings to give the development some enclosure within the streetscene, with planting behind. This sweeps around the site entrance and north-western corner of the site. The current permeable paladin fencing on the eastern boundary is being replaced by a low post and rail fence where it adjoins the heavily trafficked footpath. This will give the footpath an open feel and provide a safe route to the town centre. Beyond this on the south-eastern and southern boundaries is a 1.8m close boarded fence where the site bounds residential dwellings.

- 5.25 Finally, the western boundary is shown as a 1.8 m close boarded fence. The urban design officer wanted something more substantial along this boundary where it meets the new L&G housing estate. The applicants were reluctant to change this, and it was later established that the site to the west is elevated for flooding purposes and there is to be a 500mm retaining wall on the western boundary which is then landscaped. Therefore only 1.3m of fencing will be visible from the neighbouring residential side of the development. On balance, this was deemed to be acceptable.
- 5.26 The proposal has been significantly improved from its first submission and whilst more landscaping would have been welcomed, a balance has been reached. Given its semi urban fringe location this was deemed to be satisfactory and is therefore acceptable in accordance with Selby District Local Plan Policies ENV1(4), and Core Strategy Policy SP18.

Impact on Highway Safety

- 5.27 SDLP Policy T1 requires new development to be well related to the existing highway network and Policy T2 states that development resulting in the intensification of the use of an existing access will be supported provided there would be no detriment to highway safety. The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.28 The application was accompanied by a Transport Assessment which recognised that traffic associated with the proposed development would be higher than for the former Police Station use. When taking into account other committed development in the area i.e., the L&G site to the west, this meant that some 'off site' highway upgrading works could be necessary. These involved the potential for signalisation of junction at A1041 / Park Street or mini roundabout. The modelling also showed increased flow west to the A19 / Union Lane mini roundabout.
- 5.29 A Highways Technical Note was prepared by Andrew Moseley Associates in response to a number of discussions and various comments received from North Yorkshire County Council (NYCC) Highways on the Transport Assessment (TA). The Highways Technical Note which had several revisions, concluded that mitigation is not required at the Union Street / A19 Brook Street mini roundabout as a result of the development proposals.
- 5.30 In terms of the Bawtry Road / Station Road / Park Street Priority Crossroads Junction, further information was provided, and intervention was deemed necessary due to queuing on Park Street during busy periods.
- 5.31 The applicant had originally proposed changes to the layout of the Bawtry Road / Station Road / Park Street Priority Crossroads junction to a mini roundabout arrangement, seeking to readdress priorities at the junction and provide improvements to capacity. However, NYCC did not consider this to be an arrangement that could be supported based on their required design parameters and road safety concerns.
- 5.32 On this basis it was agreed that the mini-roundabout design would be removed from the proposals, as a future scheme at this junction would deliver a more comprehensive mitigation scheme and any interim solution would not be beneficial

in highways terms. It is recognised and accepted by the applicant that over the last few years piecemeal development has occurred in the vicinity of the site and therefore there is a cumulative impact of additional highways / traffic movements that could be addressed strategically both in and around the town centre. This includes the Portholme Road corridor in relation to traffic management and the encouragement of movement by more sustainable modes in line with SDC and NYCC policies which seek active modal shift to walking, cycling and public transport.

- 5.33 NYCC Highways in association with SDC are currently preparing the initial stages of the 'Selby Places and Movement Study' which seeks to identify a package of town wide public realm, highways and transport measures and improvements which could include the Portholme Road corridor.
- 5.34 Any measures identified would seek to mitigate the impacts of the Aldi proposal and other existing traffic generating land uses in the future. The original mini-roundabout mitigation proposed by the applicant had a cost estimate of £125,000. On this basis it was agreed that the developer contributes this value to the Council, secured through a Unilateral Undertaking between Aldi and NYCC / SDC towards the 'Selby Places and Movement Study' and the schemes to be delivered by it. This satisfied NYCC Highways officers and was deemed proportionate and would off-set any temporary highway nuisance with a view to any future concerns being resolved through movement study. In terms of the site access arrangements and road safety audit, the technical note provided the necessary detail, along with swept path analysis details.
- 5.35 Members were concerned over the highway impacts of the proposal and deferred the applications from the 1st June 2022 Planning Committee. Members wanted a better understanding of the access arrangements given the proximity of two other supermarkets and a better understanding of the 'Selby Places and Movement Study' in particular what NYCC plans were to improve the local highway network and its timings.
- 5.36 It was clarified that the contribution would help fund the movement study, therefore the study is very much still in its infancy, with no direct tangible outcomes at present. NYCC also reiterated that they do not consider that the impact of the traffic generated by the development will result in an unacceptable impact (worsening) on highway safety or that the residual cumulative impact on the road network will be severe.
- 5.37 When considering whether to ask for a contribution via Section 106, Local Planning Authorities must consider the legal tests set out in Regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 as amended. This states "A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—
- (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
- 5.38 Whilst NYCC would welcome the contribution, officers have reviewed this position and do not consider such a contribution would be directly to the development and necessary to make the scheme acceptable, particularly in light of the reaffirmed

highway comments and the infancy of the movement study. On this basis the Local Planning Authority considers the scheme can progress without the need for a contribution.

- 5.39 The application was also accompanied by an interim travel plan, which makes it clear that its key objectives are to reduce non sustainable travel to and from the new store for both staff and customers. Primarily focussing on reducing vehicle usage and single occupancy vehicle usage. The plan also highlights the advantages of car sharing and electric cars and makes provision in the layout for these. Full details of the final travel plan are requested by condition.
- 5.40 In terms of parking provision, the layout shows 102 car parking spaces which include, disabled, family, x2 EV charging points with potential for a further 6 and 2 motorcycle spaces. The level of parking generally accords with the North Yorkshire County Council's parking standards for retail development over 1000sqm in market towns, being 1 space for every 18m². This gives a requirement of 104 spaces and 102 are being proposed.
- 5.41 As a result of all the discussions and changes the NYCC Highway Authority raised no further objection to the proposal subject to conditions. The application therefore is not considered to harm highway safety and is acceptable and in accordance with SDLP policies T1, T2 and also national policy contained in the NPPF.

Residential Amenity

- 5.42 Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1 (1) of the Selby District Local Plan. This is broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved, in particular the new supermarkets impact on outlook, light and privacy.
- 5.43 The proposed development is effectively surrounded by residential dwellings. To the south are the residents of 64-54 & 28 Bainbridge Drive which have rear gardens facing the application site. To the east are the dwellings of 5,7,9,11,12 Ashlea Close and 64 Portholme Road who's side gardens adjoin the application site.
- 5.44 Consent has also been permitted for a large residential scheme to the west (L&G) and the relationship of these dwellings has been shown on the planning layout as development is under construction. Having considered the layout, the properties to the west, it is not considered the proposed store will compromise the outlook of these dwellings. These mainly look north-east to south-west and are on elevated land and would look over the parking areas and landscaped area.
- 5.45 Having considered the proposed layout plan the building is positioned at the southern end of the site, with the access road and parking running parallel to the eastern boundary. In terms of the impact on the residents to the east, the access will come closer to these dwellings than the former use, however this would run alongside the gables of the dwellings adjacent to the footpath and these all have existing boundary treatments. The opening hours of the store will also be regulated meaning vehicles are only likely to park in the car park when the store is open.
- 5.46 In the south-eastern corner of the site are 4 dwellings (11-5 Ashlea Court). The rear most maisonettes i.e., 9 & 5 have their rear aspect facing west. The proposed building is set in from the boundary meaning a 15m gap exists between the new buildings and the rear aspect of these dwellings. This is considered satisfactory in

terms of outlook and dominance particularly as the proposed food store is a relatively low flat roofed building being 5.5m in height. No windows exist above ground floor on this elevation to cause any privacy concerns. The landscaping scheme also shows 2 trees to be planted in this south-eastern corner to break up any views into the site. The proposal will therefore bring the massing closer to the eastern boundary than the previous building did, however this is not to a degree that would cause loss of outlook significant overshadowing or privacy concerns.

- 5.44 The southern boundary is almost entirely developed by the proposed building. This has the potential to cause concerns over loss of outlook and dominance to the dwellings to the south that face the application site. The existing building on the site does however have a very similar relationship to the building proposed. The proposed building is slightly higher at 5.5m compared with 4.7m of the current building but further set in from the boundary more by an extra 1m being 4m. This gives greater separation between the rear of the residential dwellings facing north and the rear elevation of the proposed building.
- 5.48 The relationship between the existing residents and new building is shown on the site section, and there are no plans to raise the levels of the site on the southern boundary. The building proposed floor level is only 300mm to 180mm higher than the existing levels on the boundary.
- 5.49 No third-party objections have been received from any of the immediate neighbours. Therefore, whilst the proposed building does dominate the southern boundary it retains a very similar scale and massing to the building it replaces. The proposal is therefore in compliance with SDLP Policy ENV1 and national policy contained in the NPPF.

Noise Environment

- 5.50 SDLP Policy ENV2 requires noise or other pollution to be mediated or prevented. The most relevant consideration in terms of likely impacts on residential amenity is that of noise associated with the various elements of the scheme and their operation.
- 5.51 The main areas to generate noise are the car parking to the front of the site, the service point on the south-western elevation and external plant positioned on the southern boundary. An Environmental Noise Impact Assessment accompanied the application.
- 5.52 With respect to impacts arising from the development during construction i.e., potential noise, dust and vibration, the Environmental Health officer suggested a condition requiring the need to submit a scheme to minimise the impact of noise, vibration, dust and dirt on residential properties within close proximity to the site prior to development commencing. This is added as a planning condition.
- 5.53 The rear of the building is where the plant and equipment are located. This is free standing, low output spec (38bd @ 10m) and enclosed by a 3m acoustic fence. As no specific manufactures details were given, the Environmental Health officer considered necessary to impose a condition which, control the cumulative noise level of the equipment to not exceed 39dB and 30dB for daytime and night-time hours respectively at noise-sensitive receptors set out with the supporting Environmental Noise Impact Assessment dated 12th August 2020 (ref: ADT

3040/ENIA). This will ensure all plant and equipment to ensure they do not cause nuisance to nearby residents.

5.54 Finally, the delivery hours cause often cause nuisance. The applicants proposed the following:

Opening hours Monday to Saturday	08:00 - 22:00
Opening hours Sunday	10:00 - 16:00
Delivery hours Monday to Saturday	06:00 - 23:00
Deliveries Sundays	08:00 - 20:00

5.55 The Environmental Health officer regarded the proposed delivery hours would encroach into night-time hours as defined by the World Health Organisation. The noise assessment identifies up to +27dB noise impact at nearby sensitive receptors from deliveries over a 15-minute period. As such, it is not considered appropriate to permit deliveries during night-time hours. The noise impact associated with the car park equates to 'no observed adverse effect' based on proposed opening hours of 08.00 to 22.00 Monday to Saturday and 10.00 to 16:00 on Sundays. In view of this the store opening hours are agreed however delivery hours should not commence until 07:00 as opposed to 06:00 proposed. The following condition is therefore recommended:

'The store opening hours shall be limited to 08:00 to 22:00 Monday to Saturday and 10:00 to 18:00 on Sundays. The delivery period shall be limited to 07:00 to 23:00 Monday to Saturday and 08:00 to 20:00 on Sundays.'

5.56 As such having taken into account the above it is considered that the proposal would not cause a significant detrimental impact on the residential amenities of nearby residents providing the suggested conditions are adhered in accordance with policy ENV1(1) of the Local Plan and the NPPF.

Flood Risk and Drainage

5.57 SDLP Policy ENV1 requires account to be taken of the capacity of local services and infrastructure and CS Policy SP19 seeks to prevent development from contributing to or being put at risk from water pollution.

5.58 The Environment Agency flood map for planning shows that the site is primarily located within flood zone 2, with the eastern edge within zone 3 therefore having a medium - high risk of flooding from rivers. The flood zone 3 does benefit from flood defenses, given its town centre location. The application was accompanied by a Flood Risk Assessment which concluded that the proposal should not be precluded on the grounds of flood risk.

5.59 Paragraph 162 of the NPPF states that "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Paragraph 163 of the NPPF states that "If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance".

- 5.60 In accordance with the 'Technical Guidance to the National Planning Policy Framework'; 'Table 2: Flood Risk Vulnerability Classifications', proposed food stores would be classified as 'Less vulnerable'. Table 'Flood Risk vulnerability and flood zone compatibility' indicates supermarkets within flood zone 2 are appropriate.
- 5.61 The Council's Flood Risk Sequential Test Developer Guidance Note - October 2019 states that, when applying the sequential test, proposals for retail/town centre uses in out-of-town locations should be considered against other available sites within the catchment area for the development. In this case given the town centre location it would be necessary to consider alternative sites within the town centre and its fringe.
- 5.62 The FRA commented that the majority of the land to the east is within flood zone 3 and therefore not sequentially preferable. The land to the south and west is flood zone 2 meaning there are no sequentially preferable sites, particularly given Selby town centre is largely developed. The retail impact assessment also confirmed the lack of available sites. As such, the site is considered to pass the sequential test. Given the site is a less vulnerable use in flood zone 2, an exception test is not required.
- 5.63 The Environment Agency have reviewed the application and have no objection subject to a condition requiring adherence to the submitted flood risk assessment.
- 5.64 It is proposed to drain the surface water to an existing culverted watercourse, which currently serves the buildings on site. Flow rates will be restricted as per the drainage assessment. Surface water from car parking, access roads and loading bay will be collected via trapped gullies and linear drainage channels and will pass through an appropriately sized below ground petrol/oil interceptor prior to attenuation. Roof water will not be required to pass through the petrol/oil interceptors. Foul water will be pumped to the public foul network. The Internal Drainage Board raised no concerns and provided a list of standard conditions without assessing the details submitted. The LLFA noted the drainage assessment but requested further information on exceedance flow routes and water storage volumes which are controlled by planning conditions No.21 - No.23
- 5.65 It is therefore considered that the proposals adequately address flood risk and that the site can be properly drained in accordance with SDLP Policy ENV1, CS Policy SP19 and national policy contained in the NPPF.

Nature Conservation

- 5.66 SDLP Policy ENV1 states that proposals should not harm acknowledged nature conservation interests and CS Policy SP18 seeks to safeguard the natural environment and increasing biodiversity. These policies are consistent with chapter 15 of the NPPF which seeks to protect and enhance sites of biodiversity value.
- 5.67 The application was accompanied by a bat survey which found no roosting bats within the current buildings. This will therefore not preclude their demolition. Also, a thorough Preliminary Ecological Appraisal (PEA) was submitted, which identified very few ecological constraints on the application site. The PEA assessed the site as having a Biodiversity Score of 0.55 which was later revised to 0.97 (due to the site being enlarged and further tree loss) Habitat Units. The PEA indicated that the LPA may look to seek some net gain.

- 5.68 The County Ecologist was content that bats are absent from the buildings on site and as such no further survey or mitigation is required. The PEA calculated the baseline biodiversity units on site using the Defra Metric and provides recommendations for avoiding adverse effects and ideas for enhancement (net gain). However, despite providing a site layout plan and a landscape scheme, there was no post development biodiversity unit score, which makes it very difficult to determine if the development can achieve no net loss or a net gain for biodiversity.
- 5.69 The development and landscaping plans were finalised and a new Biodiversity Net Gain Assessment ER-4889-02A was submitted. This showed a post development score of 0.23 Habitat units, so an overall Net Loss of 0.63 (64%). The report contends the high percentage reflects the original low baseline. A nett gain couldn't be achieved due to the amount of development on the site and hard surfaces. The loss is described as being small in terms of units and represents the ubiquitous urban habitats.
- 5.70 The County Ecologist was disappointed that the applicant has chosen not to provide a net gain for biodiversity as part of this application. The BNG report confirms that there will be a net loss of biodiversity from the site. The NPPF encourages developments to 'secure measurable net gains for biodiversity'. If gains cannot be provided on site opportunities to provide gains within the local area could be explored e.g., working with a Town Council to provide biodiversity enhancements within public open space within Selby. This being said it is a very small loss of biodiversity units of commonplace habitats and currently there is no formal mechanism available to provide these types of minor off site compensation provisions. Therefore, due to the minor scale of loss the County Ecologist did not insist on offsite compensation.
- 5.71 The BNG report does suggest that species roosting features could be put in place as an alternative to habitat provision. This is welcomed and is controlled by a condition requiring submission of a Biodiversity Enhancement Plan. As such, it is considered that the proposal is acceptable and in accordance with SDLP Policy ENV1, CS Policy SP18 and national policy contained in the NPPF.

6 CONCLUSION

- 6.1 The application seeks full planning permission for demolition of the former police station and the erection of a Class E foodstore, together with car parking, landscaping and associated works. The land is within the Development Limits for Selby and on the fringe of the town centre. The development of this brownfield site is considered acceptable and has been proven to pass the sequential test and cause no harm to the vitality and viability of the town centre. Its location will be readily accessible to a larger population, accessible on foot and lead to the closure of the existing store operated by the applicants which is located further from the town centre. The proposal is therefore considered to be in accordance with CS policies SP1, SP2, SP13 and SP14.
- 6.2 The design and layout including landscaping has been the result of several amendments and now results in a satisfactory scheme that respects the character of the area and the causes no undue harm to the living conditions of neighbouring occupiers. Other matters of acknowledged importance such as the impact on the highway network, flood risk, drainage and nature conservation are considered to be acceptable and in accordance with the Development Plan and national advice contained within the NPPF.

- 6.3 Finally, whilst a financial contribution was being initially requested in order that the traffic impacts of the proposals could be mitigated by the future production of the 'Selby Places and Movement Study', this is still in its infancy with no direct schemes being linked to Portholme Road. Officers were not satisfied that the contribution would be directly related to the development in order to justify the request against the Community Infrastructure Levy Regulations 2010, and on this basis no contribution is being sought.

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 and assessments listed below:

Location Plan 16125-500 Rev A

Proposed Site Layout - 16125-100 Rev F

Proposed GA Layout - 16125-101 Rev A

Proposed Elevations - 16125-102 Rev C

Proposed Sections - 16125-103 Rev C

Proposed Roof Plan - 16125-104 Rev A

Landscape Plan – 16125-VL_L01 Rev E

Boundary Treatments – 16125-105 Rev A

Boundary Sections 16125 -106

Tree Planting Detail Hard Landscape areas 16125-VL_D02

Tree Planting Detail Soft 16125-VL_D01

CGI – 02A

Proposed Plant Layout 79-EXXXX-WAVE-XX-00-DR-R-En_60_60_00-0001-A5-P00

Flood Risk Assessment & Drainage Statement prepared by 3E Consulting Engineers (Report dated June 2020) including all flood warning and mitigation measures.

Interim Travel Plan April 2021 Report No 40073-002

AMA/40073/ATR007 -HGV swept path analysis.

AMA/40073/ATR008 -HGV swept path analysis.

AMA/40073/SK004 Rev D - Large Service vehicle swept path analysis

AMA Highways Technical Note dated 6.4.22

Reason:

For the avoidance of doubt.

03. No development on any phase of the development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by Local Planning Authority. The scheme shall include details of any necessary noise, vibration, dust, air pollution and odour mitigation measures. Development shall be carried out in complete accordance with the approved scheme.

Reason:

To protect the residential amenity of the locality and in order to comply with the NPPF and Selby District Council's Policy's SP19 and ENV2.

04. The cumulative level of sound from all plant and equipment associated with the proposed development, when determined externally under free-field conditions, shall not exceed 39dB and 30dB for daytime and night-time hours respectively at noise-sensitive receptors set out with the supporting Environmental Noise Impact Assessment dated 12th August 2020 (ref: ADT 3040/ENIA). All noise measurement/predictions and assessments made to determine compliance shall be made in accordance with British Standard 4142: 2014: Methods for rating and assessing industrial and commercial sound, and/or its subsequent amendments.

Reason:

To protect the residential amenity of the locality and in order to comply with the NPPF and Selby District Council's Policy's SP19 and ENV2.

05. The store opening hours shall be limited to 08:00 to 22:00 Monday to Saturday and 10:00 to 18:00 on Sundays. The delivery period shall be limited to 07:00 to 23:00 Monday to Saturday and 08:00 to 20:00 on Sundays.

Reason:

To protect the residential amenity of the locality and in order to comply with the NPPF and Selby District Council's Policy's SP19 and ENV2.

06. The store hereby permitted shall not open to customers until the 2 electric vehicle charging points detailed on the proposed site layout have been installed and are fully operational. These shall remain operational for the lifetime of the use and be 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. 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.

08. 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.

09. Before the development is first brought into use a landscape management plan including long term design objectives management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the local planning authority. The management plan shall include measures for 10 years maintenance following the first 5 years from establishment. The landscape management plan shall be carried out as approved.

Reason:

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

10. If within a period of 10 years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

11. All tree planting, and landscaping comprised in the approved Landscape Proposals

Landscape Plan – 16125-VL_LO1 Rev E

Tree Planting Detail Hard Landscape areas 16125-VL_D02

Tree Planting Detail Soft 16125-VL_D01

shall be carried out in the first planting seasons following 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.

12. No development shall commence above slab level until details and samples of the materials to be used in the construction of the external surfaces, i.e. external walls, roof, cladding, boundaries, surface treatment of the development 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.

Reason:

To ensure the materials are appropriate for the area in accordance with Local Plan Policy ENV1 and Core Strategy Policy SP19.

13. Prior to the first use of the development hereby permitted, a Biodiversity Enhancement Plan shall be submitted to and approved in writing by Local Planning Authority. Once agreed the plan shall be carried out within the agreed time period and the measures shall be retained for the lifetime of the development.

Reason:

To deliver biodiversity net gain as per the NPPF para 174b) and policies ENV1(5) of the Selby District Local Plan, Policy SP18 of the Core Strategy.

14. The development must not be brought into use until the access to the site at Portholme Road has been set out and constructed broadly in accordance with the drawing: Proposed Site Access Arrangements, AMA/40073/SK004 Rev D and the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:

The crossing of the highway must be constructed in accordance with the Proposed Site Access Arrangements, AMA/40073/SK004 Rev D and the following requirements.

- Any gates or barriers must be erected a minimum distance back from the existing highway so as not to be able to swing over the existing highway.
- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed in accordance with approved details and maintained thereafter to prevent such discharges.
- The final surfacing of any private access within 30 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- Measures to enable vehicles to enter and leave the site in a forward gear.

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.

15. The development must not be brought into use until the existing access onto Portholme Road has been permanently closed off in accordance with the drawing: Proposed Site Layout, 16125 – 100 Rev F which have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

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

16. There must be no access or egress by any vehicles between the highway and the application site at Portholme Road until splays giving clear visibility are provided as shown on drawing: Proposed Site Access Arrangements, AMA/40073/SK004 Rev D. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In the interests of highway safety.

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

Reason:

In the interests of highway safety.

18. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at the Old Police Station, Portholme Road have been constructed in accordance with the drawings: Proposed Site Access Arrangements, AMA/40073/SK004 Rev D and Proposed Site Layout, 16125 – 100 Rev E as 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 appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

19. 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.

20. 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. restriction on the use of the existing site access junction OR the new proposed site access junction (but not both at the same time) on Portholme Road for construction purposes;
2. wheel and chassis underside 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. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
6. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
7. protection of carriageway and footway users at all times during demolition and construction;
8. protection of contractors working adjacent to the highway;
9. details of site working hours;
10. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
11. means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures;
12. an undertaking that there must be no burning of materials on site at any time during construction;
13. removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
14. a detailed method statement and programme for the building works; and

15. 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.

21. Development shall not commence until a scheme detailing foul and surface water drainage 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). The following criteria should be considered:

- Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
- Storage volume should accommodate a 1:30 yr. event with no surface flooding and no overland discharge off the site in a 1:100yr event.
- The existing drainage layout should be used to produce surface water run-off rate calculations to determine existing run-off rates.

Reason:

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

22. No development shall take place until an appropriate Exceedance Flow Plan for the site 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 properties 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.

23. No development shall take place until a suitable maintenance of the proposed SuDS drainage scheme arrangement has been demonstrated to the local planning authority. Details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.

Reason:

To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system.

Informatives:

Timing of tree clearance

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

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

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

New and altered Private Access or Verge Crossing

Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:

[Specification for Housing and Industrial Estate Roads and Private Street Works - 2nd Edition \(northyorks.gov.uk\)](http://www.northyorks.gov.uk/specification-for-housing-and-industrial-estate-roads-and-private-street-works-2nd-edition)

MHi-J Travel Plans

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%20highways%20and%20pavements/Interim_guidance_on_transport_issues_including_parking_standards.pdf

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**

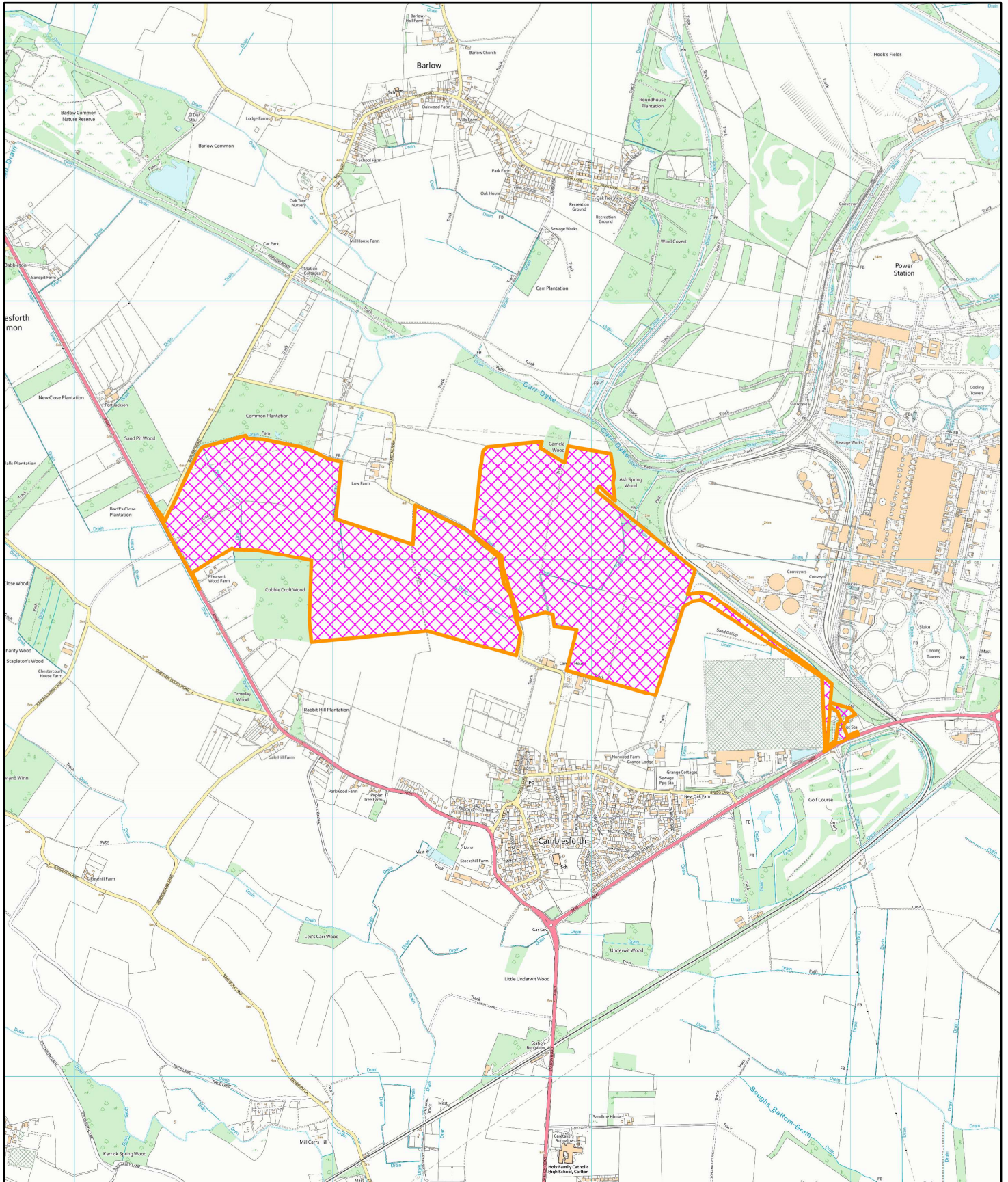
Planning Application file reference 2020/1042/FULM and associated documents.

Appendices: None

Contact Officer: Gareth Stent (Principal Planning Officer)
gstent@selby.gov.uk

Agenda Item 5.2

Land north and south of Camela Lane, Camblesforth
2021/0788/EIA



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Project:	Camblesforth PV Solar Farm
Project Location:	Camela Lane, Camblesforth Selby, YO8 8HA
Document Title:	Layout Plan v.2
Scale:	1:5000
Sheet Format:	A1 "594 x 841"
Company:	Island Green Power UK Limited
Project Designer:	Alessio Aru, Unit 20.2, Coda Studios 189 Munster Road, London SW6 6AW

Descriptive Legend

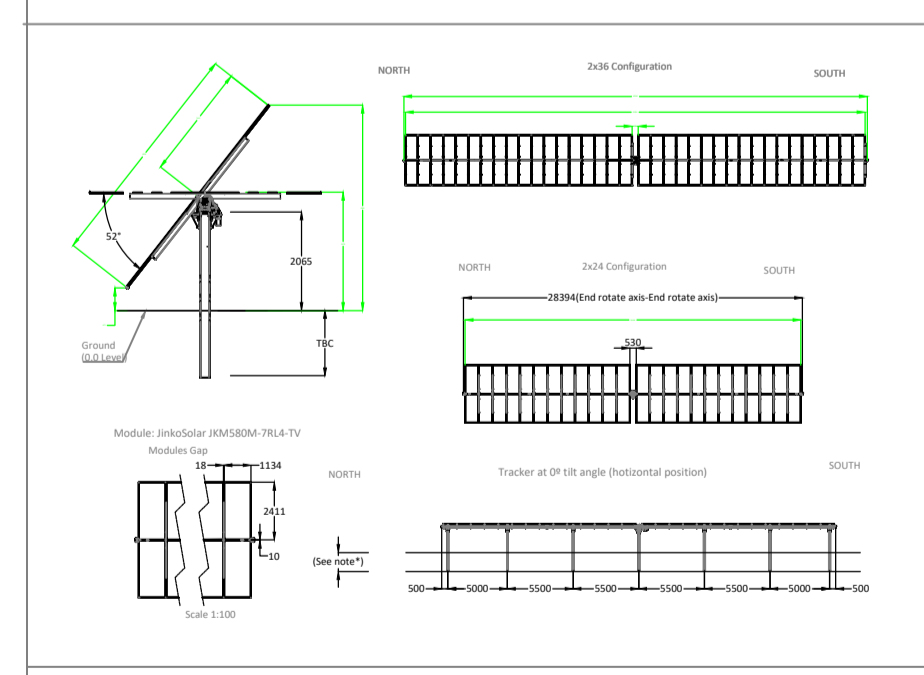
	Other Land in control of the Applicant
	Application Boundary
	Mounting Structures 2V x 36 - 2V x 24
	Conversion Unit
	Tracks
	Maintenance Access
	Fence
	Substation Area
	Storage Area
	Cable Route
	Gates
	CCTV
	Vegetation Barriers
	Point of Connection
	Acoustic Barrier

Technical Details

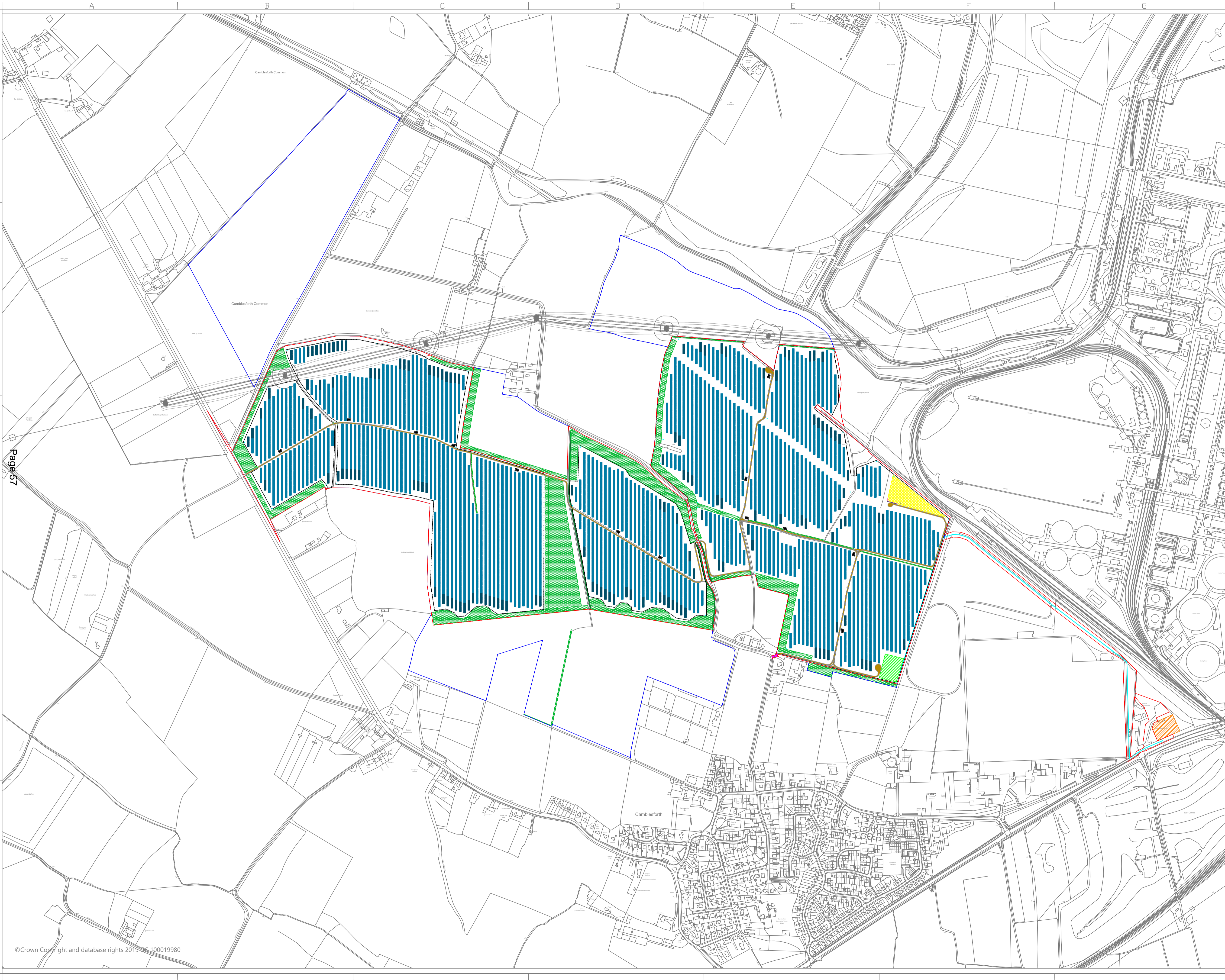
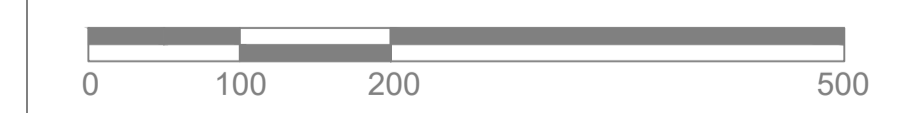
JINKO JKM580-7RL4-TV MODULES
 4 x MVPS WITH 1 SUNNY CENTRAL 4000
 5 x MVPS WITH 1 SUNNY CENTRAL 4200
 4 x MVPS WITH 1 SUNNY CENTRAL 4400
 PITCH 12 M / RTR GAP 7.16 M

**AMENDED
DRAWING**

Mounting Structures



- Conversion unit MVPS:
- 1 Inverters SMA SC 4600/4400
 - 1 Step Up Transformer
 - 1 MV Switchboard



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Report Reference Number: 2021/0788/EIA

To: Planning Committee
Date: 6 July 2022
Author: Jenny Tyreman (Assistant Principal Planning Officer)
Lead Officer: Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2021/0788/EIA	PARISH:	Camblesforth Parish Council
APPLICANT:	Camblesforth Solar Farm Limited c/o Lanpro Services	VALID DATE: EXPIRY DATE:	30th June 2021 13 th July 2022
PROPOSAL:	Development of a ground-mounted solar farm including associated infrastructure		
LOCATION:	Land North and South of Camela Lane Camblesforth Selby North Yorkshire		
RECOMMENDATION:	GRANT		

This application has been brought before Planning Committee in accordance with 3.8.9(b)(i) as it has been accompanied by an Environmental Impact Statement.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site comprises approximately 113 hectares of undeveloped agricultural land to the north and south of Camela Lane, to the north of the village of Camblesforth.
- 1.2 To the north of the application site are undeveloped agricultural fields and woodland belts; beyond which is the village of Barlow and the Skylark Centre and Nature Reserve. To the east of the application site are undeveloped agricultural fields, the P3P Food Technology site, and the Drax Power Station site; beyond which is Drax

village. To the south of the application site are undeveloped agricultural fields; beyond which is the A1041 and the village of Camblesforth. To the west of the application site is Barlow Road; beyond which are undeveloped agricultural fields, woodland belts and the Barlow Common Nature Reserve.

- 1.3 Camela Lane runs through the middle of the application site, along which there are a number of isolated residential properties which lie adjacent to or within close proximity to the site. Furthermore, there is an isolated residential property adjacent to the site towards its western end, which fronts onto the A1041, east of its junction with Barlow Road.
- 1.4 There is a public right of way which runs north-south through the application site (reference 35.17/3/1) linking Camela Lane to the village of Camblesforth and the A1041 where it joins to public right of way references 35.17/2/1, 35.17/2/2, 35.17/2/3 and 35.17/11/1 to the south of the application site.

The Proposal

- 1.5 The application seeks full planning permission for the development of a ground mounted solar farm, including associated infrastructure.
- 1.6 It should be noted that the scheme has been amended throughout the application process in response to comments from consultees, including the Landscape Architect, County Ecologist, County Archaeologist and Highway Authority.
- 1.7 The scheme comprises the following elements, as identified on the proposed site layout plan (drawing no. v.2):

Solar Panels

The solar panels would be constructed of Bifacial Monocrystalline mounted on a metal tracking system aligned in north-south rows with panels rotating east-west (+/- 120°). The central axis would be approximately 2.5 metres above ground floor level and each panel when rotated to the maximum angle would reach approximately 4.3 metres above ground floor level. The rows would be located approximately 7 metres apart when panels are positioned horizontally.

The mounting structure for the panels would be a metal frame securely fixed to the ground. The mounting posts would be pile-driven approximately 1.5 metres into the ground for support, dependent on ground conditions, and would be retrieved using similar hydraulic equipment when the solar farm is decommissioned.

It should be noted that an archaeological protection plan has been submitted which shows an archaeological protection area towards the eastern end of the site. In this area surface mounting of arrays is proposed (i.e., using feet rather than piling) in order to protect below ground archaeological features.

Conversion Units

The conversion units are cabinets which would measure approximately 3 metres wide by 6.7 metres long and would have a maximum height of 2.9 metres. The conversion units would be of metal panel construction and would sit upon a concrete base. The conversion units would accommodate the inverters, transformer and associated equipment to convert DC energy produced by the arrays, into AC

energy required by the national grid. There are 13 conversion units proposed within the site, which are interspersed throughout the solar panels, located adjacent to the access tracks that run across the application site.

Substation Area

A new substation area is proposed to be located to the south-east end of the site. The substation would have a maximum height of approximately 3.8 metres above ground floor level and would be located within a compound measuring 25 metres wide by 50 metres long. The compound would be surrounded by a 2.4-metre-high galvanised security palisade fence.

To the west of the compound would be a control room which would measure 5.6 metres wide by 7 metres long and would have a flat roof to a maximum height of approximately 3.9 metres above ground floor level.

To the north of the control room, a communications tower is shown to be located. The applicant has advised that there could be a requirement for this to be a height of either 15 metres above ground floor level or 25 metres above ground floor level and both of these options have been shown on the submitted plans for consideration. Alternatively, the applicant has advised that this connection may be able to be underground, depending on the requirements at the time, which would remove the need for the communications tower altogether.

Battery Storage Area

A battery storage area is proposed to be located to the north-east end of the site. A layout plan has been submitted which demonstrates that this area would comprise 7 battery storage containers, each measuring approximately 12.2 metres in length by 3.4 metres in width, by 2.9 metres in height. The layout plan also demonstrates that this area would comprise three conversion units, each measuring approximately 12.2 metres in length by 3.4 metres in width. No elevations of the conversion units have been provided at this stage and therefore the height of these is unknown, but typically these would be expected to have a height no higher than 3 metres. These conversion units would be separate from those mentioned earlier in this section of the report. An acoustic barrier is proposed to the south and west side of the battery storage area, as shown on the Proposed Battery Energy Storage System Layout (drawing no. 9). As detailed in the 'Noise Comments Response (reference 784-B024091) dated 05 October 2021 the acoustic fence would be 3 metres in height and be of close boarded construction, with no gaps and a minimum mass per square metre of 10 Kg/m².

Grid Connection

The cable route would run from the new substation to the south-east of the site, north along the eastern field boundary, east across P3P land adjacent to the Drax Power Station site and south alongside the P3P Food Technology site to connect to the existing electricity distribution site situated adjacent to the A645 and railway line.

CCTV Cameras

The installation of CCTV cameras is required on site for security/insurance purposes. The proposed CCTV cameras would be able to detect movement and would have night vision capability in accordance with insurer's requirements;

therefore, no lighting would be required in conjunction with the CCTV cameras. The CCTV camera poles would be interspersed throughout the site and would have a maximum height of 2.5 metres above ground floor level, constructed in galvanised steel painted green.

Perimeter Fencing

The site would be surrounded by 2-metre-high deer fencing. This would be constructed using wooden posts and wire mesh.

- 1.8 Two existing farm accesses from the A1041 and Camela Lane would be retained and upgraded as part of the proposals and two new access points from Camela Lane would be introduced (one to the north and one to the south, which would only allow vehicles to cross Camela Lane and are not intended as primary accesses which would route vehicles onto Camela Lane and the wider highway network). Access tracks run through the site and would be constructed from porous materials.
- 1.9 The main traffic generation would be during the construction period, which would be 6-9 months, and would be via the retained and upgraded farm access from the A1041. Once construction is complete, this access would be used for operational access for maintenance vehicles. A parking, turning and manoeuvring area would be provided within the site to enable vehicles to enter and exit the site in a forward gear. Once operational, traffic movements associated with the proposed development would be minimal, with only occasional maintenance access required. The next major use of the access from the A1041 would be when the proposed development is decommissioned, and the infrastructure removed ready for the land to be restored to its former agricultural use.
- 1.10 The proposed development includes a landscape strategy, as shown on drawing no. 2318001 Rev P03, which includes the following elements:
 - New improved grassland beneath the solar panels;
 - Gapping up of existing hedgerows within the site;
 - Provision of three new native hedgerows within the site - triple staggered;
 - Provision of new native woodland belts and blocks ranging from 10 metres wide to 35 metres wide;
 - Provision of a new native woodland block to the centre of the site to break up the solar panel arrays and enhance green infrastructure, with the inclusion of a nature walk;
 - Provision of a new wildflower meadow strip between the existing public footpath which crosses the site and the new woodland block to the centre of the site;
 - Provision of a permissive footpath, which would run along the south side of Camela Lane and join up with the existing public footpath which crosses the site.
- 1.11 The proposed development has an anticipated capacity of 50MW. For every 5MW installed, a solar farm will power approximately 1,500 homes annually (based on an average annual consumption of 3,300 kWh of electricity for a house) and save 2,150 tonnes of CO₂. Thus, on the basis of an anticipated capacity of 50MW, the proposed development would power approximately 15,000 homes annually and save 21,500 tonnes of CO₂.

- 1.12 The proposed development has an anticipated lifespan of 40 years. At the end of the 40-year period, the proposed development would be decommissioned, and the infrastructure removed ready for the land to be restored to its former agricultural use.

Relevant Planning History

- 1.13 The following historical application is considered to be relevant to the determination of this application.
- 2020/0784/SCN - EIA screening request for a proposed development of a ground mounted solar farm and associated infrastructure – EIA Required – Decision Date 20-AUG-2020.

2. CONSULTATION AND PUBLICITY

2.1 Camblesforth Parish Council

Support the application. The Parish Council are generally supportive of alternative forms of green/renewable sources of energy and as such is supportive of this application subject to assurances given to the Parish Council by the developer, specifically:

- Minimising disruption on the village during construction.
- Introduction of green projects (new woodland, wildlife friendly areas)
- Traffic management and vehicular accesses
- Developer supporting grant applications for projects within the village to benefit residents.

2.2 **Drax Parish Council** - No response.

2.3 **Long Drax Parish Council** - No response.

2.4 **Barlow Parish Council** - No response.

2.5 Landscape Consultant

An initial response dated 28 February 2022 raised a number of concerns relating to: (1) cumulative landscape and visual effects; (2) likely significant landscape and visual effects in the local area; (3) lack of stand-off, screening and mitigation proportionate to the scale of the development, particularly for the first 10-15 years); wider landscape strategy and connectivity; and long-term maintenance and management. A meeting was recommended to discuss scheme options and provide further clarification.

Following meetings held on the 21st March and 4th April 2022 to discuss landscape and visual matters and a way forward for the cumulative assessment, the following comments can be made:

- Improved screening to key locations and solar panels set back from visible roadsides to help reduce visibility supported.
- The Landscape Visual Impact Assessment (LIVA) has identified a number of Major and Moderate adverse effects. Suggested some additional changes where this is likely to improve local setting and visual screening from

identified receptors, particularly Camblesforth village, Low Farm, Camela House, Camela Bungalow, local roads and PROWs.

- Mitigation through screen planting will take time to become established (at least 10 to 15 years for effective year-round screening), during which time some adverse effects are likely to remain affecting local amenity, character and setting around Camblesforth village.
- The Applicant might consider how short-term effects could be mitigated by offsetting or compensation through a landscape / environment fund which could be administered by a local community group over the next 10 years.
- The LVIA should be updated to reflect adjustments to the Landscape Strategy.
- As previously stated, there is potential for cumulative landscape and visual effects, particularly because there are a number of current major planning applications in the local area around Drax Power Station. Landscape mitigation and green infrastructure should be robust enough to accommodate these cumulative changes.

Notwithstanding the above comments, should the scheme be approved the following are recommended to be secured through suitably worded conditions:

- Detailed landscaping scheme. Soft landscape works to be implemented in the first available planting season, with a minimum 5-year replacement defects period.
- Detailed long-term maintenance and management plan (combined landscape/biodiversity, secured for the life of the scheme).
- Restoration at the end of the life of the scheme, to return the site to its former use.
- Agricultural land to be restored to at least the existing ALC, as a minimum standard.
- Details of colour for boundary treatments/battery storage/ancillary equipment; to reduce adverse visual effects.
- Arboricultural method statement, tree survey and tree protection plan to BS5837:2012; Existing trees and hedgerows to be protected and retained (pre-commencement condition).
- Details of permissive footpaths, access control, signage/waymarking.
- Community landscape environment fund.

Following additional information submitted on 29 April 2022, the following comments can be made:

- The Landscape Strategy and Revised Landscape Strategy Plan provide further improvement and mitigation which are welcomed and supported.
- A number of major, major/moderate and moderate adverse effects remain, particularly in the short term until screen planting has established and become effective. Mitigation through screen planting will take 10-15 years for effective year-round screening.
- Would recommend consideration over whether short term landscape and visual effects could be mitigated by offsetting or compensation through a landscape/environmental fund which could be administered by a local community group over the next 10 years.
- The Outline Landscape Management Plan does not sufficiently carry forward key principles set out in the Landscape Strategy. This should not be approved and should be conditioned.

- There is potential for cumulative adverse landscape and visual effects. However, the revised proposed landscape mitigation is robust enough to accommodate these cumulative changes in the long term provided a long-term landscape maintenance and management plan is secured for the lifetime of the development together with reasonable measures for restoration of the site at the end of the lifetime of the development.
- Should the scheme be approved the previously recommended conditions remain relevant.

2.6 Conservation Officer

The application site is located to the north of Camblesforth Hall, which is a Grade I Listed Building of high significance. The application site forms part of the wider agricultural setting of the listed building and contributes to its significance. The development will change the setting of the listed building by changing the appearance of the land to the north. Although the development will not affect the historic fabric of the listed building, the setting still positively contributes to its significance and by changing it from arable land to a solar farm will cause some harm.

In accordance with the NPPF, less than substantial harm must be outweighed by public benefit. The erection of solar panels is a huge public benefit as it provides clean energy. Although there will be less than substantial harm caused to the Grade I listed building through development within its setting, this harm is reduced through mitigation measures. It is important to note that the harm will never be fully removed, there will always be harm caused to the significance by changing its setting. However, substantial public benefits such are considered to outweigh the harm.

2.7 **Historic England** - No comment.

2.8 County Archaeologist

No objections, subject to compliance with archaeological protection plan.

2.9 Environmental Health

No objections, subject to the provision of the acoustic barrier within the battery storage area.

2.10 NYCC Highways

The visibility splays onto the A1041 can achieve the recommended 2.4 metres x 215 metres. There will be approximately 2,000 two-way trips from the site by HGVs in order to construct the solar panels. They have estimated that this would equate to 5 vehicles a day, so 10 two-way vehicle movements will take place a day for between 6 – 9 months. It is considered that the highway network would be able to cope with the volumes proposed.

After construction is complete the access onto the A1041 is to remain in place. Maintenance vehicles will be able to use this access, along with access 4 on Camela Lane (an existing farm access which will need upgrading to NYCC's specification). Maintenance will be very limited so only a few times a year and by

transit van type vehicles. The next major use of the access on the A1041 will be in approximately 20 years when the solar panels will be decommissioned.

The access would be widened to 6 metres, with 12 metres radius kerbs to allow for 2 HGVs to pass simultaneously. The applicant also plans to plant a 10 metres wide woodland/hedge along the A1041 boundary of the site. Any planting on the site boundary should be a minimum of 2 metres from the edge of the carriageway.

Once in the site the applicant proposes to provide appropriate turning space so that vehicles leave in a forward gear. Plans of the proposed on-site turning have not been provided and it is therefore recommended that this is conditioned.

The site is split by Camela Lane, and the applicant proposes to create 2 additional accesses onto Camela Lane, that will only allow vehicles to cross Camela Lane, they are not intended as primary accesses which would route vehicles onto Camela Lane and the wider highway network. A traffic count has been carried out and the proposed visibility splays of 2.4 metres x 59 metres on Camela Lane are acceptable. To ensure the highway at Camela Lane is protected it is recommended that the route to site is conditioned.

Therefore, no objections, subject to conditions relating to: (1) new and altered private access or verge crossing at the A1041 and Camela Lane; (2) visibility Splays at the A1041 and Camela Lane Accesses; (3) delivery of off-site highway works; (4) access, turning and parking areas; (5) construction management plan.

2.11 The Environment Agency (Liaison Officer)

Provided the proposed development is built in accordance with the submitted Flood Risk Assessment by Delta-Simons Project, reference number 20-0751.02, dated June 2021, issue number 5, no objections are raised.

2.12 SuDS and Development Control Officer

Overall, the submitted documents demonstrate a reasonable approach to the management of surface water on the site. It is suggested that the following condition is applied to any planning permission granted: To mitigate soil compaction and overland flow route disruption during construction, the soil should be chisel ploughed, or similar to restore it to a pre-construction condition immediately post construction. Furthermore, during the first few year's frequent inspections of the planting and soil must be carried out to ensure adequate growth and any compaction or channelization is addressed. Any remedial work should occur as soon as possible.

2.13 Yorkshire Water

No objections, subject to conditions relating to: (1) protection of public water supply infrastructure; and (2) outfall for surface water.

2.14 Selby Area Internal Drainage Board

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

soakaway drainage throughout the year. If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow. If the surface water is to be discharged to any ordinary watercourse within the Drainage District, Consent from the IDB would be required in addition to Planning Permission and would be restricted to 1.4 litres per second per hectare or greenfield runoff. No obstructions within 7 metres of the edge of an ordinary watercourse are permitted without Consent from the IDB. If surface water or works are planned adjacent to a Main River within the Drainage District, then the Environment Agency should be contacted for any relevant Permits.

2.15 **County Ecologist**

Ecological Impact Assessment - No objections, subject to conditions relating to: (1) a construction management plan; and (2) and ecological management plan). Please note that in terms of mitigation for farmland birds, the provision of boxes for generalist hole nesting birds (e.g., ones with 28mm entrance holes) is not considered to be acceptable.

Biodiversity Net Gain (BNG) – The proposed development provides substantial net gains for all habitat categories (area-based, hedgerow and flowing water) with all far exceeding the 10% target.

2.16 **Yorkshire Wildlife Trust**

Initial response dated 28 July 2021 objected to the proposed development based on the level of survey work undertaken, impact assessment, proposed mitigation and level of biodiversity net gain. No further response has been provided following the submission of further information to address the above points.

2.17 **North Yorkshire Bat Group** - No response.

2.18 **Natural England**

Natural England is not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the application. If you consider there are significant risks to statutory nature conservation sites or protected landscapes, please set out the specific areas on which you require advice. The lack of detailed advice from Natural England does not imply that there are no impacts on the natural environment. It is for the local authority to determine whether or not the proposal is consistent with national and local environmental policies. Other bodies and individuals may provide information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision-making process.

2.19 **Contaminated Land Consultant**

No objections, subject to conditions relating to (1) investigation of land contamination; (2) submission of a remediation strategy, where necessary; (3) verification of remedial works, where necessary; and (4) reporting of unexpected contamination.

2.20 **Public Rights of Way Officer**

There is a Public Right of Way or a 'claimed' Public Right of Way within or adjoining the application site boundary. If the proposed development will physically affect the Public Right of Way permanently in any way an application to the Local Planning Authority for a Public Path Order/Diversion Order will need to be made under S.257 of the Town and Country Planning Act 1990 as soon as possible. If the proposed development will physically affect a Public Right of Way temporarily during the period of development works only, an application to the Highway Authority (North Yorkshire County Council) for a Temporary Closure Order is required. The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as an alternative route has been provided by either a temporary or permanent Order. It is an offence to obstruct a Public Right of Way and enforcement action can be taken by the Highway Authority to remove any obstruction. If there is a "claimed" Public Right of Way within or adjoining the application site boundary, the route is the subject of a formal application and should be regarded in the same way as a Public Right of Way until such time as the application is resolved. Where public access is to be retained during the development period, it shall be kept free from obstruction and all persons working on the development site must be made aware that a Public Right of Way exists and must have regard for the safety of Public Rights of Way users at all times.

2.21 **Designing Out Crime Officer**

It is noted that CCTV is proposed to cover the site. This is considered to be important as there have been thefts of cable from similar sites in North Yorkshire. No other comments.

2.22 **North Yorkshire Fire and Rescue Service** – No objection/observation.

2.23 **North Yorkshire County Council (CPO)** - No response.

2.24 **Leeds East Airport (Makin Enterprises)** - No response.

2.25 **Robin Hood Airport, Doncaster Sheffield** – No objections.

2.26 **Leeds Bradford International Airport** – No response.

2.27 **Burn Gliding Club Ltd** - No response.

2.28 **Sherburn in Elmet Aeroclub** - No response.

2.29 **Network Rail**

No objections. However, we would advise that the railway loop to the east of the proposed site is not owned by Network Rail, this relates to Drax Power Station who should also be consulted in respect of this application.

2.30 **Drax Power Station** – No response.

2.31 **National Grid** – No objections.

2.32 **Northern Powergrid** – No objections.

2.33 **Ministry of Defence (Land and Properties)** - No response.

2.34 **Waste and Recycling Officer** - No response.

2.35 **Planning Casework Unit** - No response.

2.36 **Stephanie Porter Vale of York CCG** – No response.

2.37 **Publicity**

The application has been publicised by site notices and a press notice. Two letters of representation have been received as a result of this publicity of the application. One objects to the proposed development due to the visual impact and traffic and noise disturbance during construction. One sets out that they are in favour of green energy if the project is managed correctly, but goes on to raise the following concerns in respect of the proposed development:

- Impact of the proposed development on the local highway network and highway safety;
- Whether the developer will provide funding to Camblesforth Parish Council in support of on-going projects;
- Whether the proposed development will support growing crops as well as supporting wildlife;
- Impact on proposed development on drainage and flooding;
- Impact of the proposed development on public rights of way
- Whether any security measures are to be put in place at the site to discourage vandalism and theft.

3. **SITE CONSTRAINTS**

3.1 The application site is located outside the defined developments of any settlements and is therefore located within the open countryside in planning policy terms.

3.2 The majority of the application site is located within Flood Zone 3a, which has been assessed as having between a 1 in 100 or greater annual probability of river flooding (>1%) or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any one year; however, the site does benefit from flood defences.

3.3 The land within the application site is classified as being Grade 3 (Good to Moderate) in accordance with the Natural England Agricultural Land Classification. However, an Agricultural Land Quality Survey has been undertaken, which sets out that the agricultural quality of the land is primarily determined by either droughtiness or wetness and the land is a combination of Grade 1, 2, Subgrade 3a and Subgrade 3b.

3.4 There is a public right of way which runs north-south through the application site (reference 35.17/3/1) linking Camela Lane to the village of Camblesforth and the A1041 where it joins to public right of way references 35.17/2/1, 35.17/2/2, 35.17/2/3 and 35.17/11/1 to the south of the application site.

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
 - SP12 – Access to Services, Community Facilities and Infrastructure
 - SP13 – Scale and Distribution of Economic Growth
 - SP15 – Sustainable Development and Climate Change
 - SP17 – Low Carbon and Renewable Energy
 - SP18 – Protecting and Enhancing the Environment
 - SP19 – Design Quality

Selby District Local Plan

4.7 The relevant Selby District Local Plan Policies are:

- ENV1 – Control of Development
- ENV2 – Environmental Pollution and Contaminated Land
- ENV3 – Light Pollution
- ENV9 – Sites of Importance for Nature Conservation
- ENV28 – Other Archaeological Remains
- T1 – Development in Relation to the Highway Network
- T2 – Access to Roads
- T8 – Public Rights of Way

National Policy and Guidance

4.8 The relevant National Planning Policy Framework chapters are:

- 2 – Achieving sustainable development
- 4 – Decision Making
- 8 – Promoting healthy and safe communities
- 12 – Achieving well-designed places
- 14 – Meeting the challenge of climate change, flooding and coastal change
- 15 – Conserving and enhancing the natural environment
- 16 – Conserving and enhancing the historical environment

4.9 The National Planning Policy Framework is supportive low carbon and renewable energy proposals in principle. Paragraph 152 of the NPPF states:

“The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.”

Furthermore, paragraph 158 of the NPPF states:

“When determining planning applications for renewable and low carbon development, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and b) approve the application if its impacts are (or can be made) acceptable.”

4.10 Planning Practice Guidance is equally as supportive of low carbon and renewable energy proposals in principle and states:

“Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable”.

4.11 In relation to large scale ground-mounted solar photovoltaic farms, the Planning Practice Guidance advises as follows:

“The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

Particular factors a local planning authority will need to consider include:

- *encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;*
- *where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. See also a speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013 and written ministerial statement on solar energy: protecting the local and global environment made on 25 March 2015.*
- *that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;*
- *the proposal’s visual impact, the effect on landscape of glint and glare (see guidance on landscape assessment) and on neighbouring uses and aircraft safety;*
- *the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;*
- *the need for, and impact of, security measures such as lights and fencing;*
- *great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large-scale solar farms on such assets. Depending on their scale, design and prominence, a large-scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;*
- *the potential to mitigate landscape and visual impacts through, for example, screening with native hedges; the energy generating potential, which can vary for a number of reasons including, latitude and aspect.*

The approach to assessing cumulative landscape and visual impact of large-scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero.”

4.12 The Government recognises that climate change is happening as a result of increased greenhouse gas emissions, and that action is required to mitigate its effects. One action being promoted is a significant boost to the deployment of renewable energy generation. The Climate Change Act 2008, as amended sets a

legally binding target to reduce net greenhouse gas emissions from their 1990 level by 100%, Net Zero, by 2050. Recently, the Government committed to reduce emissions by 78% compared with 1990 levels by 2035. The Clean Growth Strategy 2017 anticipates that the 2050, targets require, amongst other things, a diverse electricity system based on the growth of renewable energy sources.

- 4.13 National Policy Statements (NPSs) for the delivery of major energy infrastructure are a material planning consideration. The NPSs recognise that large scale energy generating projects will inevitably have impacts, particularly if sited in rural areas. Whilst NPSs EN-1 and EN-3 do not specifically refer to solar generated power they reiterate the urgent need for renewable energy electricity projects to be brought forward. Draft updates to NPSs EN-1 and EN-3 identify that, as part of the strategy for the low-cost decarbonisation of the energy sector, solar farming provides a clean, low cost and secure source of electricity.
- 4.14 The December 2020 Energy White Paper (WP) reiterates that setting a net zero target is not enough, it must be achieved through, amongst other things, a change how energy is produced. The WP sets out that solar is one of the key building blocks of the future generation mix. In October 2021, the Government published the Net Zero Strategy: Build Back Greener where under 'Key Policies' it explains that subject to security of supply, the UK will be powered entirely by clean electricity through, amongst other things, the accelerated deployment of low-cost renewable generation such as solar.

5. APPRAISAL

- 5.1 An application for a screening opinion in relation to the proposed development was submitted to the Local Planning Authority on 23 July 2020 and a decision issued on 20 August 2020.
- 5.2 The Local Planning Authority determined that the proposed development fell within Column 1, 3(a) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and exceeded the applicable threshold for this type of development as set out in Column 2 being in excess of 0.5 hectares.
- 5.3 The Local Planning Authority, taking account of the criteria set out in Schedule 3 of the Regulations, considered the indicative screening thresholds in National Planning Practice Guidance (NPPG), and applied the screening checklist, also contained in NPPG. Having considered the characteristics and location of the proposed development, the Local Planning Authority considered that the proposed development would lead to effects on a number of aspects of the environment, but due to the nature of solar developments, most effects would be unlikely to be significant. However, in light of the information available in the Screening Report and following consultation with relevant consultees, the Local Planning Authority considered that significant effects would be likely in relation to landscape character and visual amenity. In addition, significant cumulative landscape and visual effects were considered likely.
- 5.4 It was on this basis that the Local Planning Authority considered the proposed development constituted Environmental Impact Assessment (EIA) development and that an Environmental Statement would be required to accompany any future planning application.

- 5.5 A subsequent application for a scoping opinion in relation to the proposed development was not submitted.
- 5.6 This planning application has been accompanied by an Environmental Statement (ES). The ES has been reviewed in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and has been found to be satisfactory in terms of Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011. None of the statutory or other consultees has suggested that the ES is in any way inadequate.
- 5.7 The main issues to be taken into account when assessing this application are:
- The Principle of the Development
 - Agricultural Land Assessment
 - Landscape and Visual Impact
 - Impact on Heritage Assets
 - Ecological Considerations
 - Impact on Highway Safety
 - Impact on Public Rights of Way
 - Impact on Residential Amenity
 - Flood Risk and Drainage
 - Other Issues

The Principle of the Development

- 5.8 Policy SP1 of the Core Strategy outlines that *"...when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework..."* and sets out how this will be undertaken.
- 5.9 Policy SP2 of the Core Strategy outlines the Council's spatial development strategy. Specifically, SP2A (c) relates to development located within the open countryside and states:
- "Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances."*
- 5.10 Although Policy SP2 would on the face of it preclude development of this nature in the countryside outside development limits, because the policy does not contemplate it specifically, the Development Plan is to be read as a whole and Policy SP17 of the Core Strategy not only contemplates renewable energy projects but, subject to the satisfaction of criteria, positively encourages them in pursuit of wider objectives.
- 5.11 Policy SP17C of the Core Strategy specifically relates to 'Low Carbon and Renewable Energy' and states:

“All development proposals for new sources of renewable energy and low-carbon energy generation and supporting infrastructure must meet the following criteria:

- i. are designed and located to protect the environment and local amenity or;*
- ii. can demonstrate that the wider environmental, economic and social benefits outweigh any harm caused to the environment and local amenity; and*
- iii. impacts on local communities are minimised”.*

Policies SP18 and SP19 of the Core Strategy, together with Policy ENV1 of the Selby District Local Plan are also relevant in this context as they are concerned with environmental and design quality.

- 5.12 Policy SP13 of the Core Strategy relates to ‘Scale and Distribution of Economic Growth’. Part C specifically relates to the rural economy and states:

“In rural areas, sustainable development (on both Greenfield and Previously Developed Sites) which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported, including for example: 1. The re-use of existing buildings and infrastructure and the development of well-designed new buildings; 2. The redevelopment of existing and former employment sites and commercial premises; 3. The diversification of agriculture and other land based rural businesses; 4. Rural tourism and leisure developments, small scale rural offices or other small scale rural development; and 5. The retention of local services and supporting development and expansion of local services and facilities in accordance with Policy SP14.”

This accords with paragraph 84 of the NPPF which supports a prosperous rural economy through, amongst other things, the diversification of agricultural businesses. Whilst not specifically the diversification of agriculture, as the proposed development would be separate from the running of the farm holding(s) on which it would be sited, the proposed development would indirectly contribute to the vitality of the rural economy by provision a stable, long-term income for the farm holding(s) on which it would be sited. Furthermore, it should be noted that it is common practice to use sheep to graze the grassland under the panels, such that the land would remain in some form of agricultural use – the applicant has advised that this would be subject to subsequent interest and agreement with local sheep farmers.

- 5.13 Turning to National Policy and Guidance, as set out from paragraph 4.9 of this report, the National Planning Policy Framework and Planning Practice Guidance, amongst other National Policy and Guidance documents, are supportive low carbon and renewable energy proposals in principle, subject to consideration of local environmental impacts.

- 5.14 Therefore, while national and local policies are broadly supportive of low carbon and renewable energy proposals in principle, the local environmental impacts of the proposals need to be given full and careful consideration. The impacts of the proposal will be discussed in more detail below.

Agricultural Land Assessment

- 5.15 Policy SP18 of the Core Strategy relates to ‘Protecting and Enhancing the Environment’ and states:

“The high quality and local distinctiveness of the natural and man-made environment will be sustained by... [amongst other things] ...steering development to areas of least environmental land agricultural quality.”

This accords with paragraph 174 of the NPPF which requires planning policies and decisions to contribute to and enhance the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystems services, including the economic and other benefits of the best most versatile agricultural land.

- 5.16 The application site comprises approximately 113 hectares of undeveloped agricultural land.
- 5.17 The land within the application site is classified as being Grade 3 (Good to Moderate) in accordance with the Natural England Agricultural Land Classification, which unfortunately does not subdivide Grade 3 into Grade 3a (Best Most Versatile (BMV)) and Grade 3b (not BMV).
- 5.18 The application has been supported by an Agricultural Land Quality Survey (reference 1625/3), dated 28 April 2021, prepared by Land Research Associates Limited. The report notes that Natural England’s maps do not provide an accurate grading for a particular site and therefore it is reasonable and necessary to carry out an agricultural land classification survey for a particular site, which may provide a different result. The survey results in this instance have determined that the land comprises three main soil types: coarse loamy soils, sandy soils, and heavy slowly permeable soils. The agricultural quality of the land is primarily determined by either droughtiness or wetness and the land is a combination of grade 1, 2, subgrade 3a and subgrade 3b.
- 5.19 Grade 1 land makes up a small area in the centre of the site where deep sandy loams occur (1% of the total site area, 0.9 hectares). Grade 2 land occurs across large areas of the site where coarse loamy soils are found (27% of the total site area, 30.5 hectares). This land is considered to be limited by slight droughtiness restrictions - the loamy sand subsoils store below optimum moisture for crop uptake in dry summers. Subgrade 3a land is made up of sandy soils with droughtiness restrictions. The sand subsoils hold insufficient moisture reserves for optimal crop growth, likely to reduce average yields in most years. Also included in this subgrade is medium loamy soils with slowly permeable clay at depth - the combination of impeded drainage and moderate topsoil clay content means machinery access for cultivation is restricted in winter and early spring, although autumn and late spring sowings are usually possible. Subgrade 3a land makes up 18% of the total site area, 20.7 hectares. Subgrade 3b land comprises heavy slowly permeable soils. The combination of high topsoil clay content and impeded subsoil drainage means land access with machinery is not possible in winter and spring and arable cropping is limited to autumn-sown combinable crops. Subgrade 3b land makes 47% of the total site area, 53.2 hectares. The remainder of the site (7% of the total site area) is classed as non-agricultural for the purposes of agricultural land classification.
- 5.20 Having regard to the above, approximately 46% of the total site area comprises BMV land (albeit that the soils pose some constraints for arable farming as highlighted above); while approximately 54% of the total site area does not comprise BMV land.

- 5.21 The applicant highlights that the use of the land would be temporary – 40 years – after which the proposed development would decommission, and the infrastructure removed ready for the land to be restored to its former agricultural use. Furthermore, the applicant highlights that it is common practice to use sheep to graze the grassland under the panels, such that the land would remain in some form of agricultural use throughout the 40-year period of operation of the proposed development – this would be subject to subsequent interest and agreement with local sheep farmers.
- 5.22 The ‘loss’ of agricultural land, particularly the BMV agricultural land, for the lifespan of the development needs to be weighed in the planning balance against the benefits of the proposal.
- 5.23 It should be noted that Natural England have been consulted on the application but have not provided any specific comments. Generic advice on BMV agricultural land and soils is provided, which essentially directs the decision maker (the Local Planning Authority in this instance) to national planning policy contained within the NPPF.

Landscape and Visual Impact

- 5.24 Saved Policy ENV1 of the Selby District Local Plan requires development proposals to take account of (1) the effect upon the character of the area and (4) the standard of layout, design and materials in relation to the site and its surroundings and associated landscaping. Policy SP17(C) of the Core Strategy requires all renewable energy and low-carbon energy generation and supporting infrastructure to be designed and located to protect the environment and local amenity; or to demonstrate that the wider environmental, economic, and social benefits outweigh any harm caused to the environment and local amenity. Policy SP18 of the Core Strategy seeks to protect and enhance landscape character and setting of areas of acknowledged importance. Policy SP19 of the Core Strategy requires proposals for new development to contribute to enhancing community cohesion by achieving high quality design and having regard to local character, identity, and context of its surroundings. Specifically, Policy SP19 (e) of the Core Strategy requires new and existing landscaping to be incorporated as an integral part of the design of the schemes. Policy SP12 of the Core Strategy encourages opportunities to protect, enhance and better join up existing Green Infrastructure, as well as creating new Green Infrastructure, in addition to the incorporation of other measures to mitigate or minimise the consequences of development. These local policies accord with paragraph 130 of the NPPF which seeks to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not discouraging appropriate innovation or change; and paragraph 174 of the NPPF indicates that the intrinsic character and beauty of the countryside should be recognised.
- 5.25 The proposed development is as described from paragraph 1.5 of this report - ‘The Proposal’ - and as shown on the submitted drawings. The application has been supported by an Environmental Impact Statement dated June 2021, with a subsequent Addendum, dated April 20220. This includes a Landscape Visual Impact Assessment, a Landscape Strategy, and an Outline Landscape Management Plan.
- 5.26 Following an initial review of the proposals, the Council’s Landscape Architect raised some concerns relating to likely significant landscape and visual effects in

the local area; a lack of stand-off, screening and mitigation proportionate to the scale of the development (particularly for the first 10-15 years); wider landscape strategy and connectivity; and long-term maintenance and management. A meeting was recommended to discuss scheme options and provide further clarification.

- 5.27 Following meetings held on the 21st March and 4th April 2022 to discuss landscape and visual matters, the Council's Landscape Architect recommended improved screening to key locations and solar panels set back from visible roadsides to help reduce visibility; additional changes where this was likely to improve local setting and visual screening from identified receptors, particularly Camblesforth village, Low Farm, Camela House, Camela Bungalow, local roads and PROWs; and the LVIA to be updated to reflect adjustments to the Landscape Strategy.
- 5.28 The Addendum to the Environmental Impact Statement, dated April 2022, was subsequently submitted, which includes an updated Landscape Visual Impact Assessment, Landscape Strategy, and Outline Landscape Management Plan.
- 5.29 The proposed updated Landscape Strategy, as shown on drawing no. 2318001 Rev P03, includes the following elements:
- New improved grassland beneath the solar panels;
 - Gapping up of existing hedgerows within the site;
 - Provision of three new native hedgerows within the site - triple staggered;
 - Provision of new native woodland belts and blocks ranging from 10 metres wide to 35 metres wide;
 - Provision of a new native woodland block to the centre of the site to break up the solar panel arrays and enhance green infrastructure, with the inclusion of a nature walk;
 - Provision of a new wildflower meadow strip between the existing public footpath which crosses the site and the new woodland block to the centre of the site;
 - Provision of a permissive footpath, which would run along the south side of Camela Lane and join up with the existing public footpath which crosses the site.
- 5.30 The changes from the initial version of the Landscape Strategy are as follows:
- the separation distance from A1041 to the solar panels has been increased to make space for more woodland planting. At the closest point the panels are 30m from the road and at their furthest point they are 50m away from the road.
 - the separation distance from both sides of Camella Lane to the solar panels has been increased to make space for more woodland planting. At the closest point the panels are 25m away from the lane and at their furthest point they are 45m from the lane.
 - the solar panels have been set back further from the site boundaries closest to Low Farm, Low Farm Barn, Pheasant Wood Farm, Camela House and Camela Bungalow to allow for more woodland planting.
 - Ancillary facilities have purposefully been located within the site away from sensitive visual receptors, where this has not been possible, screening is proposed.
 - New areas of woodland blocks and belts:

- A new 20m wide woodland belt to the west of Low farm and Low farm Barn.
- A new 10m wide woodland belt to the south of Low farm and Low farm Barn.
- A new 10m wide woodland block to the north of Camela House.
- A new 10m wide woodland block to the east of Camela House.
- 10m woodland block to the east of Camela Bungalow extended along southern
- side of Array.
- Additional woodland belts alongside Camella Lane – minimum 10m width.
- Additional woodland belt wrapping around the corner of the site alongside the junction of Barlow Road and the A1041. At its widest, this is 35m deep narrowing to 10m towards Pheasant Wood Farm.
- Vegetation alongside Pheasant Wood Farm to include new 20m woodland belt and installation of new 6ft close board fence along boundary to provide immediate screening of array.

- 5.31 Officers consider that these changes have addressed the comments of the Council's Landscape Architect. Solar panels have been set back from visible roadsides to help reduce visibility with additional screening being provided; and new areas of woodland blocks and belts have been provided where this is likely to improve local setting and visual screening from identified receptors, particularly Camblesforth village, Low Farm, Camela House, Camela Bungalow, local roads and PROWs. Furthermore, the LVIA has been updated to reflect adjustments to the Landscape Strategy. The Council's Landscape Architect has not yet provided comments on the updated Landscape Strategy and Officers will provide an update in this respect at Planning Committee.
- 5.32 In terms of impacts, the submitted information sets out that impacts on landscape features (arable land, trees and hedges) would not be significant pre-mitigation. Post-mitigation (at year 15) it is anticipated there would be no change to the impact on arable land, but significant beneficial impacts on trees and hedges through the provision of additional native woodland and native hedgerows.
- 5.33 In respect of impacts on landscape character areas (NCA: Humberhead Levels, County LCT 23: Levels Farmland and District LCA 15: Camblesforth Farmlands) the submitted information sets out that these would not be significant pre-mitigation or post-mitigation, with mitigation measures leading to enclosure and screening of the proposed development limiting opportunities for adverse effects on the landscape character areas.
- 5.34 In respect of impacts on private properties (those on the northern edge of Camblesforth, those on the southern edge of Barlow, Low Farm/Low Farm Barn, Camela House, Camela Bungalow, Pheasant Wood Farm and farms or farmhouses within the surrounding area) the submitted information sets out that there would be significant effects for Low Farm/Low Farm Barn, Camela House, Camela Bungalow, Pheasant Wood Farm pre-mitigation (during construction and year 1); however, post-mitigation the submitted information sets out that effects on all identified private properties would not be significant.
- 5.35 In respect of impacts on public rights of way, the submitted information sets out that there would be significant effects on a number of public rights of way within or adjacent to the site, including 35.17/3/1 which runs north-south through the

application site pre-mitigation (during construction and year 1); however, post-mitigation the submitted information sets out that effects on all identified public rights of way within or adjacent to the site would not be significant. In respect of impacts on transport routes (including but not limited to the A1041, Camela Lane, Barlow Road, Clay Lane) the submitted information sets out that these would not be significant pre-mitigation or post-mitigation, given the set back of the proposed development from visible roadsides to help reduce visibility in conjunction with the proposed landscaping which would provide screening.

- 5.36 Officers consider the applicant's assessment of impacts to be reasonable. The Council's Landscape Architect concurs that the updated Landscape Strategy provides further improvement and mitigation which is welcomed and supported. In terms of the updated Landscape Visual Impact Assessment, the Council's Landscape Architect notes that a number of major, major/moderate and moderate adverse effects remain, particularly in the short term until screen planting has established and become effective. Mitigation through screen planting will take 10-15 years for effective year-round screening. The Council's Landscape Architect recommends consideration over whether short term landscape and visual effects could be mitigated by offsetting or compensation through a landscape/environmental fund which could be administered by a local community group over the next 10 years, however, Officers do not consider this to be reasonable or necessary in the context of the scheme. In terms of the Outline Landscape Management Plan, the Council's Landscape Architect does not consider this to sufficiently carry forward key principles set out in the Landscape Strategy and recommends this should not be approved, but instead conditioned to any planning permission granted.
- 5.37 Given their nature and scale, it is inevitable that the situation in a countryside location of a large-scale solar farm would have some adverse landscape and visual impact. However, through a combination of topography, existing screening and the introduction of landscape mitigation, the adverse effect in this instance would be limited and localised. As the existing and proposed planting matures, the adverse effects would be acceptably mitigated. Moreover, notwithstanding the significance of the 40-year lifespan of the proposed development, once the proposed development is decommissioned, the infrastructure removed, and the land restored to its former agricultural use, there would be no residual adverse landscape and visual effects. Instead, the scheme would leave an enhanced landscape as a result of the mitigation planting.
- 5.38 National and local policy adopts a positive approach indicating that development will be approved where the harm would be outweighed by the benefits of a scheme. This is a planning judgment, which will be returned to later in this report.
- 5.39 Should the harm be outweighed by the benefits of a scheme and the scheme be approved; conditions could be attached to secure the following having regard to landscape and visual impact:
- A detailed landscaping scheme. Soft landscape works to be implemented in the first available planting season, with a minimum 5-year replacement defects period.
 - A detailed long-term maintenance and management plan, to be secured for the lifespan of the scheme.
 - An arboricultural method statement, tree survey and tree protection plan to BS5837:2012; Existing trees and hedgerows to be protected and retained.

- Details of color and finish of the conversion units, substation, control room, communications tower, battery storage containers, CCTV camera poles, acoustic fencing and security fencing to reduce adverse visual effects.
- Details of surfacing of access tracks running through the site to reduce adverse visual effects.
- Removal of permitted development rights for means of enclosure.
- No external lighting to be installed on site.
- Details of permissive footpaths, access control, signage/waymarking.
- Restoration at the end of the life of the scheme, to return the site to its former use.
- Agricultural land to be restored to at least the existing agricultural land classification, as a minimum standard.

Cumulative Landscape and Visual Impacts

- 5.40 As part of the ES, an assessment has been undertaken to assess potential significant cumulative landscape and visual effects associated with the proposed development in combination with approved and/or existing developments within 5km of the application site. 'Approved and/or existing developments' usually comprise major developments and it is common practice for these to include relevant partially built or extant permissions; submitted but not yet determined applications; and submitted or determined screening and scoping opinions. The list of schemes included in the cumulative assessment (as shown in Appendix 3.1 of the Addendum to the Environmental Impact Statement, dated April 2022 and represented geographically in Appendix 3.2) was agreed with Officers during the application process.
- 5.41 The cumulative assessment concludes that the proposed development would not lead to any likely significant landscape and visual effects cumulatively with the other approved and/or existing developments considered as part of the assessment. Officers consider the applicant's assessment of cumulative landscape and visual impacts to be reasonable. The Council's Landscape Architect concurs, advising that while there is potential for cumulative adverse landscape and visual effects, the revised proposed landscape mitigation is robust enough to accommodate these cumulative changes in the long term provided a long-term landscape maintenance and management plan is secured for the lifetime of the development together with reasonable measures for restoration of the site at the end of the lifetime of the development. As such, the proposed development would not lead to any likely significant landscape and visual effects cumulatively with the other approved and/or existing developments

Impact on Heritage Assets

Designated heritage assets

- 5.42 The application site itself does not contain and designated or non-designated heritage assets. However, the application site is located to the north of Camblesforth Hall, which is a Grade I listed building of high significance. The application site forms part of the wider agricultural setting of the listed building and contributes to its significance.
- 5.43 Policy SP18 of the Core Strategy requires, amongst other things, the high quality and local distinctiveness of the natural and man-made environment be sustained

by: safeguarding and, where possible, enhancing the historic and natural environment including the landscape character and setting of areas of acknowledge importance; and conserving those historic assets which contribute most to the distinct character of the District. Policy SP19 of the Core Strategy requires, amongst other things, that proposals positively contribute to an area's identity and heritage in terms of scale, density and layout.

- 5.44 Relevant policies within the NPPF which relate to the effect of development the setting of heritage assets include paragraphs 194 to 204.
- 5.45 Paragraph 194 of the NPPS states *"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."*
- 5.46 Paragraph 197 of the NPPF states *"In determining applications, local planning authorities should take account of:*
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - c) the desirability of new development making a positive contribution to local character and distinctiveness."*
- 5.47 Paragraph 199 of the NPPF states:
- "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."*
- 5.48 Paragraph 202 of the NPPF states:
- "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."*
- 5.49 Paragraph 202 of the NPPF should be read in conjunction with paragraph 199 of the NPPF which provides that when considering the impact of a proposal on the significance of a designated heritage asset, "great weight" should be given to the asset's conservation. This wording reflects the statutory duty in Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990.

- 5.50 Whilst considering proposals for development which affect a Listed Building or its setting, regard is to be made to Section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 which requires the Local Planning Authority to *'...have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'*.
- 5.51 The application has been supported by a Heritage Statement (reference 1719H/02) dated February 2021. This sets out a summary of all designated and non-designated heritage assets within located within a 1km radius of the application site and those of 'highest significance' located within a 3km radius of the application site. Camblesforth Hall is identified as the primary designated heritage asset which has the potential to be affected by the proposed development and a statement of significance of Camblesforth Hall is provided. The Heritage Statement acknowledges that the application site forms part of the wider agricultural setting of the listed building and contributes to its significance; and that the proposed development would alter the wider setting from its current arable use. In terms of an impact assessment, the submitted Heritage Statement sets out that the proposed landscape mitigation proposals would screen views of the proposed development from the listed building and as such the Heritage Statement concludes that the proposed development would not result in any harm to the significance of the Grade I listed building.
- 5.52 The Council's Conservation Officer has reviewed the application and has advised that the proposed development will change the setting of the listed building by changing the appearance of the land to the north. Although the development would not affect the historic fabric of the listed building, the wider agricultural setting of the listed building contributes to its significance and by changing it from arable agricultural land to a ground-mounted solar farm, including associated infrastructure, would cause harm. The harm is considered to be less than substantial in NPPF terms. In accordance with paragraph 202 of the NPPF, less than substantial harm should be weighed against the public benefits of the proposal. The construction of a ground-mounted solar farm including associated infrastructure, which would have an anticipated capacity of 50MW, powering approximately 15,000 homes annually and saving 21,500 tonnes of CO₂ would be a significant public benefit. Furthermore, the proposed development has an anticipated lifespan of 40 years and at the end of the 40-year period, the proposed development would be decommissioned, and the infrastructure removed ready for the land to be restored to its former agricultural use; thereby restoring the wider agricultural setting of the listed building. In weighing the harm against the public benefits of the proposal, it is considered that the public benefits would outweigh the harm identified in this instance.
- 5.53 Having regard to the above, it is considered that the proposed development would lead to less than substantial harm to the significance of a designated heritage asset, namely the Grade I listed Camblesforth Hall. When the harm is weighed against the public benefits of the scheme, it is considered that the proposal is acceptable, as the public benefits identified would outweigh the harm. The proposal would therefore be in accordance with Policies SP18 and SP19 of the Core Strategy, S66 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 and national policy contained within the NPPF.

Non-designated heritage assets (archaeology)

- 5.54 Saved Policy ENV28 of the Selby District Local Plan requires proposals which affect sites of known or possible archaeological interest to be subject to archaeological assessment/evaluation. This accords with the requirements of paragraph 194 of the NPPF.
- 5.55 The application has been supported by an Archeological Based Desk Assessment (reference 1719H/01) dated February 2021, and a Geophysical Survey Report (reference 3540) dated February 2021.
- 5.56 The County Archaeologist has reviewed the application and has advised that the geophysical survey has revealed several anomalies of archaeological interest, although these are dispersed across the extensive area of the application site. In the western field are former field boundaries that pre-date those shown on mid-19th century maps and these are consistent with the types of boundaries established in the later prehistoric and Roman periods. Of greater significance is a small square enclosure that is characteristic of an Iron Age square barrow at the very east side of the development. The assessment does not provide any consideration of the impact of the proposal on the geophysical anomalies. The County Archaeologist advises that the impact of the proposed development on the former field enclosures would be low. However, they raise concerns about the impact of the proposed development on the potential Iron Age square barrow. As a result, it is recommended that this anomaly and a buffer area around it are protected from physical impact, either by surface mounting of the arrays (i.e., using feet rather than piling) or by removing that area from the proposal.
- 5.57 Following the comments from the County Archaeologist, an Archaeological Protection Plan (drawing no. v.6) has been submitted which shows an archaeological protection area towards the eastern end of the site. In this area surface mounting of arrays is proposed (i.e., using feet rather than piling) in order to protect below ground archaeological features. This could be secured by a suitably worded condition.
- 5.58 Subject to the aforementioned condition, it is considered that the proposed development would not have an adverse impact on archaeological features in accordance with saved Policy ENV28 of the Selby District Local Plan and national planning policy contained within the NPPF.

Ecological Considerations

- 5.59 Saved Policy ENV1(5) of the Selby District Local Plan requires proposals to take account of the potential loss or adverse effect upon, inter alia, trees and wildlife habitats. Policy SP18 of the Core Strategy seeks to safeguard the natural environment and promote effective stewardship of the District's wildlife by, amongst other things, ensuring developments retain protect and enhance features of biological interest and provide appropriate management of those features and that unavoidable impacts are appropriately mitigated and compensated for on and off-site; and ensuring development seeks to produce a net gain in biodiversity by designing-in wildlife and retaining the natural interest of a site where appropriate.
- 5.60 This is reflected in the national policy at paragraph 174 of the NPPF, which requires planning decisions to contribute to and enhance the natural and local environment by amongst other things, protecting and enhancing valued landscapes, recognising

the intrinsic character and beauty of the countryside, and the wider benefits form natural capital and ecosystem services, and minimising impacts on and providing for net gains for biodiversity”.

- 5.61 The application has been supported by a Preliminary Ecological Appraisal (reference 20-0751.03) dated June 2021; a Wintering Bird Survey Report (reference 20-0751.05) dated June 2021; an Ecological Impact Assessment (reference 20-0751.07) dated February 2022; a Biodiversity Net Gain Assessment (reference 20-0751.07) dated April 2022; and a Biodiversity Net Gain Calculation (version 3).
- 5.62 The County Ecologist has reviewed the application and has advised that there are no objections to the proposed development, subject to two conditions relating to the provision, agreement and subsequent implementation of: (1) a biodiversity construction management plan; and (2) and ecological management plan. The County Ecologist notes that in terms of mitigation for farmland birds, the provision of boxes for generalist hole nesting birds (e.g., ones with 28mm entrance holes) is not considered to be acceptable, however this can be resolved through the aforementioned conditions. In terms of Biodiversity Net Gain (BNG) the proposed development provides substantial net gains for all habitat categories (area-based, hedgerow and flowing water) with all far exceeding the 10% target.
- 5.63 The Yorkshire Wildlife Trust initially objected to the proposed development based on the level of survey work undertaken, impact assessment, proposed mitigation and level of biodiversity net gain. Further information was submitted during the course of the application to address these points, however no further response has been provided by the Yorkshire Wildlife Trust. In this respect, Officers would advise that the County Ecologist initially raised similar concerns and is satisfied that these have been overcome through the submission of the additional information during the course of the application.
- 5.64 Subject to the aforementioned conditions, it is considered that the proposed development would not have an adverse impact on ecological considerations and would provide significant net gains for biodiversity in accordance with saved Policy ENV1 of the Selby District Local Plan, Policy SP18 of the Core Strategy, national policy contained within the NPPF, the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017.

Impact on Highway Safety

- 5.65 Saved Policies ENV1(2), T1 and T2 of the Selby District Local Plan require development proposals to have a suitable access and no detrimental impact on the existing highway network. This accords with the NPPF, which requires development proposals to have a safe and suitable access and only supports refusal of development proposals on highway grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe (paragraph 111).
- 5.66 Two existing farm accesses from the A1041 and Camela Lane would be retained and upgraded as part of the proposals and two new access points from Camela Lane (one to the north and one to the south, which would only allow vehicles to cross Camela Lane and are not intended as primary accesses which would route vehicles onto Camela Lane and the wider highway network) would be introduced. Access tracks run through the site and would be constructed from porous materials.

- 5.67 The main traffic generation would be during the construction period, which would be 6-9 months, and would be via the retained and upgraded farm access from the A1041. There would be approximately 2,000 two-way trips from the site by HGVs during the construction period – this is estimated to equate to 5 vehicles a day, so 10 two-way vehicle movements would take place each day for 6–9 months. Once construction is complete, the access from the A1041 would be used for operational access for maintenance vehicles. A parking, turning and maneuvering area would be provided within the site to enable vehicles to enter and exit the site in a forward gear. Once operational, traffic movements associated with the proposed development would be minimal, with only occasional maintenance access required. The next major use of the access from the A1041 would be when the proposed development is decommissioned, and the infrastructure removed ready for the land to be restored to its former agricultural use.
- 5.68 The Highway Officer has reviewed the application and has advised that the visibility splays onto the A1041 can achieve the recommended 2.4 metres x 215 metres. Taking account of the estimated traffic generation during construction, the Highway Officer is of the view that the highway network would be able to cope with the volumes of traffic proposed, after which traffic movements would be minimal, until decommissioning. The Highway Officer supports widening of the access onto the A1041 to allow for 2 HGVs to pass simultaneously; and the provision of an on-site parking, turning and maneuvering area to enable vehicles to enter and exit the site in a forward gear. The proposed visibility splays of 2.4 metres x 59 metres onto Camela Lane are considered to be acceptable. The Highway Officer recommends the route to site is conditioned to ensure the highway at Camela Lane is protected.
- 5.69 Having regard to the above, the Highway Officer raises no objections to the proposed development subject to conditions relating to: (1) new and altered private access or verge crossing at the A1041 and Camela Lane; (2) visibility Splays at the A1041 and Camela Lane Accesses; (3) delivery of off-site highway works; (4) access, turning and parking areas; (5) construction management plan.
- 5.70 Subject to the aforementioned conditions, it is considered that the proposed development would not have an adverse impact on highway safety in accordance with saved Policies ENV1, T1 and T2 of the Selby District Local Plan and national policy contained within the NPPF.

Public Rights of Way

- 5.71 Policy T8 of the Selby District Local Plan resists development which would have a significant adverse effect on any route in the district's public rights of way network unless alternative suitable provision can be provided.
- 5.72 There is a public right of way which runs north-south through the application site, reference 35.17/3/1, linking Camela Lane to the village of Camblesforth and the A1041 where it joins to public right of way references 35.17/2/1, 35.17/2/2, 35.17/2/3 and 35.17/11/1 to the south of the application site.
- 5.73 The proposed development would not physically affect any public rights of way permanently; with all of the existing public rights of way within or adjacent to the site being retained. Woodland blocks and a wildflower meadow would be planted adjacent to the public right of way which runs north-south through the application site and a new nature walk and permissive footpath would join up to the existing public right of way.

- 5.74 There is potential for the proposed development to physically affect public rights of way temporarily during the period of development works only. Should this be the case, the applicant would need to make an application to the Highway Authority (North Yorkshire County Council) for a Temporary Closure Order. The public rights of way must be protected and kept clear of any obstruction until such time as an alternative route has been provided by a temporary Order. It is an offence to obstruct a public right of way and enforcement action can be taken by the Highway Authority to remove any obstruction. Where public access is to be retained during the development period, it shall be kept free from obstruction and all persons working on the development site must be made aware that a public right of way exists and must have regard for the safety of public rights of way users at all times. An informative can be attached to any planning permission granted highlighting these points to the applicant.
- 5.75 Having regard to the above, it is considered that the proposed development would not have an adverse impact on existing public rights of way in accordance with saved Policy T8 of the Selby District Local Plan.

Impact on Residential Amenity

- 5.76 Saved Policy ENV1(1) of the Selby District Local Plan requires development proposals to take account of the amenity of adjoining occupiers. Saved Policy ENV2 resists development which would give rise to unacceptable levels of noise or nuisance unless satisfactory remedial or preventative measures are incorporated as an integral element of the scheme. Policy ENV3(3) requires any proposals for outdoor lighting to not have a significant adverse effect on local amenity. Core Strategy Policy SP17(C) requires all development proposals for new sources of renewable energy and low-carbon energy generation development to protect local amenity and minimise impacts on local communities.
- 5.77 Camela Lane runs through the middle of the application site, along which there are a number of isolated residential properties which lie adjacent to or within close proximity to the site (including Low Farm/Low Farm Barn, Camela House, Camela Bungalow). Furthermore, there is an isolated residential property adjacent to the site towards its western end, which fronts onto the A1041, east of its junction with Barlow Road (Pheasant Wood Farm). Residential properties to the northern edge of Camblesforth, the southern edge of Barlow and other farms or farmhouses within the surrounding area also have the potential to be impacted by the proposed development.
- 5.78 The landscape and visual impact of the proposed development has already been discussed earlier in this report, where it was concluded that there would be significant effects for Low Farm/Low Farm Barn, Camela House, Camela Bungalow, Pheasant Wood Farm pre-mitigation (during construction and year 1); however, post-mitigation the submitted information sets out that effects on all identified private properties would not be significant.
- 5.79 In terms of noise and nuisance, the Council's Environmental Health Officer has been consulted on the proposals and has not raised any objections to the proposed development, subject to the provision of the acoustic barrier within the proposed battery storage area. This could be a condition of any planning permission granted.

- 5.80 No lighting is proposed as part of the application. The applicant has advised that the proposed CCTV cameras would be able to detect movement and would have night vision capability in accordance with insurer's requirements; therefore, no lighting would be required in conjunction with the CCTV cameras. A condition to control outdoor lighting could be attached to any planning permission granted.
- 5.81 Subject to the aforementioned conditions, it is considered that the proposed development would not have an adverse impact on residential amenity in accordance with saved Policies ENV1(1), ENV2 and ENV3(3) of the Selby District Local Plan, Policy SP17(C) of the Core Strategy and national planning policy contained within the NPPF.

Flood Risk and Drainage

- 5.82 The most up-to-date policy in relation to flooding matters is the overarching principles set out in the Core Strategy and national planning policy contained within Chapter 14 of the NPPF.
- 5.83 From a search of the Environment Agency Flood Maps, it is confirmed that the majority of the application site is located within Flood Zone 3a, which has been assessed as having between a 1 in 100 or greater annual probability of river flooding (>1%) or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any one year; however, the site does benefit from flood defences.
- 5.84 Given the site's location within Flood Zone 3a, the Sequential Test is required to be undertaken in relation to flood risk and the location of the development (as per paragraph 159 of the NPPF). The Sequential Test ensures that a sequential approach is followed to steer new development to areas with the lowest probability of flooding (as per paragraph 162 of the NPPF). The aim is to steer new development to Flood Zone 1 (areas with a low probability of river or sea flooding). Where there are no reasonably available sites in Flood Zone 1, the flood risk vulnerability of land uses and reasonably available sites in Flood Zone 2 (areas with a medium probability of river or sea flooding) should be considered, applying the Exception Test if required (as per paragraph 163 of the NPPF). Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required (as per paragraph 163 of the NPPF).
- 5.85 The applicant has undertaken the sequential test and in doing so has advised that the key criteria for identifying a suitable location for the proposed development of a ground mounted solar farm is based on finding a site: with suitable grid connectivity; suitable size to accommodate the proposed development; suitable highway infrastructure to serve the proposed development; is available for the duration of the proposed development with agreements in place to lease the land; and which minimises environmental impacts.
- 5.86 Suitable grid connectivity is a key factor, and the applicant has advised that they have secured a grid offer. The grid connection is shown on the proposed site layout plan (drawing no. v.2) – the cable route would run from the new substation to the south-east of the site, north along the eastern field boundary, east across P3P land adjacent to the Drax Power Station site and south alongside the P3P Food Technology site to connect to the existing electricity distribution site situated adjacent to the A645 and railway line. Grid connection costs vary dependent on

scheme size, grid capacity and local grid infrastructure. Typically, a 5MW ground mounted solar scheme must be located within circa 500 metres of the grid connection in order for the scheme to be financially viable. For a 50MW ground mounted solar sites; the area of search could theoretically be extended to 5km however, the greater the distance from point of connection, the greater the constraints which impact on the viability of the scheme. The applicant considers that it would be viable to install a cable up to 5km long in this instance. On this basis, for operational reasons, the geographical coverage area of the sequential test has been narrowed down to within 5km of the proposed grid connection. This approach is considered reasonable by Officers. When undertaking the sequential test on this basis and taking into account the other key criteria for identifying a suitable location for the proposed development of a ground mounted solar farm (as highlighted above), the applicant advises that there are no reasonably available sites appropriate for the proposed development located within either Flood Zone 1 or Flood Zone 2, and as such, the proposal passes the sequential test. This is agreed by Officers.

5.87 Where it is not possible for development to be located in zones with a lower risk of flooding, as in this case, the exception test may have to be applied (as per paragraph 163 of the NPPF). The need for the exception test depends on the potential vulnerability of the site and of the development proposed, in line with the flood risk vulnerability classification set out in national planning guidance. The development in this case can be given a flood risk vulnerability classification of 'essential infrastructure' – see Annex 3 of the NPPF. Where the sequential test shows that it is not possible to use an alternative site at lower flood risk, the exception test is only required for development within Flood Zone 3a where the development is classed as 'essential infrastructure' or 'more vulnerable'. The exception test is therefore required.

5.88 Paragraph 163 of the NPPF states:

“The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.”*

5.89 Paragraph 165 of the NPPF states:

“Both elements of the exception test should be satisfied for development to be allocated or permitted.”

5.90 In terms of paragraph 163 (a), the construction of a ground-mounted solar farm including associated infrastructure, which would have an anticipated capacity of 50MW, powering approximately 15,000 homes annually and saving 21,500 tonnes of CO₂ would be considered to provide wider sustainability benefits to the community which would outweigh the flood risk. Therefore, the first element of the exception test is considered to be passed.

- 5.91 In terms of paragraph 163 (b), in accordance with paragraph 167 and footnote 55 of the NPPF, a site-specific flood risk assessment has been submitted in support of the application. This has been assessed by the Environment Agency, who have advised that provided the proposed development is built in accordance with the submitted Flood Risk Assessment (reference: 20-0751.02 issue 5) dated June 2021, they have no objections to the proposals in terms of flood risk. A suitably worded condition could be attached to any planning permission granted requiring the proposed development to be constructed in accordance with the submitted Flood Risk Assessment. Furthermore, the Local Lead Flood Authority have advised that they have no objections to the proposals in terms of flood risk, subject to a condition to mitigate soil compaction and overland flow route disruption during construction. Therefore, the second element of the exception test is considered to be passed.
- 5.92 The Internal Drainage Board and Yorkshire Water have been consulted on the application. The Internal Drainage Board raise no objections to the proposals. Yorkshire Water raise no objections to the proposals, subject to two conditions relating to: (1) the protection of public water supply infrastructure; and (2) outfall for surface water.
- 5.93 Subject to the aforementioned conditions, it is considered that the proposed development would be acceptable in terms of flood risk and drainage, in accordance with the overarching principles set out in the Core Strategy and national planning policy contained within the NPPF.

Other Issues

Alternative Site Assessment

- 5.94 Planning Practice Guidance encourages the effective use of land by focusing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value. However, large scale solar farms are not precluded from being sited on greenfield land. Rather, where large scale solar farms are to be located on greenfield land consideration needs to be given to whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
- 5.95 The proposed development in this instance would be sited on greenfield land. However, the proposal would not result in the permanent loss of agricultural land. As set out in the previous section of this report, key criteria for identifying a suitable location for the proposed development of a ground mounted solar farm is based on finding a site: with suitable grid connectivity; suitable size to accommodate the proposed development; suitable highway infrastructure to serve the proposed development; is available for the duration of the proposed development with agreements in place to lease the land; and which minimises environmental impacts. All of these criteria are met with the proposed application site, and it is not considered that there are any other reasonably available sites (including brownfield or greenfield sites), which meet these key criteria within 5km of the proposed grid connection (which is required in order for the scheme to be financially viable).

Glint and Glare

- 5.96 The application has been supported by a Solar Photovoltaic Glint and Glare Study (reference: 10031A) dated April 2021. The report concludes that the proposed development would not have any impact upon the safety of road users, residential amenity, railway operations, or aviation operations. Following consultation on the proposed development, no consultees, including the Highway Authority, Environmental Health, Network Rail, Drax Power Station, or the various airfields and airports have raised any concerns or objections to the proposed development in terms of glint and glare. As such, it is considered that the proposed development would be acceptable in this respect.

Contaminated Land

- 5.97 The Council's Contaminated Land Consultant has reviewed the application and has advised that there are some elements of the proposals which may be more sensitive to contamination than others, such that land contamination needs to be considered as part of the application. No contaminated land information has been submitted as part of the application. However, the Council's Contaminated Land Consultant has advised that there would be no objections to the proposed development subject to a pre-commencement condition being attached to any planning permission granted requiring investigation of land contamination. Further conditions relation to the submission of a remediation strategy, where necessary; verification of remedial works, where necessary; and reporting of unexpected contamination would also need to be attached to any planning permission granted. Subject to the aforementioned conditions, it is considered that the proposed development would be acceptable in terms of land contaminated in accordance with Policy ENV2 of the Selby District Local Plan and national planning policy contained within the NPPF.

6. PLANNING BALANCE AND CONCLUSION

- 6.1 The application seeks full planning permission for the development of a ground mounted solar farm, including associated infrastructure, on a site comprising approximately 113 hectares of undeveloped agricultural land to the north and south of Camela Lane, to the north of the village of Camblesforth.
- 6.2 In terms of agricultural land, the proposed development would lead to the loss of approximately 51 hectares (46% of the total site area) of BMV agricultural land for a temporary period of 40 years. However, the applicant advises that subject to interest and agreement with local sheep farmers, sheep could be used to graze the grassland under the panels such that the land would remain in some form of agricultural use throughout the 40-year period of operation of the proposed development.
- 6.3 In terms of landscape and visual impact, the proposed development, given its nature, scale and location within the open countryside, would have some adverse landscape and visual impact. However, through a combination of topography, existing screening and the introduction of landscape mitigation, the adverse effect in this instance would be limited and localised. As the existing and proposed planting matures, the adverse effects would be acceptably mitigated. Moreover, notwithstanding the significance of the 40-year lifespan of the proposed development, once the proposed development is decommissioned, the

infrastructure removed, and the land restored to its former agricultural use, there would be no residual adverse landscape and visual effects. Instead, the scheme would leave an enhanced landscape as a result of the mitigation planting. Cumulative landscape and visual impacts are not considered likely.

- 6.4 In terms of impact on heritage assets, the proposed development would be sited within the wider agricultural setting of the Grade I listed Camblesforth Hall, which contributes positively to its significance. By changing the wider setting of the listed building from arable agricultural land to a ground-mounted solar farm, including associated infrastructure, would cause harm. The harm is considered to be less than substantial in NPPF terms; however, this harm is considered to be outweighed by public benefits.
- 6.5 In terms of impact on public rights of way, while the proposed development would not physically affect any public rights of way permanently; with all of the existing public rights of way within or adjacent to the site being retained and, in some cases, enhanced, there is potential for the proposed development to physically affect public rights of way temporarily during the period of development works only.
- 6.6 In terms of ecological considerations, the proposed development would not have any adverse effects on nature conservation and protected species and would provide substantial biodiversity net gains for all habitat categories (area-based, hedgerow and flowing water) with all far exceeding the 10% target.
- 6.7 The proposed development would be acceptable in terms of its impact on archaeology, highway safety, residential amenity, flood risk and drainage and other matters of acknowledged importance.
- 6.8 National and local planning policies are supportive low carbon and renewable energy proposals in principle, subject to consideration of local environmental impacts. It is inevitable that large scale solar farms in a countryside location would have some local environmental impacts and these need to be weighed in the planning balance against the benefits of the proposal. The proposed development would have an anticipated capacity of 50MW, generating a significant amount of electricity from a clean, renewable source. This would power approximately 15,000 homes annually and save 21,500 tonnes of CO₂. This would be a significant public benefit. There are no physical constraints limiting early development of this site and a grid connection offer is in place. As such, the scheme could make an early and significant contribution to the objective of achieving the statutory Net Zero target set for 2050 and the commitment to reducing emissions by 78% compared with 1990 levels by 2035. Given this importance, this benefit attracts significant weight. Furthermore, the proposed development has an anticipated lifespan of 40 years and at the end of the 40-year period, the proposed development would be decommissioned, and the infrastructure removed ready for the land to be restored to its former agricultural use.
- 6.9 Having regard to the above, it is considered that the proposal would be acceptable on balance and would not conflict with the objectives of local and national planning policy when read as a whole.

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 permission hereby granted shall be for a temporary period only, to expire 40 years and 6 months after the first export date of the development. Written confirmation of the first export date shall be provided to the Local Planning Authority within one month after the event.

Reason:

In the interests of visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

03. If the development hereby permitted ceases to operate for a continuous period of 12 months, then a scheme for the decommissioning and removal of the development, shall be submitted within 6 months of the end of the cessation period to the Local Planning Authority for its written approval. The scheme shall make provision for the removal of the solar panels and associated infrastructure approved under this permission. The scheme shall also include the management and timing of any works and a traffic management plan to address likely traffic impact issues during the decommissioning period, an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats, and details of site restoration measures.

Reason:

In the interests of visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

04. Within 6 months of the cessation of the export of electrical power from the site, or within a period of 39 years and 6 months following the first export date, a Scheme for the decommissioning of the development, and how the land is to be restored, to include a programme for the completion of the decommissioning and restoration works, shall be submitted to and agreed in writing by the Local Planning Authority.

Reason:

In the interests of visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

05. The development shall be dismantled and removed from the site and the land restored in accordance with the approved Scheme and, in any event shall be removed within a period of 40 years and 6 months following the first export date.

Reason:

In the interests of visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

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

- LOC01 – Site Location Plan

- v.2 – Proposed Site Layout Plan
- 2 – Mounting Structure Details
- 3 – Conversion Unit Details
- 7- Substation and Control Room Details
- CS014381-61042-100 – Typical Tower Elevation
- 9 - Proposed Battery Energy Storage System Layout
- 8 – Battery Container Details
- 6 – CCTV System Details
- 5 – Security Fence Details
- 2318001 Rev P03 – Landscape Strategy
- v.6 - Archaeology Protection Plan
- Plot 03 – Skylark Plot Plan
- 2006304 Rev A – Accesses 2 & 3: Camela Lane (South & North) Access Arrangement

Reason:

For the avoidance of doubt.

07. Prior to their installation, details of the height of the three conversion units to be sited within the battery storage area to the north-east end of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason:

In the interests of visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

08. Prior to their installation, details of the colour and finish of the conversion units, substation, control room, communications tower, battery storage containers, CCTV camera poles, acoustic fencing and security fencing shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason:

In the interests of visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

09. Prior to their installation, details of the surfacing of the access tracks running through the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason:

In the interests of visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

10. Prior to the commencement of development, an Arboricultural Method Statement, Tree Survey and Tree Protection Plan, to BS5837:2012, shall be submitted to and approved in writing by the Local Planning Authority. This should demonstrate how all existing trees and hedgerows to be retained will be protected during the construction period. The development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure protection during construction works of trees and hedgerows which are to be retained on or near the site in order to ensure that the character and amenity of the area are not impaired, having had regard Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

11. Prior to the commencement of development, a detailed hard and soft landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a detailed long-term landscape maintenance and management plan. The approved scheme shall be implemented in its entirety within the first available planting season following the construction of the development hereby permitted. All trees, shrubs and bushes shall be adequately maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary. The scheme shall be retained and managed in accordance with the approved landscape maintenance and management plan for the lifetime of the development.

Reason:

In the interests of visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking or re-enacting that Order), no gates, fences, walls or other means of enclosure (other than those granted by this permission) shall be erected within or around the application site without the appropriate grant of planning permission.

Reason:

In the interests of the visual amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

13. No external lighting shall be installed within the application site without the appropriate grant of planning permission.

Reason:

In the interests of visual amenity and residential amenity and in order to comply with Policies SP17, SP18 and SP19 of the Core Strategy and Policies ENV1 and ENV3 of the Selby District Local Plan.

14. Prior to the first export date of the development, details of the permissive footpath and nature walk to be provided within the site, including access control and signage/waymarking, shall be submitted to and approved in writing by the Local Planning Authority. The permissive footpath and nature walk shall be provided in accordance with the approved details and be made available for use by the public prior to the first export date and remain as such for the lifetime of the development.

Reason:

In the interests of general amenity and in order to comply with Policies SP12, SP17, SP18 and SP19 of the Core Strategy and Policy ENV1 of the Selby District Local Plan.

15. Any solar panels to be provided in the 'Archaeology Protection Area' as shown on the Archaeology Protection Plan (drawing no. v.6) shall be surface mounted (i.e., using feet rather than piling) in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of archaeological features and in order to comply with Policy ENV28 of the Selby District Local Plan.

16. Prior to the commencement of the development hereby approved, a Biodiversity Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Biodiversity Construction Environmental Management Plan.

The Plan must include, but not be limited, to arrangements for the following:

- measures to control noise and dust and prevent pollution;
- protection of retained trees and hedgerows;
- measures to safeguard nesting birds;
- precautions to reduce risks to reptiles and amphibians during site clearance;
- measures to protect Badgers;
- maintenance of a 5-metre buffer strip along the north-western drain;
- measures to protect Hedgehogs;
- Himalayan Balsam removal plan;
- planting specifications (including species mixtures) for habitat enhancements;
- location and designs of bat and bird boxes;

Reason:

In the interests of ecology and in order to comply with Policy ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Selby District Core Strategy Local Plan and national planning policy contained within the NPPF.

17. Prior to the commencement of the development hereby approved, an Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This should outline how retained and newly created habitats are to be managed, and any ecological monitoring requirements. It should also include ongoing measures to remove Himalayan Balsam. Once approved, the Ecological Management Plan shall be implemented in accordance with the approved details for the lifetime of the development.

Reason:

In the interests of ecology and in order to comply with Policy ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Selby District Core Strategy Local Plan and national planning policy contained within the NPPF.

18. Prior to the commencement of the development hereby approved, details of measures to allow continued movement of mammals, as outlined in Section 6.2.4 of the Ecological Impact Assessment (reference 20-0751.07) dated February 2022, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason:

In the interests of ecology and in order to comply with Policy ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Selby District Core Strategy Local Plan and national planning policy contained within the NPPF.

19. The development must not be brought into use until the accesses to the site at the A1041 and Camela Lane have been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:

- The access onto the A1041 must be formed with 12 metres radius kerbs, to give a minimum carriageway width of 6 metres, and that part of the access road extending 18 metres into the site must be constructed in accordance with Standard Detail number A2 or E40.
- The crossing of the highway verge and/or footway at Camela Lane north and south must be constructed in accordance with the approved details and/or Standard Detail number A2 or E40.
- The existing crossing of the highway verge and/or footway at Camela Lane access 4 must be constructed in accordance with the approved details and/or Standard Detail number A2 or E20.
- Any gates or barriers must be erected a minimum distance of 18 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
- Provision should be made to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the specification of the Local Highway Authority.
- The final surfacing of any private access within 18 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway. Measures to enable vehicles to enter and leave the site in a forward gear.

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, having had regard to Policies ENV1, T1 and T2 of the Selby District Local Plan.

20. There must be no access or egress by any vehicles between the highway and the application site at the A1041 until splays are provided giving clear visibility of 215 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.

Reason:

In the interests of highway safety, having had regard to Policies ENV1, T1 and T2 of the Selby District Local Plan.

21. There must be no access or egress by any vehicles between the highway and the application site at Camela Lane (Accesses 2 & 3) until splays are provided giving clear visibility of 59 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.

Reason:

In the interests of highway safety, having had regard to Policies ENV1, T1 and T2 of the Selby District Local Plan.

22. There must be no access or egress by any vehicles between the highway and the application site at Camela Lane (Access 4) until splays are provided giving clear visibility of 33 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.

Reason:

In the interests of highway safety, having had regard to Policies ENV1, T1 and T2 of the Selby District Local Plan.

23. The following schemes of off-site highway mitigation measures must be completed as indicated below:

- Provision of temporary signage warning of works access and vehicles turning (Traffic Signs and General Regulations Directions 2002, 7301 and 7307).

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority. Construction works shall not commence until the off-site highway mitigation measures have been implemented in accordance with the approved details. Once implemented they shall be retained as such for the duration of the construction phase.

Reason:

To ensure that the design is appropriate in the interests of the safety and convenience of highway users, having had regard to Policies ENV1, T1 and T2 of the Selby District Local Plan.

24. There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) at Land North And South Of, Camela Lane, Camblesforth until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- vehicular accesses;
- vehicular parking;
- vehicular turning arrangements including measures to enable vehicles to enter and leave
- the site in a forward gear, and;

- loading and unloading arrangements.

No part of the development must be brought into use until the vehicle access, parking, manoeuvring and turning areas at Land North And South Of, Camela Lane, Camblesforth 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 ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development, having had regard to Policies ENV1, T1 and T2 of the Selby District Local Plan.

25. No development shall 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:

- details of any temporary construction access to the site including measures for removal following completion of construction works;
- restrictions on the use of accesses for construction purposes;
- wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- the parking of contractors' site operatives and visitor's vehicles;
- areas for storage of plant and materials used in constructing the development clear of the highway;
- measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
- details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
- details of site working hours;
- erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
- means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
- measures to control and monitor construction noise;
- removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
- details of external lighting equipment;
- 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, having had regard to Policies ENV1, T1 and T2 of the Selby District Local Plan.

26. Prior to the battery storage area being brought into use, the acoustic fence as shown on the Proposed Battery Energy Storage System Layout (drawing no. 9) shall be erected as detailed in the Noise Comments Response (reference 784-B024091) dated 05 October 2021 - the acoustic fence shall be 3 metres in height and be of close boarded construction, with no gaps and a minimum mass per square metre of 10 Kg/m².

Reason:

In the interests of residential amenity and in order to comply with saved Policies ENV1 and ENV2 of the Selby District Local Plan, Policy SP17 of the Core Strategy, national planning policy contained within the NPPF and the Noise Policy Statement for England (NPSE).

27. The development hereby permitted shall be carried out in strict accordance with the submitted Flood Risk Assessment (reference: 20-0751.02 issue 5) dated June 2021).

Reason:

In order to reduce the risk of flooding, having regard to national planning policy contained within the NPPF.

28. To mitigate soil compaction and overland flow route disruption during construction, the soil should be chisel ploughed, or similar to restore it to a pre-construction condition immediately post construction. Furthermore, during the first few years' frequent inspections of the planting and soil must be carried out to ensure adequate growth and any compaction or channelization shall be adequately addressed. Any remedial work should occur as soon as possible, in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason:

In order to reduce the risk of flooding, having regard to national planning policy contained within the NPPF.

29. No construction works in the relevant area(s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times.

Reason:

In the interest of public health and maintaining the public water supply.

30. 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.

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

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

Reason:

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

32. If required following the investigation and risk assessment undertaken in relation to Condition 31, 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.

33. Prior to first occupation or use, any remediation scheme approved pursuant to condition 32 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.

34. 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.

INFORMATIVE:

Should the proposed development physically affect public rights of way temporarily during the period of development works only, the applicant would need to make an application to the Highway Authority (North Yorkshire County Council) for a Temporary Closure Order. The public rights of way must be protected and kept clear of any obstruction until such time as an alternative route has been provided by a temporary Order. It is an offence to obstruct a public right of way and enforcement action can be taken by the Highway Authority to remove any obstruction. Where public access is to be retained during the development period, it shall be kept free from obstruction and all persons working on the development site must be made aware that a public right of way exists and must have regard for the safety of public rights of way users at all times.

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 2021/0788/EIA and associated documents.

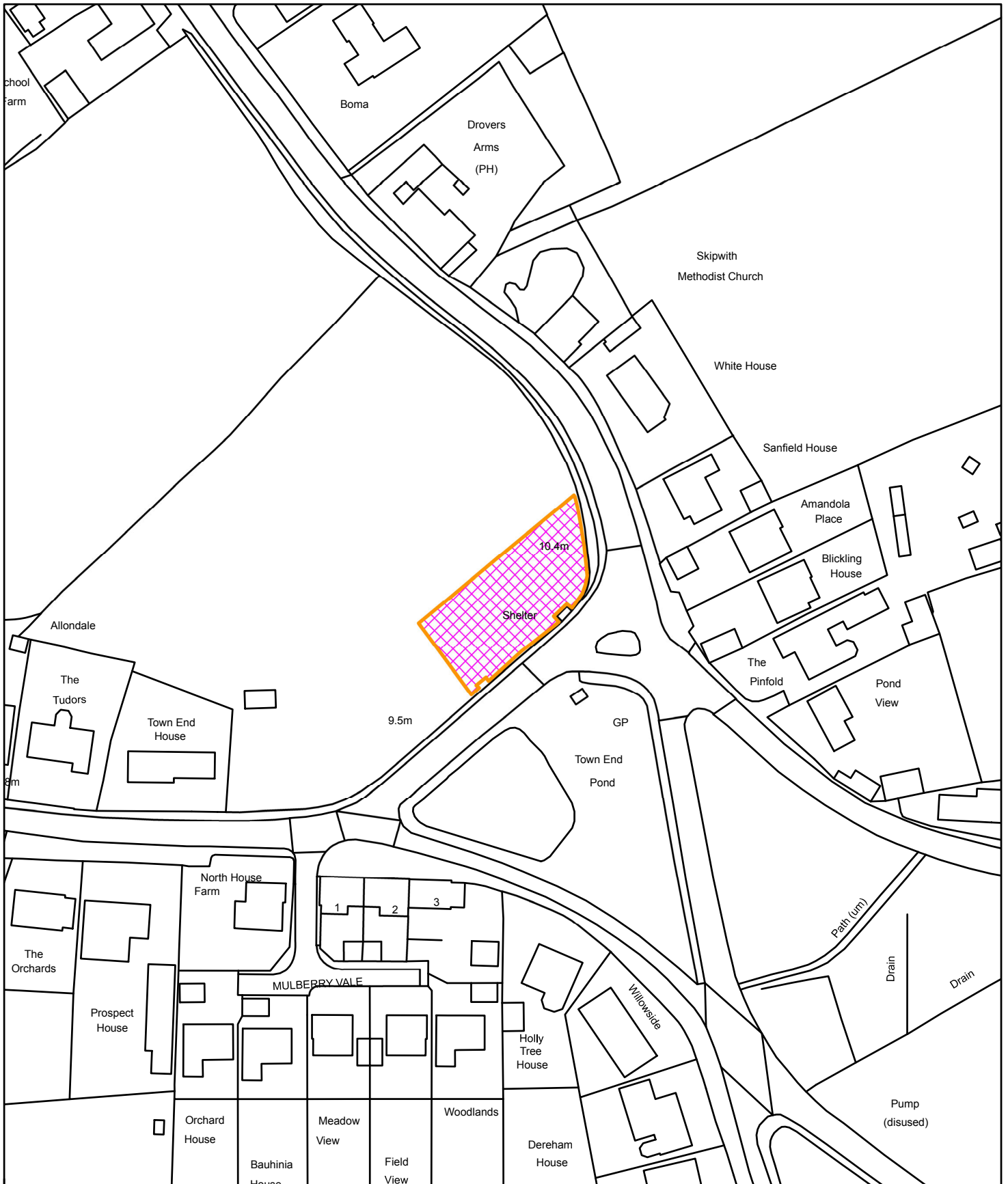
Appendices: None.

Contact Officer: Jenny Tyreman (Assistant Principal Planning Officer)
jtyreman@selby.gov.uk

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Agenda Item 5.3

Land off Main Street, Skipwith
2022/0188/FUL



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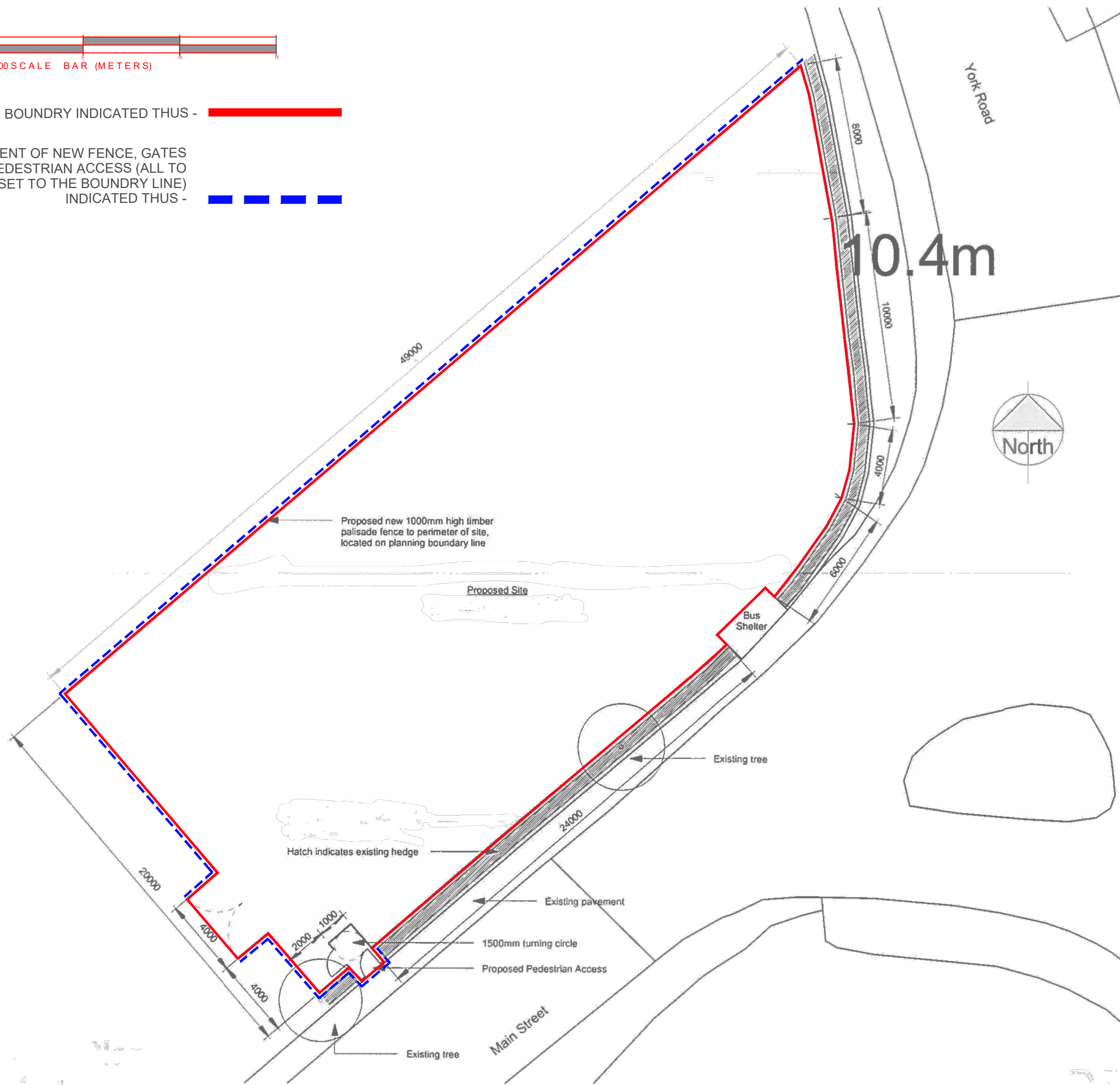
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SITE BOUNDARY INDICATED THUS - 

EXTENT OF NEW FENCE, GATES AND PEDESTRIAN ACCESS (ALL TO BE SET TO THE BOUNDRY LINE) INDICATED THUS - 

Page 107



DO NOT SCALE. WRITTEN DIMENSIONS TO BE USED IN PREFERENCE TO SCALED DIMENSIONS. ALL DIMENSIONS TO BE CHECKED ON SITE BY CONTRACTOR	
JOB TITLE SKIPWITH PARISH COUNCIL PROPOSED WILDFLOWER MEADOW	
DRAWING TITLE SITE PLAN	
SCALE 1:200 @ A3	DRAWING No 001
DATE 09.02.2022	
DRAWN BY JRS	

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Report Reference Number: 2022/0188/FUL

To: Planning Committee
Date: 6 July 2022
Author: Emma Howson (Senior Planning Officer)
Lead Officer: Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2022/0188/FUL	PARISH:	Skipwith Parish Council
APPLICANT:	Skipwith Parish Council	VALID DATE: EXPIRY DATE:	28th March 2022 15 th July 2022
PROPOSAL:	Change of use of land from agricultural to wildflower meadow with new perimeter timber fence to 2 No sides with double gates, new pedestrian access and 3 No new rustic timber benches		
LOCATION:	Land Off Main Street Skipwith Selby North Yorkshire		
RECOMMENDATION:	Grant		

This application has been brought before Planning Committee as 3.8.9(b)(vi) is triggered as there have been more than 10 letters of representation received which raise material planning considerations and where officers recommend determination contrary to these representations.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site comprises of an existing open field situated at the junction of Main Street and York Road and directly opposite the village pond, which is located to the south of the site.
- 1.2 Residential properties exist to the east and west of the site with open fields to the north.
- 1.3 The application site was transferred to Skipwith Parish Council under a lease agreement in relation to a signed S106 legal agreement for the provision of open space in relation to planning approval 2014/0894/FUL.

The Proposal

- 1.4 The application seeks permission to change the use of the land from agricultural to the creation of a recreational wildflower meadow, with new perimeter timber fencing to 2 No sides with double gates, a new pedestrian access and 3 No new rustic timber benches.
- 1.5 The proposed fencing is 1m in height and will be in the form of timber post and rail design. The gates both pedestrian and vehicular are also of the same style and 1m in height.
- 1.6 The proposed benches are shown on the amended location plan, along with photographs of the style of bench (rustic timber) and the materials to be used on the small area of hardstanding to be provided (Yorkshire Flagstone) at the juncture of the pedestrian access point and the highway.

Relevant Planning History

- 1.7 The following historical applications are considered to be relevant to the determination of this application.
 - 2014/0894/FUL - Proposed redevelopment of farmstead (including the conversion of former agricultural buildings) to provide 14 No dwellings, garaging, and hard and soft landscaping PER 03 Dec 2015.
 - 2016/0119/COU - Change of use of land from agricultural land to a children's play area on land off Main Street, adjacent to York Road PER 03 Jun 2016.
 - 2018/0051/FULM - Erection of 14 dwellings with associated access, garages and parking PER 12 Aug 2019.
 - 2019/0884/DOC - Discharge of conditions 3 (facing materials), 5 (surface water drainage), 9 (site access), 11 (wheel washing), 12 (construction method statement), 13 (landscaping) and 14 (external works) of approval 2018/0051/FULM for erection of 14 dwellings with associated access, garages and parking PER 23 Dec 2020.
 - 2019/0892/S73 - Section 73 application for erection of 14 dwellings with associated access, garages and parking without complying with condition 2 (approved plans) of approval 2018/0051/FULM granted on 12 August 2019 PER 23 Dec 2020.

2. CONSULTATION AND PUBLICITY

2.1 County Ecologist

No objections.

2.2 NYCC Highways

No local highway authority objections to the proposed development.

2.3 Ouse & Derwent Internal Drainage Board

The Board has no comment to make on the proposal.

2.4 Publicity

The application has been advertised by site notice. Twenty-three representations have been received.

Eighteen raise objections to the proposal on the following grounds:

- The land is set aside for a children's play area in line with the S106 agreement in relation to planning application 2014/0894/FUL.
- There is a need for a children's play area in the village as there are no nearby facilities.
- There is no need for a wildflower meadow in close proximity to Skipwith Common.
- Unsuitable recreational land for children to use if changed into a wildlife meadow.

Five letters of support have been received which state that this would be a positive contribution to the area.

3. SITE CONSTRAINTS

Constraints

- 3.1 The application site is located outside defined Development Limits in Open Countryside and forms part of a Strategic Countryside Gap.

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
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:

SG1 – Strategic Countryside Gaps
ENV1 – Control of Development
T1 – Development in Relation to the Highway Network
T2 – Access to Roads
RT5 – Informal Recreation and Access in the Countryside

National Planning Policy Framework

- 4.8 The relevant sections of the NPPF are:

2 – Achieving sustainable development
4 – Decision-making
8 – Promoting healthy and safe communities
11 – Making effective use of land
12 – Achieving well designed places
15 – Conserving and enhancing the natural environment

5. APPRAISAL

- 5.1 The main issues to be taken into account when assessing this application are:
- The position with regards the S106 agreement
 - The principle of development
 - Visual Impact/Impact on Open Character
 - Residential Amenity
 - Highway Safety
 - Ecology
 - Drainage
 - Other Matters

The position with regards the S106 agreement

5.2 The application site was transferred to the Parish Council under a lease agreement associated with a S106 agreement in relation to planning approval 2014/0894/FUL in order to provide the open space contribution required for the proposed housing development for 14 units.

5.3 The S106 agreement covenant stated:

A Provision of open space

The Owner hereby undertakes and covenants to contribute to the need for the provision of recreational public open space generated by the Development by entering into and executing a lease of a play area with Skipwith Parish Council in the form attached to this Deed at Appendix A ('the Lease') or in a substantially similar form Mutatis Mutandis and to complete such lease forthwith on receipt of a request so to do from Skipwith Parish Council provided always that if Skipwith Parish Council fails to make such a request and does not complete the Lease within one month of the Commencement of Development then the Owner will make a commuted payment to a total maximum value of £15,330 to be sued for the provision of new or the enhancement of existing recreational open space within Skipwith Parish Council of the Locality.

5.4 The lease attached to the S106 at Appendix A refers to the lease of a play area. Nowhere within the S106 or the lease agreement is there any requirement that this area must be a 'children's play area' or that provision must be made for play equipment.

5.5 The land was duly transferred to the Parish Council, however a subsequent application to develop the site was approved under 2018/0051/FULM for the provision of 14 houses. As the land transfer was already completed it was considered that there was no requirement for open space provision in relation to this approval and the S106 agreement was not transferred to the 2018 approval.

5.6 The 2018 approval was duly implemented (not the 2014 approval) and thus the S106 agreement was no longer attached to any implemented approval and therefore lapsed. This has been confirmed by the Council's Monitoring Officer and by the fact that no requests were made for the outstanding education monies also included within the S106 agreement.

5.7 There is therefore no requirement for a 'children's play area' to be provided by the Parish Council in relation to the S106 or implicitly within the lease agreement with the landowner. The Parish Council have provided confirmation that the landowner has no objection to the use of the land as a wildflower meadow.

5.8 The Parish Council applied for permission to provide children's play equipment in 2016 which was approved; however, this was not implemented as there were no monies available to provide and maintain the equipment as this was not part of the original S106 agreement.

Principle of Development

5.9 Saved Policy SP1 of the Core Strategy outlines "when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy

Framework” and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 11 of the NPPF.

- 5.10 The application site is located outside the defined development limits of Skipwith and is located within the Countryside on land that is designated as a Strategic Countryside Gap.
- 5.11 Paragraph 92 of the NPPF states that planning decisions should aim to achieve healthy, inclusive and safe places through the support for healthy lifestyles by the provision of safe and accessible green infrastructure. Whilst paragraph 93 specifies the need for the provision of open space. Paragraph 98 goes on to say that the provision of high-quality open spaces is important for the health and well-being of communities and can deliver wider community benefits.
- 5.12 Core Strategy SP2 sets out the Council’s hierarchical spatial strategy that seeks to direct development to existing towns and larger villages in order to deliver sustainable development. Under SP2A (c) seeks to restrict development in the Countryside.
- 5.13 The site is also within a Strategic Countryside Gap and thus Policy SG1 applies, which seeks to protect against development which would have an adverse impact on the open character of the countryside or where the gap between settlements would be compromised.
- 5.14 Also relevant is Saved Local Plan Policy RT5, which supports proposals for small-scale developments associated with informal public use and enjoyment of the countryside subject to conditions.
- 5.15 The application site is an open agricultural field and the Parish Council seek permission to change the use to a wildflower meadow. The provision of a wildflower meadow would not normally require permission as it is not considered to be development, however as the use of the meadow would be for recreational purposes, it is this element of the proposal that requires permission. The proposal also includes the erection of timber post and rail fencing; gates; hardstanding and the provision of 3 no. benches.
- 5.16 It is considered that the use of the land for recreational purposes is a suitable use in the open countryside and in a Strategic Countryside Gap and therefore the proposal is acceptable in principle subject to no other planning considerations outweighing the benefit of the proposal.

Visual Impact/Impact on Openness

- 5.17 Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapers and recognising the intrinsic character and beauty of the countryside.
- 5.18 SDLP Policy ENV1 requires the potential loss, or adverse effect on features important to the character of the area to be considered.
- 5.19 CS Policy S18 seeks to sustain the high quality and local distinctiveness of the natural and manmade environment. Policy SP19 seeks good design. SDLP Policy RT5 states that the proposal should not be intrusive by virtue of associated noise or appearance, whilst Policy SG1 states that development will not be permitted where there would be an adverse effect on the open character.

- 5.20 The proposal is for a change of use of the land for recreational purposes including the planting of a wildflower meadow, fencing, hardstanding and benches. The overall proposal would not impact on the openness of the area as the open character of the site would remain intact. The proposed fencing is small scale only 1m in height and is of a design which would be commonly found in the open countryside. The three benches would be placed within the site, but again due to the small scale and rustic design would not be overtly prominent and would not impact on the open character of the landscape.
- 5.21 The site boundary with the highway comprises of a large hedgerow and this provides a high level of screening to the majority of the site. The small area of Yorkshire Flagstone to be provided has been discussed with the Highways Authority to enable a suitable transfer between the site and the footway. This small area would be of limited visual impact due to its scale and would not detract from the character of the area. The proposal is therefore considered to comply with SDLP Policies ENV1, RT5 and SG1, Core Strategy Policies SP18 and SP19 and the guidance within the NPPF.

Residential Amenity

- 5.22 Relevant policies in respect to impacts on residential amenity include Policy ENV1(1) of the Local Plan. It reflects policy in the NPPF at paragraph 130(f), which seeks a high standard of amenity for existing and future users.
- 5.23 The application site is situated outside the development limits of Skipwith, but in relatively close proximity to the nearby residential properties. The use of the land for recreational purposes has the potential to create more noise than the existing agricultural use of the site, however it is well screened by the existing hedgerow, which would also provide a buffer for noise emanating from the site. The use of the land would also be intermittent, remaining free from use for significant periods. There is no external lighting proposed, which would reduce the timescales that residents may choose to use the site and therefore reduce the overall impact of any noise from the site.
- 5.24 Overall the site would provide an area of recreational open space for the village and thus would improve the overall residential amenity of the residents of Skipwith. It is considered that the proposed development would have a positive impact on residential amenity and would comply with Policy ENV1(1) of the Local Plan and paragraph 130 of the NPPF.

Highway Safety

- 5.25 Saved Policies ENV1(2) and T2 of the Local Plan require development to ensure that there is no detrimental impact on the existing highway network. Paragraph 110 of the NPPF seeks a safe and suitable access and only supports refusal of development on highway grounds if there would be unacceptable impacts on highway safety.
- 5.26 The proposed development provides for pedestrian and vehicular access to the site. Vehicular access is required to maintain the site only. NYCC Highways Authority have been consulted on the proposal and raise no objections. The proposal is considered to accord with relevant Local Plan policies relating to highway safety.

Ecology

- 5.27 Core Strategy Policy SP18 (1) and (3) seek to protect and enhance biodiversity within the District whilst Saved Policy ENV1 (5) seeks to protect wildlife habitats.

- 5.28 NYCC Ecologist has been consulted on the application and raises no concerns with the proposal. It is considered that the provision of a wildflower meadow has the potential to improve the biodiversity associated with the land and therefore would comply with the above policies.

Drainage

- 5.29 Relevant policies in respect to drainage include saved Policy ENV1(3) of the Local Plan and Policy SP15 of the Core Strategy.
- 5.30 The change of use of the land and the associated works will not have any significant impact on the local drainage infrastructure.

Other Matters

- 5.31 Several objections have been received from the residents of Skipwith, in relation to the change of use of the land as it is considered that the land has already been allocated for the provision of a children's play area.
- 5.32 The S106 referred to in these objections is now lapsed as explained previously in this report and did not require the provision of a children's play area, merely the transfer of the land to provide a play area in terms of open space provision.
- 5.33 This application seeks permission to change the use of the land for recreational purposes which is in line with the open space provision intended by the S106 and whilst there may be a preference locally for a children's play park, there is no legal requirement for its provision. The preference for a park of this kind is therefore not a material planning consideration in the determination of this application, which should be determined based on the details submitted and the impacts of this proposal.

6. CONCLUSION

- 6.1 This application seeks permission for the change of use of the land to a wildflower meadow for recreational purposes including the provision of gates, fencing and 3 no. benches.
- 6.2 The proposal would not lead to harm to the character of the area, residential amenity, drainage, highway safety, ecology or an adverse impact on the openness of the Strategic Countryside Gap and would comply with both national and local planning policies.
- 6.3 The proposal would provide a positive contribution to the area in terms of provision of open space and recreational facilities which would benefit the local community in accordance with paragraph 98 of the NPPF. The proposal would therefore accord with Policies ENV1, T1, T2, RT5 and SG1 of the Selby District Local Plan, Policies SP1, SP2, SP15, SP18 and SP19 of the Core Strategy and the NPPF.

7. RECOMMENDATION

This application is recommended to be GRANTED subject to 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:

Site Location Plan – 004-B
Layout Plan - 001
Fence and Gate Details – 002

Reason:

For the avoidance of doubt.

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 2022/0188/FUL and associated documents.

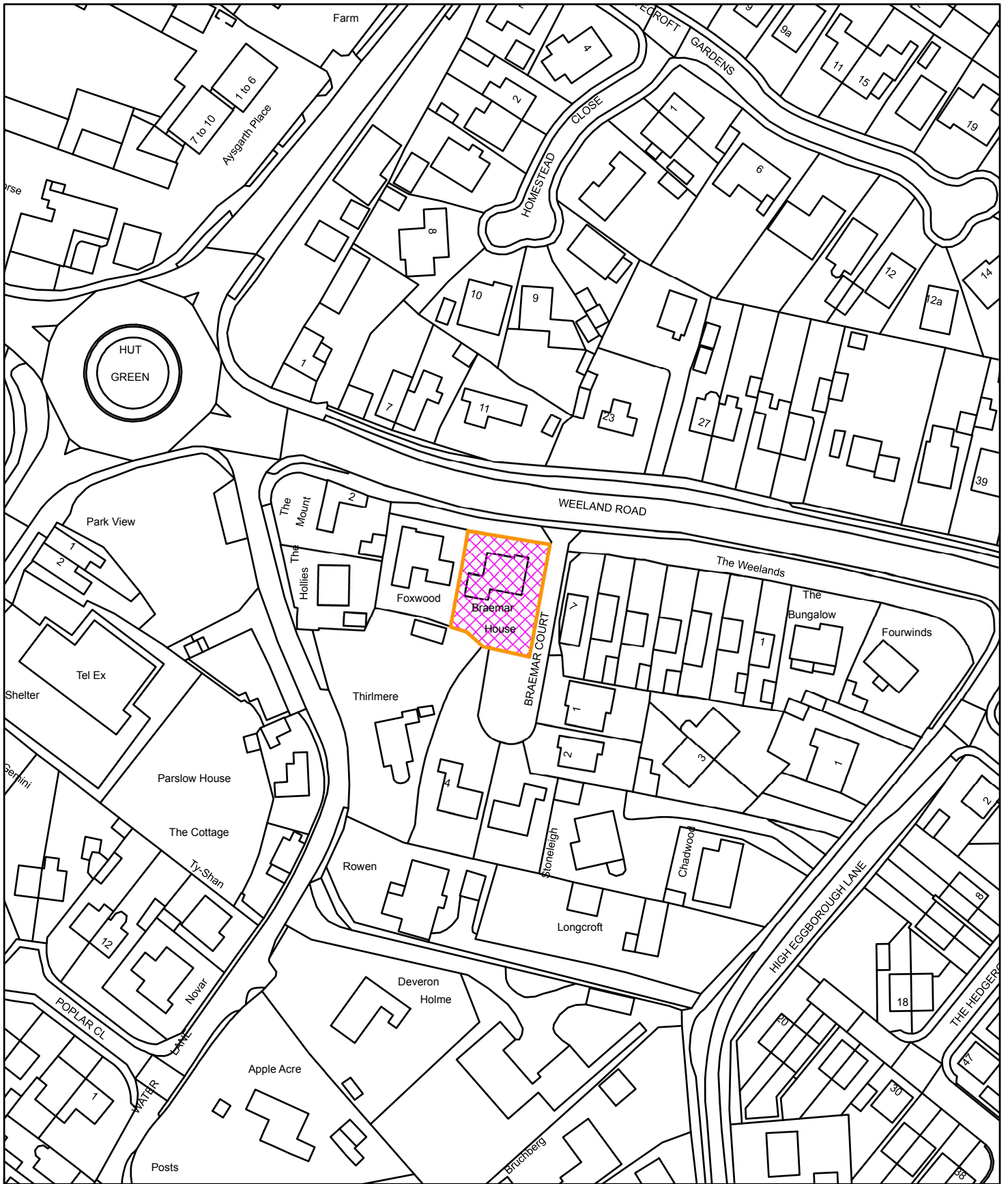
Appendices: None.

Contact Officer: Emma Howson, Senior Planning Officer
ehowson@selby.gov.uk

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Agenda Item 5.4

Braemar, Weeland Road, Eggborough
2022/0381/COU

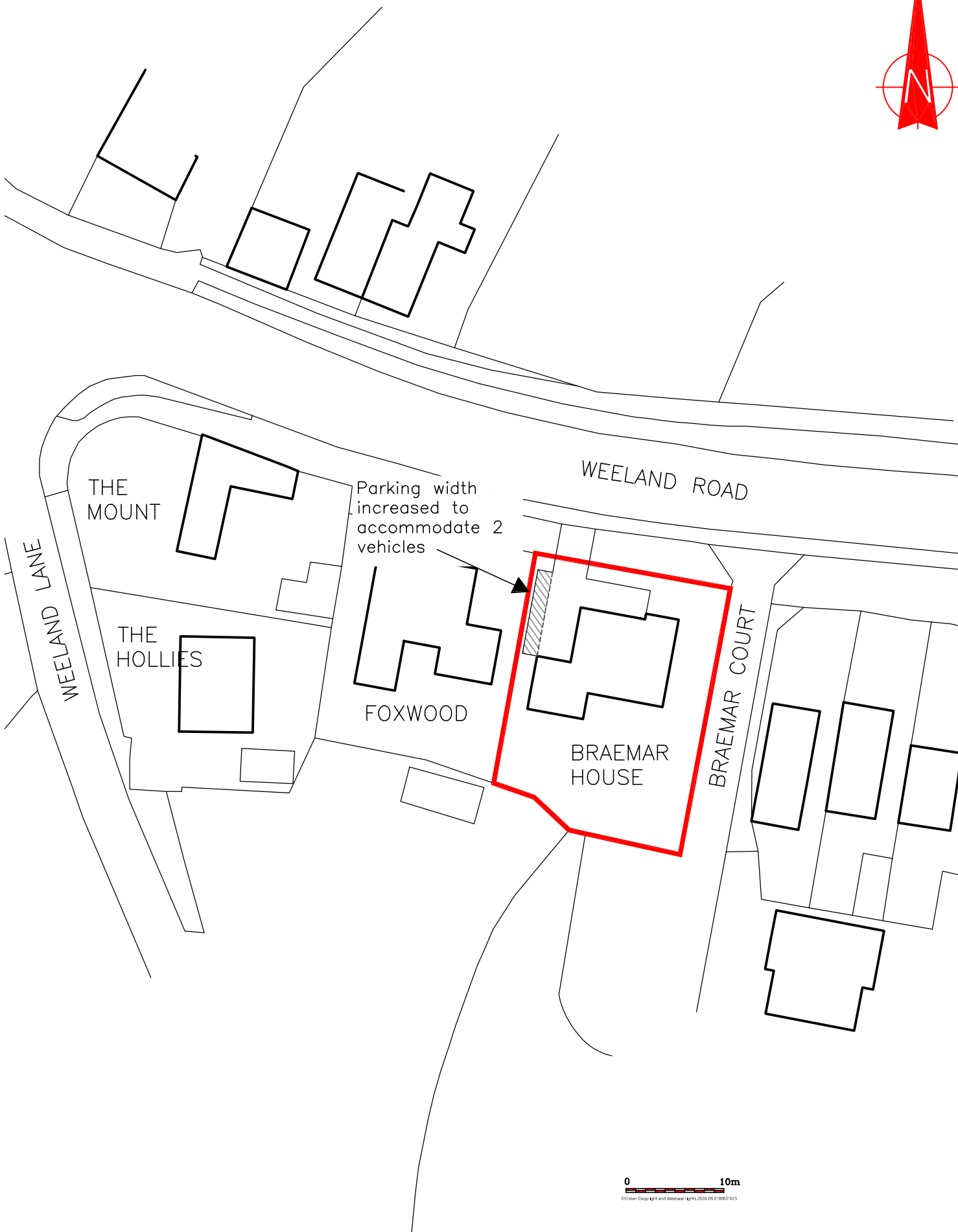
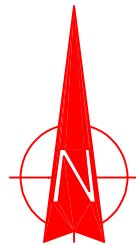


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Report Reference Number: 2022/0381/COU

To: Planning Committee
Date: 6 July 2022
Author: Emma Howson (Senior Planning Officer)
Lead Officer: Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2022/0381/COU	PARISH:	Eggborough Parish Council
APPLICANT:	Dove Adolescent Services Ltd	VALID DATE: EXPIRY DATE:	10th May 2022 13th July 2022
PROPOSAL:	Change of use from C3 to C2 to be a Children's home for 4 Children ages 8 – 18		
LOCATION:	Braemar Weeland Road Eggborough Selby North Yorkshire DN14 0PW		
RECOMMENDATION:	Grant		

This application has been brought before Planning Committee due to 3.8.9(b)(vi) as more than 10 letters of representation have been received which raise material planning considerations and Officers are recommending approval contrary to these representations.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site comprises of an existing red brick 4-bedroomed detached dwelling, with an integral garage located on a corner plot on the junction with Weeland Road and Braemar Court.
- 1.2 Access is taken from Weeland Road and the frontage is enclosed by a low 1m wall with railings above. Double gates then enclose the driveway to the property. To the east is a 2m wooden close boarded fence which forms the boundary to Braemar

Court. The property has the benefit of a driveway and hardstanding area to the frontage and an enclosed garden to the rear.

- 1.3 The property is surrounded by other residential properties of a similar scale and design.
- 1.4 The site is located within the defined Development Limits of Eggborough.

The Proposal

- 1.2 The application seeks permission to change the use of the property from a C3 use (dwellinghouse) to a C2 use (residential institution) to provide a Children's home for 4 Children between the ages of 8 and 18.

Relevant Planning History

- 1.3 The following historical application are considered to be relevant to the determination of this application:
 - CO/2001/0715 - Proposed erection of two detached dwellings with attached garages Decision: PER, Date: 01-OCT-01.
 - CO/2001/1184 - Outline planning for the demolition of existing dwelling and the erection of four detached dwellings and associated access, Decision: PER, Date: 17-OCT-02.
 - CO/2002/1147 - Reserved matters application for the erection of 4 No. detached dwellings with associated garaging, access and landscaping, Decision: PER, Date: 11-MAR-03.

2. CONSULTATION AND PUBLICITY

2.1 NYCC Highways Canal Rd

There are no local highway authority objections to the proposed development.

2.2 Parish Council

Extension requested – no comments received.

2.3 Designing Out Crime Officer

A strong legislative and policy framework exists for considering Community Safety as part of the planning process. The Revised National Planning Policy Framework (England) July 2018 paragraphs 91 and 127 state that planning policies and decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. Designing out crime and designing in community safety should be central to the planning and delivery of new development.

Section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder and do all they reasonably can to prevent crime and disorder. Having liaised with the Neighbourhood Policing Team, it should be noted that the primary concern is

vulnerable children running away from home from similar facilities in the area and being at risk from 'county line' involvement or sexual exploitation. Consequently, it is recommended that there be a management plan for the premises. This should include details of how the premises will be operated and managed, conflict resolution procedures for issues that may affect the neighbourhood and a process to liaise with North Yorkshire Police Vulnerable Persons Unit and Selby District Councils Children's Services so that appropriate child protection measures are in place for the children housed in the premises.

This recommendation may not be deemed to be a material consideration from a planning perspective. However, it would be argued that it can have a positive impact upon the amenity of the immediate neighbours to this proposal and safeguard the children placed at the premises.

It is requested that should this application be granted, that a Crime and Safety Planning Condition be placed on it stating that, prior to the premises coming into use, the applicant is required to provide a comprehensive Management and Safeguarding Plan. These measures should be agreed in writing by the Local Authority in consultation with North Yorkshire Police and Selby District Council Children's Services.

This will fulfil paragraphs 91 and 127 of the National Planning Policy Framework and also enable the Authority to discharge its functions in accordance with Section 17 of the Crime & Disorder Act 1998. It is recognised that pre-commencement planning conditions should only be imposed where necessary, relevant to planning and reasonable. For this proposal it is considered necessary to impose a Crime and Safety Planning Condition for the amenity of the neighbours to the premises and for safeguarding the children to be housed there.

2.4 Publicity

The application has been advertised by site notice and 23 representations have been received, raising objections on the following grounds:

- Insufficient parking and highway safety
- Increase in crime and anti-social behaviour
- Decrease in house values (not a material planning consideration)
- Impact on residential amenity
- Noise
- Lack of a business plan in place

3. SITE CONSTRAINTS

Constraints

- 3.1 The application site is located within defined Development Limits of Eggborough and in Flood Zone 1 (low probability).

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
 - SP15 – Sustainable Development and Climate Change
 - SP18 – Protecting and Enhancing the Environment

Selby District Local Plan

- 4.7 The relevant Selby District Local Plan Policies are:
- ENV1 – Control of Development
 - T1 – Development in relation to the Highway Network
 - T2 – Access to Roads

National Planning Policy Framework

- 4.8 The relevant sections of the NPPF are:
- 2 – Achieving sustainable development

5. APPRAISAL

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

- Principle of Development
- Impact on Character and Appearance of the Area
- Impact on Residential Amenity
- Impact on Highway Safety

Principle of Development

5.2 Saved Policy SP1 of the Core Strategy outlines that “...when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.” and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 11 of the NPPF.

5.3 The application site is located within defined development limits of Eggborough and comprises of an existing residential dwelling (C3). The use proposed is for a children’s home (a residential institution) (C2) which still falls within the residential uses set out in The Town and Country Planning (Use Classes) Order 1987 (as amended).

5.4 There are no policies within the Development Plan or NPPF to identify this form of development as being unacceptable in principle in this location subject to no other material planning consideration outweighing the benefits of the proposal.

Impact on Character and Appearance of the Area

5.5 Section 12 of the NPPF sets out the need for ‘...the creation of high quality’ places and that ‘good design is a key aspect of sustainable development’. Paragraph 130 sets out how planning applications should be considered in relation to their impact on the local environment.

5.6 This is addressed through Policies ENV1(1), (4) and (5) of the Selby District Local Plan, and Policies SP18 and SP19 of the Core Strategy.

5.7 The proposal does not involve any external alterations to the existing dwelling; however, it includes a widening of the driveway to provide sufficient off-street parking. The proposal is not considered to have a significant visual impact on the overall appearance of the area.

5.8 Concerns have been raised by residents that the use proposed, will have a negative impact on the character of the area and would lead to a devaluation of local properties. Impact on property values is not a material planning consideration and thus cannot form a reason to refuse an application. In terms of the character, the use of the property will continue to operate very much like a C3 dwelling, with children and shift workers coming and going to the property similar to that of a family dwelling.

5.9 Concerns have been raised with regards to potential for crime and anti-social behaviour. Paragraph 92 (b) of the NPPF states that development should be ‘...safe

and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion...' whilst Paragraph 92 (a) also states that it should '*...promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other*'.

- 5.10 The Police – Designing Out Crime Officer has been consulted on the application and whilst it is acknowledged that this type of development has the potential to cause anti-social behavior concerns this can be avoided by a suitable management scheme. The Designing Out Crime officer recommends a condition requiring '*...that, prior to the premises coming into use, the applicant is required to provide a comprehensive Management and Safeguarding Plan*'.
- 5.11 It is considered that on the basis that a suitable management and safeguarding plan can be agreed (between the operators, Police and the Council), that the impact on the overall character of the area through potential anti-social behaviour can be limited and thus the proposal would not have a significantly adverse impact on the character and appearance of the local area and would comply with SDLP Policy ENV1, Core Strategy Policies SP18 and SP19 and the NPPF.

Impact on Residential Amenity

- 5.12 Saved Policy ENV1(1) of the Selby Local Plan requires development to take account of the effect on the amenity of adjoining occupiers.
- 5.13 The proposal is for the property to operate as a children's home for no more than 4 children between the ages of 8 and 18 and the necessary carers to ensure that these children are supported and cared for. The proposal is to operate in a manner similar to a C3 dwelling, except that the residents do not live as a 'single household' which is a requirement for the property to be a C3 use.
- 5.14 It is not considered that the proposal would have an excessive level of noise associated with the use, and any noise issues can be dealt with under Environmental Protection Legislation.
- 5.15 There will be 'comings and goings' from the property in terms of the arrival and departure of carers to the property, however the planning statement identifies the need for two carers to be present during the day and two during the evening. This level of 'comings and goings' is consistent with the normal operation of a dwelling as would be the level of visitors to the property.
- 5.16 It is therefore considered that subject to a suitable management plan as set out above that the proposal would not have a significant adverse impact on residential amenity and would accord with SDLP Policy ENV1 and the NPPF.

Impact on Highway Safety

- 5.17 Policies ENV1(2) and saved policy T2 of the Local Plan requires development to ensure that there is no detrimental impact on the existing highway network. Paragraph 110 of the NPPF seeks a safe and suitable access and only supports refusal of development on highway grounds if there would be unacceptable impacts on highway safety.

- 5.18 The proposal utilises an existing vehicular access and the submitted plans show that at least three vehicles including a large minibus can be parked within the site, following the widening of the driveway.
- 5.19 Concerns have been raised by residents that there would be insufficient parking arrangements within the site leading to on street parking on the private road.
- 5.20 NYCC Highways Authority have been consulted on the proposal and raise no concerns. It is considered expedient to attach a condition requiring the parking to be provided prior to the first use of the property.
- 5.21 As such, it is considered that the proposal would not have unacceptable impacts on highway safety and complies with national and local planning policies.

6. CONCLUSION

- 6.1 The application seeks permission to change the use of the existing domestic property to provide a Children's home for up to 4 children and for the care staff required to provide support to the children within the home.
- 6.2 Subject to relevant conditions it is considered that the proposal would not create a significant adverse impact on the character or appearance of the area, residential amenity or highway safety and thus would accord with Policies ENV1, T1 and T2 of the Selby District Local Plan, Policies SP1, SP2, SP18 and SP19 of the Core Strategy and the NPPF and as such is recommended accordingly.

7. RECOMMENDATION

This application is recommended to be GRANTED subject to conditions:

1. 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.

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

Proposed Site Plan – WAL-22-26-05
Proposed Building Plan – WAL-22-26-03
Braemer House Parking

Reason: For the avoidance of doubt.

3. Prior to the first use of the premises for a C2 use as hereby permitted, a comprehensive Management and Safeguarding Plan shall be provided to the Local Planning Authority for approval. This should include details of how the premises will be operated and managed, conflict resolution procedures for issues that may affect the neighbourhood and a process to liaise with North Yorkshire Police Vulnerable Persons Unit and Selby District Councils Children's Services so that appropriate child protection measures are in place for the children housed in the premises.

Reason: In the interests of residential amenity and to accord with Policy ENV1 of the Local Plan and the NPPF.

4. Prior to the first use of the premises for a C2 use as hereby permitted, the parking areas shall be laid out in accordance with the approved plans and shall be made available for residents and visitors at all times, for the lifetime of the development.

Reason: In the interests of residential amenity and to accord with Policy ENV1 of the Local Plan and 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 2022/0381/COU and associated documents.

Appendices: None.

Contact Officer: Emma Howson (Senior Planning Officer)
ehowson@selby.gov.uk

Agenda Item 5.5

Field View, Wistow Road, Selby
2022/0455/HPA



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Report Reference Number: 2022/0455/HPA

To: Planning Committee
Date: 6 July 2022
Author: Josh Turner (Planning Officer)
Lead Officer: Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2022/0455/HPA	PARISH:	Selby Town Council
APPLICANT:	Mr J Wilson	VALID DATE: EXPIRY DATE:	4th May 2022 13 th July 2022
PROPOSAL:	Siting of a static caravan for purposes ancillary to the main dwellinghouse		
LOCATION:	Field View Wistow Road Selby North Yorkshire YO8 3LY		
RECOMMENDATION:	GRANT		

This application has been brought before Planning Committee by the Head of Planning and Interim Head of Regulatory Services. It is a re-submission of application ref: 2021/0518/HPA which has been the subject of a recently dismissed appeal.

1. INTRODUCTION AND BACKGROUND

The Site and Context

- 1.1 The application site lies to the northwest of Selby Town Centre at the point where the urban development on the B1223 Wistow Road meets countryside. It relates to an area of land identified by the application redline that is situated within the domestic curtilage of an existing residential dwelling, no.64 Wistow Road, also known as Field View. No.64 is a detached 1.5 storey dwelling set back from the road to the rear of no.62 and is accessed via a private drive from Wistow Road. It has an existing detached garage adjacent to the boundary with no.62, which is used as an ancillary accommodation.

- 1.2 The applicant owns the dwelling and its garden as well as the fields to its north and west. The application site lies just within the defined Development Limits of Selby as identified within the Core Strategy; it runs along the northern boundary of the site, parallel with the rear gardens of all the dwellings which front Wistow Road to the east to the western extent of no.64. The dwelling of Field View itself appears to lie partly within and partly beyond this development limit.

The Proposal

- 1.3 This application seeks permission for the siting of a static caravan to the east of the main dwelling and north of the existing garage building by the owner/occupier of Field View. It would be accessed via the existing driveway serving the main dwelling from Wistow Road. It is described as being used for purposes ancillary to the main dwellinghouse. The caravan is proposed to be externally finished in a colour to match the exterior of the host dwelling, confirmed to be 'Saddle Brown' caravan paint, with a dark grey pantile profile sheeting roof and dark grey PVC windows and doors. Whilst not explicitly stated, the caravan is the same caravan currently sited to the north of the dwellinghouse that would be repositioned to the proposal location and finished in a different colour.
- 1.4 The application is accompanied by a Supporting Statement by RBA Town Planning, dated 30th March 2022, which describes the site, the proposal, planning history and policy context before providing a planning assessment of the case. It confirms that the caravan would be used predominantly for overnight accommodation as ancillary to the main house and not as a separate dwelling. It considers that the proposal would not have a significant adverse impact given its siting, orientation and limited height along with lack of highway impacts.
- 1.5 It is noted that, as with the prior application ref: 2021/0518/HPA, the submitted Flood Risk Assessment (FRA) references, a larger red line boundary and several other works including extended curtilage and an extended parking area and driveway. These works are not included within this application and would require separate planning permission. Therefore, these works are not for consideration within this application.

Relevant Planning History

- 1.6 There is a lengthy history for the application site including recent applications relating to the siting of a static caravan at the property. Therefore, the following historical application is considered to be relevant to the determination of this application:
- CO/2002/0463 - Application for consent to remove the agricultural occupancy Condition 04 of permission 8/19/714/PA. Approved 20-JUN-02
 - CO/2003/0520 - Erection of detached dormer bungalow and detached garage, Approved 05-SEP-03
 - 2006/0840/FUL - Erection of a detached garage in the garden (serving no.62) and re-alignment of access drive to the approved dwelling to the rear. Approved 29-AUG-06

- 2013/0091/DPC - Discharge of conditions 2 (materials) and 8 (landscaping) of approval 8/19/1474/PA (CO/2003/0520) for the erection of detached dormer bungalow and detached garage. Details approved 28-MAR-13
 - The approved landscaping plan shows the dwelling behind within the development limits with a 1.2 high fence along the northern and part of the western site boundaries.
- 2017/0160/FUL - Section 73 application to vary condition 04 (plans & specifications) to change the layout of property and garage of approval CO/2003/0520 for erection of detached dormer bungalow and detached garage to rear. Approved 03-MAY-17
- 2019/0901/FUL - Change of use of land to garden land, siting of a static caravan, installation of a water harvesting tank and laying of hardstanding. Refused 03-JUL-20 and dismissed at a joint planning and enforcement appeal on 14-JAN-21. The enforcement notice was upheld albeit varied and requires the reinstatement of the land and removal of the caravan and associated works
- 2021/0518/HPA - Siting of a static caravan for the purpose of ancillary accommodation to the host property 64 Wistow Road. Refused 20-AUG-21 and dismissed at appeal on 8-Mar-22.

1.7 The 2019 application (2019/0901/FUL) proposed to change the use of the fields to the north and west of Field View to garden land and site a light-coloured static caravan to the north-east of the dwelling beyond its curtilage area. The caravan was already present on site at the time the application was submitted. It was refused because it would result in significant encroachment into open countryside contrary to Policy SP2A(c) of the Core Strategy and would have resulted in an unacceptable degree of harm to the surrounding countryside due to this residential encroachment and the functional form and light colouring of the caravan. An enforcement notice was subsequently served to require the removal of the caravan and associated works and cease the use of the residential garden land. The decision and notice were appealed. The appeal was part allowed (re-alignment of private driveway) and part dismissed, and the enforcement notice upheld.

1.8 The 2021 application (2021/0518/HPA) sought to site a static caravan to the east of Field View. The application was refused on the basis that the proposed siting, scale and appearance would create an incongruous feature in the landscape that would be poorly related to the remainder of the residential character along Wistow Road. In dismissing the subsequent appeal, the Inspector accepted that there would be no encroachment into open countryside and the location would not be as prominent as the current location of the caravan, but was of the opinion that its southern end would be clearly visible due to the cream colour finish that would contrast against the darker brickwork of the house and garage and as such would stand out as an incongruous and dominant feature in its surroundings.

2. CONSULTATION AND PUBLICITY

2.1 NYCC Highways

No objections to the proposed works.

2.2 Selby Town Council

Objections due to adversely impacting on the character and appearance of the area and amenity of existing residents.

2.3 Publicity

The application has been publicised by the posting of site notices erected at the site and on Wistow Road on 13.06.2022, allowing until 4.7.2022 for comments to be made. At the time the Officer's report was finalised, seven letters of objection have been received from local residents raising objections, including the following summarised comments. Further representations will be reported to the Planning Committee meeting.

- The application has been refused/dismissed by PINS several times and there is no difference to other refused applications;
- The presence of a static caravan on this site, regardless of its colour, would be an alien feature that would harm the appearance and character of this area and open countryside and would not add to the overall quality or be sympathetic to local character contrary to planning policies;
- The site provides a gateway to Selby Town where countryside meets the residential brick built houses;
- Granting would set a precedent for further static caravans and mobile homes for this site and/or surrounding area;
- There is already a static caravan on the site that has been subject to several Enforcement notices and it has not been made clear that the application would relocate the existing caravan so potentially there could be 2 caravans on the site;
- The applicant previously stated that the static caravan can be seen from the footpath to the south-east, though in this application stated that it cannot be seen from a public road – it can be seen from some distance and even with a changed colour will continue to be visible from the road, harming character and appearance of the area;
- Queries raised about formalised drainage to support the site which would be needed to cater for overnight accommodation, toilet and hand washing facilities;
- Flood Risk Assessment relates to a previous planning application at 62 Wistow Road and references an existing water harvesting tank that is not on the site of the planning application;
- Family members continue living in the 'dayroom' as they have for the last 3 years as a separate family dwelling and not ancillary to the main host house;
- Concerns raised about the lack of compliance with the Enforcement Notice and lack of action by SDC;
- The original deeds for the site state that no structures or trees but this has been ignored;
- What about the balcony structure;
- Comments made about consultation with the local community.

3. SITE CONSTRAINTS

- 3.1 The site is located within the defined Development Limits of Selby, which is defined as a Principal Town in the Core Strategy Local Plan (2013) and within Flood Zone 3a (high probability).

4. POLICY CONSIDERATIONS

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that *"...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
SP15 - Sustainable Development and Climate Change
SP18 - Protecting and Enhancing the Environment

Selby District Local Plan

4.7 The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development

H14 – Extensions to Dwellings in the Countryside

T1 – Development in relation to the Highway network

T2 – Access to roads

National Planning Policy Framework

4.8 The relevant sections are:

2 – Achieving sustainable development

12 – Achieving well-designed places

14 – Meeting the challenge of climate change, flooding and coastal change

5. APPRAISAL

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

- The Principle of the Development
- Design and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Impact on Highway Safety
- Flood Risk and Drainage

Principle of Development

5.2 The application site is located within the defined Development Limits of Selby and seeks permission for the siting of a static caravan to be used as ancillary accommodation to the host dwelling.

5.3 It is noted that the static caravan would feature its own living area, kitchen and bathroom which would give the caravan the ability to be utilised as a self-contained residential unit and could therefore conceivably be occupied without reliance on the host dwelling.

5.4 However, Officers must consider the application as presented and it is considered reasonable to condition the proposals as ancillary. Should the proposals in fact be for a self-contained this could not be considered under a Householder Planning Application and would need a Full Planning Application requiring a different assessment. This view was taken during the assessment of both the 2019 and 2021 application as discussed above and was accepted as part of the 2021 appeal by the Inspector.

5.5 In considering the proposals as submitted, described as 'Application for the siting of a static caravan for purposes ancillary to the main dwellinghouse', 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. A condition could be imposed

to ensure that the use or occupation of the caravan is ancillary to that of the host dwelling.

Design and Impact on the Character and Appearance of the Area

- 5.6 Relevant policies in respect of design and the impacts on the character of the area include saved Policy ENV1(1) and (4) of the Selby District Local Plan and Policy SP19 of the Core Strategy. Paragraph 130 of the NPPF outlines design principles for development including (a) adding to the overall quality of the area, and (c) being sympathetic to local character.
- 5.7 The application relates to an existing property comprising a dormer bungalow and detached garage with a large, graveled driveway. Wistow Road is characterised by a linear arrangement of predominantly two storey dwellings with long rear gardens. It is in an edge of settlement and backland location, set well back from the road and located behind no.62 Wistow Road. The proposed location for the static caravan is proposed in the same location as the 2021 appeal application, which is to the east of the main dwelling, north of the detached garage and adjacent to the boundary with the neighbouring property. The static caravan would be 12.26m long x 3.9m wide, and single storey in height, with an external 'Saddle brown' colour finish to walls and a dark grey roof.
- 5.8 In dismissing the appeal in relation to the 2021 application, the Inspector noted that the caravan would not encroach into the open countryside any further than the host dwelling. The Inspector concluded that the proposed static caravan would unacceptably harm the character and appearance of the area that would conflict with national and policy planning policy on the basis that:
- 'This location would not be as prominent as the current siting of the caravan, however when viewed from the west, based on my site observations, the southern end of the proposed caravan would be visible, and the proposed cream shiplap PVC cladding would contrast against the darker brickwork of the house and garage. This would stand out as an incongruous and dominant feature in relation to its immediate surroundings, and the wider residential environment of Wistow Road.*
- The appellant states that views to the southeast would be limited to a 25m section of footpath, however, from to my site visit, as stated above, I could see that the appeal site is prominent when approaching from the west along Wistow Road and Sherburn Road and can be clearly seen from some distance. Furthermore, harm would also be caused to visual amenity from the area of footpath identified by the appellant, due to the incongruous nature of the caravan when viewed in conjunction with the darker surrounding buildings'.*
- 5.9 It is evident from the Inspector's decision that the southern end of the caravan in the proposed location would be visible in views from the west and that it was the visual impact of the cream external finish when viewed in the contact of the darker brickwork that is characteristic of the area which was the basis for the appeal dismissal. This current application has been submitted by the applicant, as set out in the Supporting Statement, to seek to overcome the Inspector's concerns.
- 5.10 The siting to the east of the main dwelling, set back from Wistow Road behind the detached garage and the bungalow no.62, would mean that, as identified by the Inspector, the proposed caravan would be largely hidden by existing built form. Only the southern section of the caravan that would siting between the house and the

garage would be visible in views from Wistow Road to the west/south-west and would be viewed across the fields at a distance of around 60m to 80m. It would infill the space between the house and its garage, though would be a lower height than both of these structures. The proposed change to the colour of the exterior of the building by finishing it in special caravan paint, colour 'Saddle brown' is proposed to better reflect the colour palette of the host dwelling. Whilst it is noted that the proposed finish would not constitute matching materials, it would better reflect the host dwelling and surrounding area along with reducing the visual impact when viewed from the public domain given its more muted tone coupled with its siting.

- 5.11 As a result of the siting and colour finish, Officers consider that the proposal would not be visually intrusive in the landscape. The previous applications were not refused or dismissed based on the design of the caravan and how this related to the character and appearance of the host dwelling nor on its size in relation to the original building.
- 5.12 Having regard to the above, it is considered that the proposal is acceptable and would not have a significant or detrimental impact on the character and appearance of the area. The proposal is therefore considered acceptable in accordance with Policy ENV1 of the Selby District Local Plan, Policies SP18 and SP19 of the Core Strategy and the advice contained within the NPPF.

Impact on Residential Amenity

- 5.13 Relevant planning policy is contained in ENV1(1) of the Selby District Local Plan. The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighboring properties, overshadowing of neighboring properties and whether oppression would occur from the size, scale and massing of the development proposed.
- 5.14 In respect of the siting of the static caravan, given the separation distances, orientation of the static caravan and the scale of it at single height, it is considered that it would not pose any significant adverse impacts on overlooking, overshadowing or oppression. It is noted that residential amenity was not one of the grounds that the previous application was refused on or was dismissed at appeal.
- 5.15 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.

Impact on Highway Safety

- 5.16 Policy in respect of highway safety is provided by Policies ENV1(2), T1 and T2 of the Selby District Local Plan and paragraphs 110 and 111 of the NPPF. These policies seek safe and suitable access that does not impact highway safety and the road network.
- 5.17 The application site features a large area of gravel hardstanding providing enough off-street parking to serve the dwelling and its proposed ancillary accommodation. As such, NYCC Highways have raised no objections to the proposed development on highway safety grounds and have suggested no conditions.

- 5.18 It is therefore considered that the proposal is acceptable in terms of highway safety in accordance with Policies ENV1 (2), T1 and T2 of the Local Plan and the advice contained within the NPPF.

Flood Risk and Drainage

- 5.19 Policies SP15, SP16 and SP19 of the Core Strategy require proposals to take account of flood risk, drainage, climate change and energy efficiency within the design. These policies reflect advice in the NPPF in Section 14 and in particular at paragraphs 157 and 159.
- 5.20 It is noted that in complying with the 2013 Building Regulations standards, the development will achieve compliance with criteria (a) to (b) of Policy SP15(B) and criterion (c) of Policy SP16 of the Core Strategy. It is also considered that, taking into account the size, scale, and nature of the proposal, it would be not necessary or appropriate for the proposal to meet the other requirements of these policies.
- 5.21 The application site is located within Flood Zone 3 which is at high probability of flooding. The application is supported by a Flood Risk Assessment (FRA) dated February 2020 and references a larger redline boundary to provide for the siting of a caravan with an extended parking area as applied for in the 2019 application. Regardless, the situation with regards flood risk zones remains unchanged and the site continues to lie within Flood Risk 3a as identified in the FRA and is confirmed to be located as such on the Environment Agency's Flood Zone maps.
- 5.22 Land in Flood Zone 3a is regarded as having a 1 in 100 or greater annual probability of river flooding; or land having a 1 in 200 or greater annual probability of sea flooding. Buildings used as dwellings are "more vulnerable" in terms of flood risk. "More vulnerable" uses in flood Zone 3a are normally required to meet the Sequential and Exceptions tests. However, the static caravan is being applied for as ancillary accommodation to the main dwelling house, which already sits within Flood Zone 3a and therefore as minor development the Sequential and Exception tests do not apply in this instance. Given the nature of the structure, floor levels would be raised with any flood water being allowed to pass underneath it and emergency refuge could be sought in the host dwelling.
- 5.23 In respect to the disposal of surface water, the submitted flood risk assessment states that:
- "The existing site is considered to be permeable as the area is vegetated grassland. There doesn't appear to be any formalised drainage supporting the site. It is considered that the site currently drains by infiltration and evaporation."*
- The proposal for surface water is to utilise rainwater harvesting, soakaways or Sustainable Urban Drainage measures. In terms of disposing foul water no information has been provided. However, this is a householder planning application and as with other house extensions or garden structures, it is usual and acceptable to connect drainage to that of serving the host dwelling.
- 5.24 Yorkshire Water and the IDB were consulted for the prior application ref: 2021/0518/HPA and raised no objections. Yorkshire Water and the IDB were not reconsulted as part of this permission as the only proposed difference from the previous application is the proposed finish of the caravan.

- 5.25 On the basis of the above, the proposal is considered to be acceptable in terms of drainage and flood risk and therefore accords with Policies SP15, SP16, SP19 of the Core Strategy, and paragraphs 158, 159 and 160 of the NPPF.

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 significant detrimental effect on the character and appearance of the area, on the residential amenity of the occupants of neighbouring properties, highway safety or flood risk. The application is therefore considered to be in compliance with Policies ENV1, T1 and T2 and H14 of the Selby District Local Plan, Policies SP1, SP2, SP15, SP16, SP18 and SP19 of the Core Strategy and the advice contained within the NPPF.
- 6.2 Concern has been expressed in particular about the siting of the caravan setting a precedent for further similar development and the potential for two caravans being present at the site. In terms of precedent, each planning application is considered on its merits and so the circumstances of each case, including the location and situation of the site, are crucial to the assessment of acceptability of a development proposal. With regards the potential for two caravans to be sited at the property, it is understood, though not explicitly stated in the application, that the proposed caravan would be repositioned from its current position that is the subject of the enforcement notice. The notice can still be enforced to require the removal of the existing caravan regardless of the outcome of this application.

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:

Proposed Block Plan ref: 03 Received: 04/05/2022
Proposed Elevations ref: 02 Received: 04/05/2022
Proposed Materials/finish Received on: 13/06/2022
Flood Risk Assessment received:

Reason:
For the avoidance of doubt.

03. The external finish of the static caravan hereby approved shall be BS4800 06C39 Saddle Brown Caravan Paint as set out in the proposed materials and finish information received on 13/06/2022, which shall be applied to the exterior walls of the caravan in accordance with the Method Statement for Caravan Painting received on 27/06/2022, prior to being positioned in the

approved location on the site and shall be retained as such at all times thereafter.

Reason:

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

04. The annexe hereby permitted shall only be used in connection with and ancillary to the occupation of Field View, 64 Wistow Road, Selby. It shall not at any time be used as an independent dwelling or separated from the ownership or curtilage of the main dwelling.

Reason:

The occupation of the development needs to be restricted.

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 2022/0455/HPA and associated documents.

Appendices: None.

Contact Officer: Josh Turner, Planning Officer
jturner@selby.gov.uk

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Agenda Item 5.6



Report Reference Number: TPO 3/2022

To: Planning Committee
Date: 6 July 2022
Author: Bethany Harrison (Planning Officer)
Lead Officer: Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	TPO 3/2022	PARISH:	Bilbrough Parish Council
LOCATION:	Pigeon Post, Main Street, Bilbrough, Selby, North Yorkshire, YO23 3PH		
DESCRIPTOIN	Confirmation of Provision TPO Reference 03/2022 relating to 1(no) Eucalyptus		
TPO SERVED:	16 th March 2022	DEADLINE FOR CONFIRMATION:	16 th September 2022
RECOMMENDATION	CONFIRM TREE PRESERVATION ORDER 3/2022		

In exercise of the powers conferred by Section 198 of the Town and Country Planning Act 1990 this report will seek the permission of the Planning Committee to “Confirm, with no Modification”, Tree Preservation Order No. 3/2022 to which objections have been received. In accordance with 3.8.9 (b) (viii) of the scheme of delegation, the confirmation of the Tree Preservation Order cannot be issued under delegated powers where it is subject to a valid objection.

1. INTRODUCTION AND BACKGROUND

The Site

- 1.1 TPO 3/2022 relates to 1 (no.) Eucalyptus which is located within the garden of the dwelling known as Pigeon Post and is sited on the eastern property boundary.
- 1.2 Pigeon Post is a traditional dwelling in a cottage style and is rendered white, located within the Bilbrough Conservation Area at its western end along the main linear core of the village and is also within the Green Belt.

1.3 The tree proposed to be covered by the TPO sits within the setting of several listed buildings which are sited to the west, including the Grade II listed Church of St James, Rose Cottage, Beagle Cottage Bilbrough Manor and Bilbrough Grange all of which are also Grade II listed.

1.4 There are also other protected trees to the north of the tree subject of this proposed TPO including an Oak, a willow, a beech, a sycamore, a horse chestnut, an Alder and a pine.

1.5 Relevant Planning History

1.6 The following applications are relevant:

- 2017/0216/TCO – Authorisation was granted on 20th April 2017 for a crown lift and reduction by 15% to the Eucalyptus tree.
- 2021/1206/TCA – Notification was made on the 31st January 2022 to fell 7 no. trees including the Eucalyptus tree, to which Officer's did not support the removal of the Eucalyptus tree and served the provisional TPO 3/2022.

2. Scope of the Provisional Tree Preservation Order Ref 3/2022

2.1 The TPO was served on the 16th March 2022 in the context of the application 2021/1206/TCA in order to provide long-term protection to the Eucalyptus tree given its size and healthy condition and positive contribution to local amenity and the Conservation Area.

2.2 The council's decision to serve the temporary TPO was also informed by the findings of the Council's Tree Officer, a qualified arboriculturist, and the views of Planning Officers under application 2017/0216/TCO which noted the tree's large size and positive contribution to the Conservation Area and the surrounding area.

2.3 As such, the TPO as served relates to: 1 no. Eucalyptus Tree (T1). The plan associated with the TPO is attached with the Officers Report is included at Appendix A.

2.4 An Order can be made to protect specific trees, groups of trees or woodlands in the interests of amenity and should be used where the trees removal would have a significant negative impact on the local environment and its enjoyment by the public. The Order comes into effect immediately on the day the Council makes it and this provisional status lasts for six months, unless the authority either confirms the Order to provide long-term protection or decides not to confirm it.

2.5 The TPO was served in accordance with the Town & Country Planning (Tree Preservation) (England) Regulations 2012/605 on the person interested in the land, who has been identified as the owner of the property at Pigeon Post.

2.6 The Regulations specify that in the case of an order made following service of a notice under section 211(3) (preservation of trees in conservation areas), the authority shall:

(1) serve on the persons interested in the land affected by the order—

- (i) a copy of the order; and

(ii) a notice containing the particulars specified in paragraph (2);

(2) The particulars mentioned in paragraph (1)(a)(ii) are—

(a) the reasons for making the order;

(b) a statement that objections or other representations with respect to any trees, groups of trees or woodlands specified in the order may be made to the authority in accordance with regulation 6;

(c) the date, being at least 28 days after the date of the notice, by which any objection or representation must be received by the authority; and

(d) a copy of regulation 6 (see Appendix B).

2.7 The Order was served following the advice of qualified arboriculturist Alan Gilleard of Harrogate Borough Council who advises Selby District Council on such matters. Having visited the site he recommended that the tree is a healthy specimen which can be seen from Main Street and is considered to add to the visual amenity of the local area. It was also noted that the tree is a mature, healthy specimen which is well structured.

2.8 Given this advice a decision was made to issue a Provision Order to immediately protect the tree. This order was displayed on site on the 16th March 2022 and sent recorded delivery to the owner of the tree. Comments were invited on the Provisional Order to be received by 11th May 2022

2.9 A decision has not been made on submission 2021/1206/TCA given the serving of the order. If the Provision TPO had not been served, then deemed consent would have been in place for the works in the TCA submission from the 14th May 2022.

3. Representations received on Provisional Tree Preservation Order

3.1 Objections were received as a result of the serving of the TPO from:

- the owner of the tree,
- neighbouring occupants to Pigeon Post,
- the Parish Council, and
- a qualified arboriculturist hired on behalf of the neighbouring occupant (namely JCA Arboricultural and Ecological Consultants).

3.2 The letters of objection to the TPO from the neighbouring occupants, owner and parish council can be summarised as follows:

- Do not agree that the tree has a high amenity value, only top of tree is visible from Main Street and the Conservation Area.
- Non-native specimen not appropriate for setting.

- Residential amenity issues to neighbour as the tree blocks light and debris falls into gardens.
- Eucalyptus is too near to existing buildings so may cause a danger in strong winds and climate change even though it is a healthy tree.
- Other trees within garden area (the leylandii which have since been permitted to be removed) have dropped limb – worry over the eucalyptus doing the same.
- Link to a website for a business named 'Kings Barn Trees' which sells eucalyptus and gives advice on how far they should be planted from buildings, concluding that the trees are in an inappropriate location based on approximate distance from buildings surrounding Pigeon Post.
- Argued that eucalyptus are not suitable for wind prone areas, which Bilbrough is.
- Argued that eucalyptus are known for dropping limb if they suffer from lack of water.
- Eucalyptus have a negative impact on surrounding biodiversity and overpower surrounding native trees.
- Tree taking moisture from soil – potential to cause structural damage to neighbouring houses and outbuildings

3.3 The letter of objection to the TPO received by a qualified arboriculturist from JCA Arboricultural Consultants on behalf of the neighbouring occupant can be summarised as follows:

- Do not agree that the tree is of a high amenity value as only the very top of the tree is visible from Main Street over the house itself, not clearly visible from the public viewpoint.
- Tree is growing against the boundary of the neighbouring property, causing damage to their fence as it grows.
- Tree indicated to have been planted in late 1980s, indicating that it has grown very fast and has the potential to grow further.
- Very large and the crown spreads over the garden of the neighbouring property, blocking natural daylight.
- Tree is non-indigenous and is poorly suited to being close to buildings due to wide root spread and high-water requirements.
- Vegetation observed to be dying back around the tree due to competition from the eucalyptus tree.

4. Assessment

4.1 Officers have considered the comments made on the Provisional TPO and would respond as follows on the aspects raised in these comments / objections.

- 4.2 With regards to comments made by JCA Consultants stating that the tree is not considered to be high amenity enough to warrant TPO protection as it is set back from Main Street, the Council's Tree Officer has made further comments. He notes that the tree can be seen above the roofline of the property and is therefore visible from a public vantage point but also that the eucalyptus can also be seen between the properties and further down the street, towards the church, over the neighbouring dwelling. Further, the tree is also evergreen, making its visibility increase in the winter months.
- 4.3 The JCA Consulting also argued that the tree is very large, with more potential to grow and blocks natural daylight from neighbouring gardens. The Council's Tree Officer responded that there is no right to light with regards to natural vegetation. It is considered that regular maintenance works could improve the situation with regards to the amenity of neighbours, such as the works previously approved in 2017 by the local authority. The serving of a TPO would not restrict all works to a protected tree, just works which would be deemed unacceptable. This element is therefore not given significant weight when considering a TPO, and as such it is concluded that the tree is worthy of protection.
- 4.4 With regards to the comments made by objectors which argue that the tree is a non-indigenous species which should be replaced by an indigenous one which is more appropriate for the location, the Council's Tree Officer has advised that the TPO consideration does not give weight to whether the tree is native or non-native. A tree species can add to the visual amenity of an area with many species non-native. The loss of such trees would result in a significant reduction if the amenity of conservation areas and the removal of large numbers of trees as a time where tree retention is highly valued. As such, this should be given no weight in the consideration of the TPO protection.
- 4.5 Objectors to the application and the arboriculturist from JCA Consultants on behalf of the neighbouring occupants argued in their representation that the eucalyptus tree is causing other vegetation to die back due to competition from the larger Eucalyptus. The Council's Tree Officer commented in this regard and stated that Eucalyptus trees are high performing in terms of carbon sequester, which captures large volumes of carbon and improve the air quality of the area through a large oxygen output. It was also noted that on balance, the surrounding plants and shrubs do not meet TPO criteria and do not offer the same visual or environmental benefits as a large mature tree such as this.
- 4.6 In this context Members are advised that it is the view of Officers including the Council's Tree Officer that:
- (a) Adequate technical justifications for removal of the tree have not been given at this point.
 - (b) Account should be taken of the fact that the tree is healthy and thriving in its current siting.
 - (c) The tree gives a positive contribution to the setting of listed buildings and the wider conservation area.
 - (d) Careful reduction is possible to improve neighbour amenity and has been carried out under past applications consented by the local authority.

5. Conclusion

- 5.1 Special attention must be paid to the desirability of preserving the character or appearance of the Conservation Area. It is considered that there is not enough evidence or justification for removal of the healthy tree at this time and none of the factors presented have mitigated this. The Council's Tree Officer has concluded that none of the matters raised by objectors undermines the tree's suitability for protection by TPO.
- 5.2 Having regard to the above, the proposal to fell 1 Eucalyptus tree in the Conservation Area would have a detrimental impact on the character and appearance of the Conservation Area.
- 5.3 TPO 3/2022 would protect a large, healthy and high amenity tree which forms part of the leafy, rural character of Bilbrough Conservation Area and the setting of several listed buildings.

6. RECOMMENDATION:

To authorise the confirmation of Tree Preservation Order 3/2022 to protect 1 (no) Eucalyptus at Pigeon Post, Main Street, Bilbrough, Selby, North Yorkshire, YO23 3PH.

Appendices: Appendix A – Map

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Appendix A (Not to Scale)



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Agenda Item 6



To: Planning Committee
Date: 6 July 2022
Author: Jenny Tyreman, Assistant Principal Planning Officer
Lead Officer: Hannah Blackburn, Planning Development Manager

Humber Low Carbon Pipelines – Nationally Significant Infrastructure Project

This matter has been brought before planning committee for information purposes. The report recommends that the contents of this report are noted that authorisation is sought from the Executive to authorise the Head of Planning and Interim Head of Regulatory Services in consultation with the Executive Member for Place Shaping to agree the Local Impact Report, Statement of Common Ground, the content of the draft DCO, and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.

Summary:

This report sets out the legislative background to Nationally Significant Infrastructure Projects (NSIPs) and how these are dealt with. The Planning Committee have considered similar NSIP reports recently in respect of the Drax Bioenergy and Carbon Capture Project in April 2021 and the Yorkshire GREEN Project in February 2022. Essentially applicants for infrastructure projects need to make an application to the Planning Inspectorate (PINS) for a Development Consent Order (DCO). The final decision is made by the Secretary of State on the recommendation of PINS, but Local Planning Authorities are statutory consultees in the process.

National Grid Carbon Limited (part of National Grid Ventures) is proposing to submit an application for a DCO for the construction of dual pipelines to transport carbon dioxide (to facilitate carbon capture, usage and storage (CCUS)) and hydrogen between Drax in North Yorkshire to a landfall point on the Holderness coast in East Riding of Yorkshire together with associated above ground installations (AGIs) and this scheme is Nationally Significant Infrastructure Project (NSIP) to be determined by PINS. At the landfall point the Project will connect to an offshore pipeline for onward transportation of carbon dioxide to the Endurance saline aquifer under the North Sea. This offshore pipeline and associated work forms part of a separate consent for which BP is the project proponent.

Two rounds of public consultation are taking place – non-statutory consultation took place in Q3/Q4 2021; statutory consultation is anticipated to take place in Q3 2022. It is anticipated that National Grid Carbon Limited will submit their DCO application to PINS during Q3 2022.

Once the DCO application has been submitted to PINS, they will have 28 days to decide whether or not the application meets the standards required to be accepted for examination. Following acceptance, an Examining Authority will be appointed, and all Interested Parties will be invited to attend a Preliminary Meeting, run and chaired by the Examining Authority.

PINS then have up to six months to carry out the examination of the proposals through a series of structured and topic-based hearings which officers may need to attend. After the examination a decision will be made by the Secretary of State, within 6 months of the close of the examination. Following this the Council will have the responsibility to discharge any planning conditions and enforce the terms of the DCO.

This report outlines the project. Selby District Council (SDC) is a statutory consultee and authorisation is sought for the Head of Planning and Interim Head of Regulatory Services in consultation with the Executive Member for Place Shaping to agree the Local Impact Report, Statement of Common Ground, the content of the draft DCO, and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.

Recommendations:

- i. That the contents of this report are noted.**
- ii That authorisation is sought from the Executive to authorise the Head of Planning and Interim Head of Regulatory Services in consultation with the Executive Member for Place Shaping to agree the Local Impact Report, Statement of Common Ground, the content of the draft DCO, and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.**

Reasons for recommendation:

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

1. Introduction and Background

- 1.1 On 1 April 2012, under the Localism Act of 2011, PINS became the agency responsible for operating the planning process for NSIPs.
- 1.2 NSIPs are large scale developments such as new harbours, power generating stations (including wind farms), and electricity transmission lines which require a type of consent known as a DCO under procedures governed by the Planning Act 2008 (and amended by the Localism Act 2011). This is not a 'planning application' under the Town and Country Planning Act 1990 and the status of the development plan is different in that the principal guidance for their determination is contained within the suite of Energy National Policy Statements (NSPs). The 2008 Act sets out thresholds above which certain types of infrastructure development are considered to be 'nationally significant' and require the granting of a consent order. NSIPs were introduced as a fast-track method and alternative way of dealing with nationally important infrastructure after the much-publicised delays in the consenting of Heathrow's last major expansion proposal for a fifth terminal.
- 1.3 In England, PINS examines applications for DCOs from the energy, transport, waste, waste water and water sectors. For such projects, PINS undertakes an examination of the application and makes a recommendation to the relevant Secretary of State, who makes the final decision on whether to grant or to refuse the DCO. Energy NSPs introduce a presumption in favour of granting DCOs.

2. The Project

- 2.1 National Grid Carbon Limited is proposing the construction of dual pipelines to transport carbon dioxide and hydrogen between Drax in North Yorkshire to a landfall point on the Holderness coast in East Riding of Yorkshire together with associated above ground installations (AGIs).
- 2.2 At the landfall point the Project will connect to an offshore pipeline for onward transportation of carbon dioxide to the Endurance saline aquifer under the North Sea. This offshore pipeline and associated work forms part of a separate consent for which BP is the project proponent.
- 2.3 The objective of the Project is to deliver a new onshore pipeline network to transport captured carbon dioxide from the region's emitters for safe subsea storage; and to enable industries to fuel-switch from fossil fuels to low carbon hydrogen.
- 2.4 The Project will facilitate the transportation of carbon dioxide in an onshore pipeline up to 600 mm (24") nominal diameter from industrial emitters to a secure offshore carbon dioxide storage facility with a capacity up to 17.8 million tonnes of carbon dioxide per annum (MTPA) and a Maximum Allowable Operating Pressure (MAOP) of 136 barg. Therefore, the Project will facilitate the reduction of carbon dioxide emissions in the region, helping to support the Government's carbon dioxide reduction targets.
- 2.5 The project will also facilitate the transportation of hydrogen from production facilities to users in a pipeline up to 900 mm (36") nominal diameter, with a capacity up to 10 Giga Watts (GW) and a Maximum Operating Pressure (MOP) between 50 to 75 barg, allowing industrial facilities to use hydrogen in place of fossil fuels.
- 2.6 The Project forms part of Zero Carbon Humber (ZCH), a consortium of leading energy and industrial companies and academic institutions with a shared vision to transform the Humber region into the UK's first net-zero carbon cluster by 2040.
- 2.7 ZCH includes the following Connected Projects. Each of the Connected Projects are subject to their own separate application for consent:
 - Drax Bioenergy and Carbon Capture Project (BECCS)
 - SSE Thermal's and Equinor's Keadby Clean Power Hub – Keady 3 and Keadby Hydrogen
 - British Steel's Zero Carbon Humber Scheme
 - Uniper's Blue and Green Hydrogen Hub.
 - Equinor's Hydrogen to Humber Saltend or H2H Saltend Project.
 - Northern Endurance Partnership
- 2.8 Figure 1 is taken from National Grid Carbon Limited's Scoping Report and shows the red line boundary of the application site. Figure 2 is also taken from National Grid Carbon Limited's Scoping Report and shows a zoomed in red line boundary of the part of the application site that falls within Selby District.

Figure 1: Red line boundary of application site

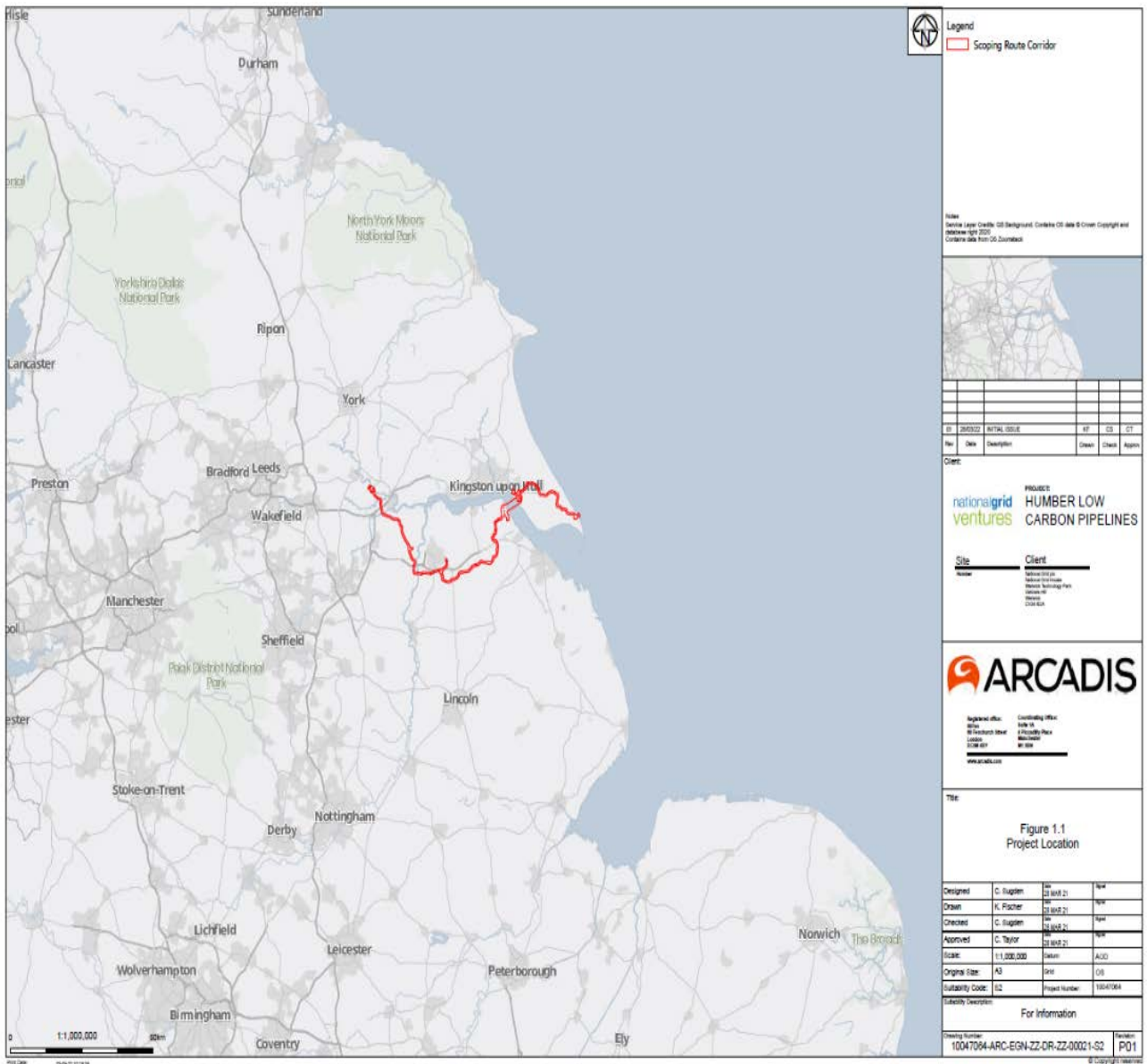
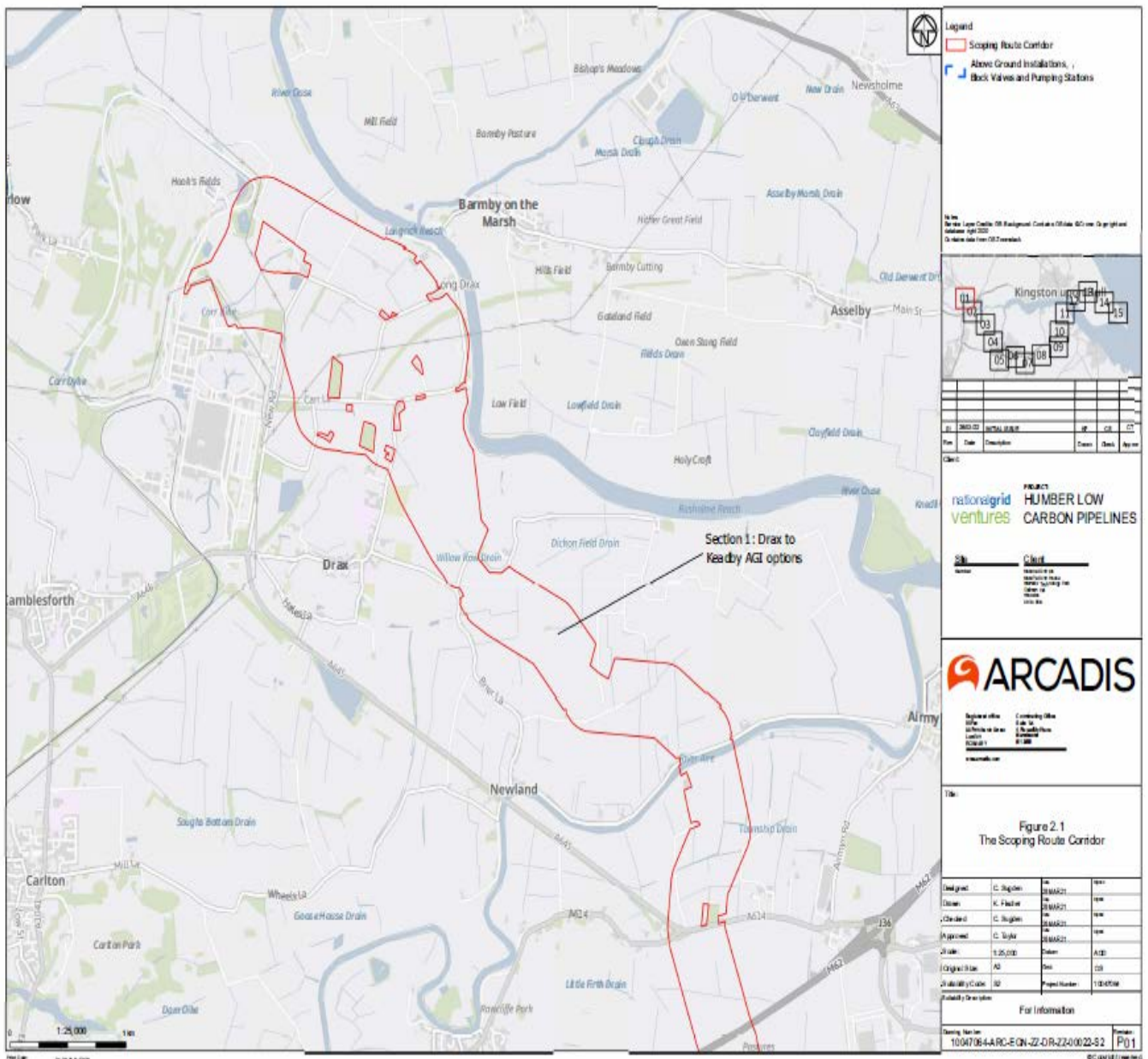


Figure 2: Zoomed in red line boundary of the part of the application site which falls within Selby District



Construction Programme

2.9 The overall construction period for the Project from the commencement of construction works to the completion of commissioning is anticipated to be approximately 44 months assuming that both the carbon dioxide and the hydrogen pipelines are constructed at the same time.

3. The Process

3.1 The Planning Act 2008 process was introduced to streamline the decision-making process for major infrastructure projects, making it fairer and faster for communities and applicants alike. The six stages in the process are: pre-application; acceptance; pre-examination; examination; recommendation and decision; and post decision.

- 3.2 The Humber Low Carbon Pipelines Project is presently at the pre-application stage with PINS. The applicants have a statutory duty to carry out consultation on their proposals before submitting an application. Two rounds of public consultation are taking place– non-statutory consultation took place in Q3/Q4 2021; statutory consultation is anticipated to take place in Q3 2022.
- 3.3 The applicants submitted a Scoping Report to PINS on 11 April 2022. SDC and NYCC provided comments to PINS on the Scoping Report on 10 May 2022. PINS, on behalf of the Secretary of State, issued a Scoping Opinion on 20 May 2022. This sets out the required extent and content of the Environmental Statement to be submitted with the application for a DCO. Those areas that may be examined in detail come under the headings:
- Agriculture and Soils
 - Air Quality
 - Ecology and Biodiversity
 - Climate
 - Geology and Hydrology
 - Cultural Heritage
 - Landscape
 - Noise and Vibration
 - Socioeconomics
 - Human Health and Wellbeing
 - Traffic and Transport
 - Waste and Materials
 - Hydrology and Land Drainage
 - Major Accidents and Disasters
- 3.4 National Grid Carbon Limited have notified PINS under Regulation 8(1)(b) of the EIA Regulations that they propose to provide an Environmental Statement (ES) in respect of the proposed development. Therefore, in accordance with Regulation 6(2)(a) of the EIA Regulations, the proposed development is EIA development.
- 3.5 It is anticipated that National Grid Carbon Limited will submit their DCO application to PINS during Q3 2022.
- 3.6 Once the DCO application has been submitted to PINS, they will have 28 days to decide whether or not the application meets the standards required to be accepted for examination. Following acceptance, an Examining Authority will be appointed, and all Interested Parties will be invited to attend a Preliminary Meeting, run and chaired by the Examining Authority. PINS then have up to six months to carry out the examination of the proposals through a series of structured and topic-based hearings which officers may need to attend. After the examination a decision will be made by the Secretary of State, within 6 months of the close of the examination. Following this the Council will have the responsibility to discharge any planning conditions and enforce the terms of the DCO.
- 3.7 The Council is working in association with the County Council as part of Better Together to, where possible make co-ordinated responses. This approach is favourable to the applicant and probably to the Examining Authority. It is how the two councils have worked together on other NSIPs. Together the two Authorities have the necessary technical specialists to respond to the application fully.

- 3.8 To date council staff have attended the briefings together and have already submitted the local authorities' response to the applicants Scoping Report.
- 3.9 NYCC and SDC have set up monthly meetings to manage the application, which will be attended by key planning officers and technical officers. Senior management will be invited if required.
- 3.10 Submission of the Local Impact Report, Statement of Common Ground, input into the Draft DCO and any written representations will be required in accordance with deadlines set by PINS, and once the examination commences, these deadlines are likely to be tight. Therefore, authorisation is sought from the Executive to authorise the Head of Planning and Interim Head of Regulatory Services in consultation with the Executive Member for Place Shaping to agree the Local Impact Report, Statement(s) of Common Ground, the content of the Draft DCO and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.

4. Implications

4.1 Legal Implications

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

4.2 Financial Implications

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

5. Conclusion

- 5.1 Members are asked to note the contents of this report.
- 5.2 Authorisation is to be sought from the Executive to permit the Head of Planning and Interim Head of Regulatory Services in consultation with the Executive Member for Place Shaping to agree the Local Impact Report, Statement of Common Ground, the content of the draft DCO, and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.

6. Background Documents

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

<https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/humber-low-carbon-pipelines/?ipcsection=overview>

7. Appendices

None.

Contact Officer:

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List of Planning Applications Determined Under Delegated Powers
 The following Planning Applications have been determined by officers under the scheme of Delegation

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2020/0275/S73	Mr Andrew Watson	Meadow Down Park Lane Womersley Doncaster South Yorkshire DN6 9BJ	Section 73A application to vary condition 01 (Materials) of planning permission 2010/0976/REM Reserved matters application for the erection of a detached dwelling and garage and condition 02 (Scale & Appearance & External Materials) of planning permission 2007/0925/OUT Granted on 10.11.2010	PERMITTED 27 May 2022	Mandy Cooper
2020/1015/DOC	Harworth Group	Former Kellingley Colliery Turvers Lane Kellingley Knottingley West Yorkshire WF11 8DT	Discharge of condition 21 (landscaping) of approval 2020/0155/S73 - Section 73 application to vary condition 01 (plans) and 02 (employment use) of planning permission reference 2016/1343/OUTM for outline application including means of access (all other matters reserved) for the construction of an employment park up to 1.45 million sq ft (135,500sq m) gross floor space (GIA) comprising of B2, B8 and ancillary B1 uses, ancillary non-residential institution (D1) and retail uses (A1- A5) and related ancillary infrastructure) granted on 06 February 2019	CONDITION DECISION 16 May 2022	Jenny Tyreman
2020/1232/S73	Leodis Homes Ltd	191 Leeds Road Selby YO8 4JH	Section 73 application to vary condition 02 (approved plans) of planning permission 2018/0804/FUL Proposed erection of 1no dwelling with detached garage	PERMITTED 16 May 2022	Jac Cruickshank

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/0354/FUL	Mr & Mrs James and Caroline Hollas	Land off Broad Lane Appleton Roebuck Selby North Yorkshire	Erection of stable/storage building and associated hardstanding (retrospective)	PERMITTED 25 May 2022	Irma Sinkeviciene
2021/0476/TPO	Mr Joseph Tumilson	1 Toll Barr Close Main Road Hambleton Selby North Yorkshire YO8 9YE	Application for consent to prune 3No Lime trees by 25% covered by TPO region 19/1989	REFUSED 24 May 2022	Bethany Harrison
2021/0562/DOC	St Francis Group (Eggborough) Ltd	Eggborough Power Station Selby Road Eggborough Selby North Yorkshire DN14 0BS	Discharge of condition 22 (foul drainage) of planning approval 2019/1343/EIA Hybrid application for demolition of part of the former power station and ancillary buildings and its redevelopment (i) access into the site, internal roads, employment units, car parking, drainage infrastructure and landscaping and (ii) outline for the scale of redevelopment of the remainder of the site for employment floorspace, proposed buildings with ridge being between 9.5 metres and 24.5 metres, car parking, drainage infrastructure and strategic landscaping	CONDITION DECISION 19 May 2022	Gareth Stent

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/0573/TPO	Hemingbrough Parish Council	Hagg Lane Hemingbrough Selby North Yorkshire	Application for consent to remove decayed branch, broken branch and deadwood from 1No Ash tree (T1), remove torn out branch and decay in lower branches from 1No Willow tree (T2), remove torn out branch, dead branch and canopy deadwood from 1No Ash tree (T4), shorten hazard beam and cut back rotten ends of 1No Ash tree (T6), cut back leaning branches and canopy deadwood from 1No Ash tree (T9), cut back split stem, tidy up broken branches and remove canopy deadwood from 1No Willow tree (T10), cut back failed stem of 1No Willow tree (T11), shorten leaning stems and clean the canopy of rotten branches and deadwood of 1No Willow tree (T12), remove rotten branches and dead wood from 1No Willow tree (T13), reduce leaning stem of 1No Willow tree (T14), remove broken branches and tidy up hedgerow of 1No Ash tree (T15), tidy up damaged branches and remove deadwood from 2No Willow trees (T16 & T17), cut back fallen stem of 1No Willow tree (T18) and coppice 1No Sycamore tree (T3) and 3No Hawthorn trees (T5, T7 & T8) covered by TPO 7/1999 (retrospective)	SPLIT DECISION FOR TREES 17 May 2022	Linda Drake
2021/0584/FUL	Kath Atkinson	Saxton Riding School Coldhill Lane Saxton Tadcaster North Yorkshire LS24 9TA	Erection of 4 No. dwellings with associated garaging and garaging to existing house include access	PERMITTED 31 May 2022	Fiona Ellwood

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/0648/OUT	KACH Capital Estates Ltd	Land off Coupland Mews Selby North Yorkshire	Outline application for erection of 9no. dwellings including means of access (all other matters reserved)	PERMITTED 1 Jun 2022	Diane Holgate
2021/0780/FUL	B & R Bramley	Dovecote Barns Main Street Kelfield Selby North Yorkshire YO19 6RG	Partial change of use of ground floor of holiday let common room/group dining facilities to holiday let common room/group dining facilities/event space and function room (sui generis) and associated car parking	PERMITTED 27 May 2022	Emma Howson
2021/0819/HPA	Mr & Mrs C Welburn	Willow View Cat Lane Balne Selby North Yorkshire DN14 0FA	Infill extension from rear of bungalow to existing detached double garage	PERMITTED 26 May 2022	Ellis Mortimer
2021/0840/DOC	Mr S Hudson & Ms R Harrison	Hall Lane Stables Hall Lane Church Fenton Tadcaster North Yorkshire LS24 9RN	Discharge of conditions 02 (manure) of approval 2019/0564/FUL Section 73 application to vary condition 11 (number of horses) of permission 2009/0565/FUL (allowed on appeal 01 April 2011) for the erection of 3 blocks of 7 No. stables with tack room, erection of indoor riding area, construction of outdoor riding area and vehicle park and siting of a mobile home	CONDITIONS NOT DISCHARGED 24 May 2022	Diane Holgate
2021/1158/FUL	Broadacres Housing Association	6 Saxon Court Sherburn In Elmet Selby North Yorkshire LS25 6PR	Installation of Air Source Heat Pumps (Condenser Units to the ground floor) for each of the 12No. flats with the 2No. apartment blocks (6No. in to each block) - No's 6, 8, 10, 12, 14 & 16 (Even - Block 1) + No's 17, 19, 21, 23, 25 & 27 (Odd - Block 2) together with associated pipe runs	PERMITTED 17 May 2022	Mandy Cooper

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/1159/FUL	Broadacres Housing Association	1 Heather Rise Moorland Road Sherburn In Elmet North Yorkshire LS25 6PU	Installation of Air Source Heat Pumps (Condenser Units to the ground floor) for the 6No. flats to the apartment block - No's 1, 2, 3, 4, 5 & 6 together with associated pipe runs	PERMITTED 17 May 2022	Mandy Cooper
2021/1160/FUL	Broadacres Housing Association	Apartment 1 Moorland House Moorland Way Sherburn In Elmet North Yorkshire LS25 6FD	Installation of Air Source Heat Pumps (Condenser Units to the ground floor) for the 6No. flats to the apartment block - No's 1, 2, 3, 4, 5 & 6 together with associated pipe runs	PERMITTED 17 May 2022	Mandy Cooper
2021/1225/COU	Mrs Elizabeth Hughes	Land west of 26 West Bank Carlton Goole North Yorkshire DN14 9PZ	Use of land as dog exercise area on land adjacent to (retrospective)	PERMITTED 1 Jun 2022	Jenny Tyreman
2021/1236/DOC	HPREF I Konect Investments S.a R.I. & Harworth Group Plc	Former Kellingley Colliery Turvers Lane Kellingley Selby North Yorkshire WF11 8DT	Discharge of condition 21(B) (structural landscaping scheme) of approval 2020/0155/S73 - Section 73 application to vary condition 01 (plans) and 02 (employment use) of planning permission reference 2016/1343/OUTM for outline application including means of access (all other matters reserved) for the construction of an employment park up to 1.45 million sq ft (135,500 sq m) gross floor space (GIA) comprising of B2, B8 and ancillary B1 uses, ancillary non-residential institution (D1) and retail uses (A1- A5) and related ancillary infrastructure) granted on 06 February 2019	CONDITION DECISION 24 May 2022	Jenny Tyreman

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/1237/REMM	HPREF I Konec Investments S.a R.I. & Harworth Group Plc	Former Kellingley Colliery Turvers Lane Kellingley Selby North Yorkshire WF11 8DT	Reserved matters application including appearance, landscaping, layout and scale of approval 2020/0155/S73 Section 73 application to vary condition 01 (plans) and 02 (employment use) of planning permission reference 2016/1343/OUTM for outline application including means of access (all other matters reserved) for the construction of an employment park up to 1.45 million sq ft (135,500 sq m) gross floor space (GIA) comprising of B2, B8 and ancillary B1 uses, ancillary non-residential institution (D1) and retail uses (A1- A5) and related ancillary infrastructure) granted on 06 February 2019	PERMITTED 18 May 2022	Jenny Tyreman
2021/1239/HPA	Ian Preston	The Hall Cottage North Milford Lane North Milford Tadcaster North Yorkshire LS24 9DQ	Alterations to 'The Workshop' within the existing Dovecote into a playroom and storage area	PERMITTED 13 Jun 2022	Mandy Cooper
2021/1242/DOC	Network Rail	Sherburn Rail Freight Terminal Lennerton Lane Sherburn In Elmet North Yorkshire LS25 6LH	Discharge of conditions 04 (rail sidings), 06 (Off site Highway Mitigation), 07 (Development Site Management Plan), 08 (travel plan) and 14 (drainage) of approval 2021/0372/FULM Temporary change of use of part of former colliery to fall within use classes E(g)(i), B2 and B8, the erection of modular office, welfare and storage buildings for a temporary period of 5 years and associated operations to provide car parking facilities	CONDITION DECISION 26 May 2022	Fiona Ellwood

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/1297/LBC	Mr Justin Mayes	The Bramblings Barff Farm Thorpe Willoughby Selby North Yorkshire YO8 9NJ	Listed building consent for replacement of existing softwood double glazed windows and doors with new UPVC A rated windows	REFUSED 7 Jun 2022	Ellis Mortimer
2021/1319/DOC	Swanhome Developments Ltd	Yew Tree Farm Main Street Thorganby Selby North Yorkshire YO19 6DA	Discharge of conditions 03 (Construction Management Plan), 04 (surface water runoff), 05 (demolition of West Barn), 06 (site investigation report), 07 (contamination), 08 (remediation scheme), 10 (fencing), 13 (barn owl box), 14 (structure) and 15 (roof materials) of approval 2021/0519/ATD Prior notification for the change of use of agricultural building to 1 dwelling (Use Class C3) and associated operational development	CONDITION DECISION 1 Jun 2022	Fiona Ellwood
2021/1338/HPA	Mr Rick Jones	3 Highfield Court Brayton Selby North Yorkshire YO8 9RN	Conversion of an existing integral garage to a utility & playroom & a new attached double garage to side	PERMITTED 26 May 2022	Jac Cruickshank
2021/1356/COU	Beauty By Lauren Mae	70 West Park Selby North Yorkshire YO8 4JN	Change of use of part of garage to a beauty salon (retrospective)	PERMITTED 20 May 2022	Jac Cruickshank
2021/1413/HPA	Mrs Laura Westwood	37 Linden Way Thorpe Willoughby Selby North Yorkshire YO8 9ND	Conversion of existing integral garage into additional domestic living space	PERMITTED 12 May 2022	Ellis Mortimer

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/1416/LBC	Moorwood Properties Ltd	38 New Lane Selby North Yorkshire YO8 4QB	Listed building consent for conversion of an existing 4 bedroom HMO (C4) to 5 bedroom serviced accommodation (C1)	REFUSED 27 May 2022	Jac Cruickshank
2021/1462/HPA	Mrs Rachael Warcup	The Willows Redhouse Lane to Derwent View Farm Long Drax Selby North Yorkshire YO8 8NH	Erection of two storey front extension to existing detached dwelling to create additional living accommodation	REFUSED 20 May 2022	Ellis Mortimer
2021/1473/FUL	Mrs Ann Saunders	Land adjacent to The Old Vicarage Main Street Kellington Selby North Yorkshire	Erection of a 4 bedroom detached dwelling with detached garage	PERMITTED 24 May 2022	Elizabeth Maw
2021/1492/FUL	Hartleys Farming Ltd	Viner Station Roe Lane Birkin Selby North Yorkshire	Installation of access/egress tracks and weighbridge	PERMITTED 30 May 2022	Diane Holgate
2021/1504/HPA	Mr & Mrs Carter	8 North Field Avenue Appleton Roebuck Selby North Yorkshire YO23 7EB	Two storey side extension	PERMITTED 17 May 2022	Bethany Harrison

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/1513/TPO	Anchor Hanover Group	Fern Bank Court 46 Moat Way Brayton Selby North Yorkshire YO8 9RU	Application for consent to lateral prune/reduce the canopies by 2.4 - 3.6 metres to 2no Oak trees (T1 and T2), remove 2no lowest limbs and lateral prune the upper canopy to 1no Oak tree (T3), reduce overhanging vegetation by 2.4 - 3.6 metres to 1no Hawthorn (H1) covered by TPO 12/1984	SPLIT DECISION FOR TREES 10 Jun 2022	Josh Turner
2021/1534/HPA	Mr Graham Hanson	8 Westfield Terrace Tadcaster North Yorkshire LS24 9JL	Single storey rear extension to provide additional living accommodation	PERMITTED 16 May 2022	Bethany Harrison
2021/1537/REM	L & S Kendra & Son	Land at All Saints Court Whitley Selby North Yorkshire	Reserved matters application including appearance, landscaping, layout, scale and access of approval 2018/0355/OUT Outline application (all matters reserved) for a residential development	PERMITTED 8 Jun 2022	Diane Holgate
2022/0008/HPA	Mr Andrew Williamson	2 Cannon Hall Lane Eggborough Selby North Yorkshire DN14 0US	Erection of a front porch, single storey rear extension and rear dormer window with Juliet balcony, and installation of cladding (retrospective)	REFUSED 25 May 2022	Ellis Mortimer
2022/0010/HPA	Mr & Mrs Westoby	The Pinfold York Road Skipwith Selby North Yorkshire YO8 5SF	Erection of first floor rear extension	PERMITTED 20 May 2022	Jac Cruickshank

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0024/HPA	Kimberley Churm	Sandkim Cobcroft Lane Cridling Stubbs Selby North Yorkshire WF11 0AZ	Single storey rear extension	PERMITTED 18 May 2022	Ellis Mortimer
2022/0025/HPA	Mr Slinger	Aston House 112B High Street South Milford Selby North Yorkshire LS25 5AQ	Conversion of loft space to existing double garage including erection of 2 no. dormers and extension to the northwest	PERMITTED 20 May 2022	Ellis Mortimer
2022/0041/HPA	Mr & Mrs Metcalfe	24 Orchard Drive Hambleton Selby North Yorkshire YO8 9JP	Erection of two storey side and single storey rear extension following demolition of existing garage and conservatory	PERMITTED 27 May 2022	Ellis Mortimer
2022/0043/FUL	Mrs Ruston	Common Farm Southmoor Road Thorganby Selby North Yorkshire YO19 6DL	Erection of an agricultural storage building for the secure storage of fodder, grassland equipment and machinery	PERMITTED 11 May 2022	Linda Drake
2022/0060/HPA	Mr Stephen Crosthwaite	2 Low Garth Road Sherburn In Elmet North Yorkshire LS25 6DH	Removal of an existing hedge, height is 2 metres 13 centimetres and replace with 2 metre 13 centimetre high fence and 2 metre 74 centimetre posts to left hand boundary at the rear of the property	PERMITTED 24 May 2022	Bethany Harrison

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0077/HPA	Mr Robin Shann	Casa Mia West Lane Burn Selby North Yorkshire YO8 8LR	Erection of single storey extension and detached garage following demolition of existing garage, porch and kitchen	PERMITTED 7 Jun 2022	Ellis Mortimer
2022/0092/HPA	Miss Laura Goodyear	The Bungalow Station Road Wistow Selby North Yorkshire YO8 3UZ	Erection of first floor extension incorporating raised roof	PERMITTED 23 May 2022	Jac Cruickshank
2022/0094/COU	Mrs Hayley Thirlwell	11 Park Grove Brayton Selby North Yorkshire YO8 9DR	Change of use part of existing garage to salon	PERMITTED 9 Jun 2022	Jac Cruickshank
2022/0124/FUL	David Holman	The Granary West Lane Burn Selby North Yorkshire YO8 8LR	Erection of agricultural implement store and stables	PERMITTED 7 Jun 2022	Emma Howson
2022/0136/HPA	Cynthia Marshall	3 Station Cottages Main Road Temple Hirst Selby North Yorkshire YO8 8QL	Single storey extension to the rear, open-sided porch and erection of summerhouse	PERMITTED 9 Jun 2022	Ellis Mortimer

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0145/HPA	Mr & Mrs Richardson	8 Wolsey Grange Cawood Selby North Yorkshire YO8 3SB	Partial conversion of garage to form habitable accommodation	PERMITTED 27 May 2022	Josh Turner
2022/0164/TPO	North Yorkshire County Council	Lime Tree Drive Whitley Selby North Yorkshire	Application for consent to remove lower branches (crown lift to 2.5m) and deadwood from 2No Lime trees (T03 & T04) covered by TPO 1/1999	PERMITTED 18 May 2022	Emma Howson
2022/0170/HPA	John Lowes	Ridley House High Street Carlton Selby North Yorkshire DN14 9LU	Infill existing arch with door screen to main entrance	PERMITTED 9 Jun 2022	Ellis Mortimer
2022/0175/HPA	Mr S Allen	High Common Farm Market Weighton Road Barlby Selby North Yorkshire YO8 5DA	Single storey rear extension	PERMITTED 26 May 2022	Jac Cruickshank
2022/0181/HPA	Mr Peter Hutchings	Coates Hall Lodge Hirst Road Carlton Selby North Yorkshire DN14 9PX	Erection of a single storey extension to the existing conservatory	PERMITTED 18 May 2022	Ellis Mortimer

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0210/HPA	Mr Jaron Goulding	Headwell Farm Headwell Lane Saxton Tadcaster North Yorkshire LS24 9PX	Internal alterations with single storey rear extension and new outbuilding	PERMITTED 25 May 2022	Irma Sinkeviciene
2022/0249/LBC	Sherburn Group Practice	Old Hungate Hospital Finkle Hill Sherburn In Elmet North Yorkshire LS25 6EB	Listed building consent for Installation of temporary internal walls to allow temporary use by Sherburn Group Practice while extension work is undertaken to main surgery building; walls to be removed following completion of work to main surgery	PERMITTED 16 May 2022	Irma Sinkeviciene
2022/0250/DOC	Network Rail (Infrastructure) Ltd	Land at end of Scalm Lane Hambleton Selby North Yorkshire	Discharge of conditions 07 (Landscape Management), 09 (Surface Water drainage), and 11 (external lighting) of approval 2019/0016/FULM Electricity substation, Static Frequency Converters and New feeder Station to provide upgraded powers supply to the East Coast Main Railway Line	CONDITION DECISION 11 May 2022	Mandy Cooper
2022/0257/FUL	Specsavers Optical Stores UK	19 Market Place Selby North Yorkshire YO8 4PB	Installation of new AC condensing units to rear of the building at first floor level	PERMITTED 31 May 2022	Linda Drake
2022/0266/MAN2	Mr Mike Ramsay	The Old Windmill Old Road Appleton Roebuck Selby North Yorkshire YO23 7EL	Non material amendment of 2021/0347/FUL conversion and extension to windmill to form dwelling (retrospective)	PERMITTED 23 May 2022	Yvonne Naylor

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0267/LBC	Mr Michael Ramsay	The Old Windmill Old Road Appleton Roebuck Selby North Yorkshire YO23 7EL	Listed building consent for relocation of wc in utility room, move external door on annex 1.2m to the right and move south elevation window to the left into new wc location	PERMITTED 23 May 2022	Yvonne Naylor
2022/0269/COU	KJB Models	The Railway Tavern Station Road Hensall Selby North Yorkshire DN14 0QJ	Change of use of first floor living accommodation to retail, office and storage in connection with existing ground floor model shop (retrospective)	PERMITTED 11 May 2022	Emma Howson
2022/0271/DOC	Yorkshire Country Properties	Main Street Church Fenton Tadcaster North Yorkshire	Discharge of conditions 27 (Archaeology), 28 (Archaeology) and 29 (contamination) of planning permission 2015/0615/OUT Outline application to include access for a residential development on land to the south	CONDITIONS PART DISCHARGED 30 May 2022	Fiona Ellwood
2022/0274/HPA	Mrs Helen Carling	The Lyndens Station Road Hensall Selby North Yorkshire DN14 0QU	Erection of single storey rear extension	PERMITTED 9 Jun 2022	Ellis Mortimer
2022/0276/FUL	Mr J A & Mrs E A Outhwaite & Mrs K Morris	Runnymede York Road Barlby Selby North Yorkshire YO8 5JP	Erection of a detached dwelling	REFUSED 10 Jun 2022	Jac Cruickshank

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0280/CPE	Mr & Mrs R L Parsons	Henrys Fold Leeds Road Tadcaster North Yorkshire LS24 9NA	Lawful development certificate for stationing of a caravan for residential purposes	PERMITTED 13 Jun 2022	Irma Sinkeviciene
2022/0283/HPA	Ms Sarah Lambert	16 Hill Field Selby North Yorkshire YO8 3ND	Conversion of existing garage to habitable room and widening existing footpath	PERMITTED 16 May 2022	Jordan Fairclough
2022/0284/PIP	Mr Jamie Gorst	Brickyard Farm Lodge Camblesforth Road Selby YO8 8ND	Permission in principle for removal of existing dwelling replace with 3 bed bungalow and double garage	REFUSED 30 May 2022	Emma Howson
2022/0288/HPA	Mr Jack Broomhead	67 Bramley Park Avenue Sherburn In Elmet Selby North Yorkshire LS25 6FA	One storey extension above the existing integrated garage	PERMITTED 24 May 2022	Bethany Harrison
2022/0289/HPA	Mr Jonathan Hancox	23 New Lane Sherburn In Elmet North Yorkshire LS25 6AG	First floor bathroom extension	PERMITTED 17 May 2022	Bethany Harrison
2022/0306/LBC	Sapori 74 Ltd	21 Finkle Street Selby North Yorkshire YO8 4DT	Listed building consent for addition of secondary glazing to residential units on ground, first and second floors	PERMITTED 17 May 2022	Jordan Fairclough
2022/0312/LBC	Miss Eleanor Smith	101 - 103 Gowthorpe Selby North Yorkshire YO8 4HD	Listed building consent for Installation of wood burning stove	PERMITTED 19 May 2022	Jordan Fairclough

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0314/HPA	Mr Nica Cristian	120 Woodville Terrace Selby North Yorkshire YO8 8AL	Erection of a single storey rear extension	PERMITTED 13 May 2022	Josh Turner
2022/0320/REM	St Francis Group	Eggborough Power Station Selby Road Eggborough Selby North Yorkshire DN14 0BS	Reserved matters application including scale, layout, landscaping and appearance of proposed substation and associated mast to serve employment development permitted under application reference 2019/1343/EIA	PERMITTED 17 May 2022	Gareth Stent
2022/0328/DOC	St Francis Group	Eggborough Power Station Selby Road Eggborough Selby North Yorkshire DN14 0BS	Discharge of conditions 13 (CEMP P Substation), 33 (Traffic Management Plan P Substation) and 42 (Construction Management plan P Substation) of approval 2019/1343/EIA Hybrid application for demolition of part of the former power station and ancillary buildings and its redevelopment (i) access into the site, internal roads, employment units, car parking, drainage infrastructure and landscaping and (ii) outline for the scale of redevelopment of the remainder of the site for employment floorspace, proposed buildings with ridge being between 9.5 metres and 24.5 metres, car parking, drainage infrastructure and strategic landscaping	CONDITIONS PART DISCHARGED 18 May 2022	Gareth Stent
2022/0329/HPA	Mr J Stead	The Nurseries Bishopdyke Road Sherburn In Elmet North Yorkshire LS25 6JL	Erection of a new side extension, loft conversion and 2 new dormers to the rear	REFUSED 11 May 2022	Bethany Harrison

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0345/TPO	Mr John Charlesworth	Jade View 157 Main Road Hambleton Selby North Yorkshire YO8 9JH	Crown lifting by 5 metres, removal of deadwood, crown thinning and crown reduction by 15% to 1 No Ash tree, crown lifting by 5.2 metres to clear adjacent highway and balance canopy, crown thinning to remove epicormic growth to 2 No Lime trees (T2 and T3) covered by TPOs 9/1980 and 15/1992	SPLIT DECISION FOR TREES 11 May 2022	Ellis Mortimer
2022/0348/HPA	Mr Adam Milner	133 Stutton Road Tadcaster North Yorkshire LS24 9HJ	Demolition of existing conservatory and erection of single storey extension	PERMITTED 16 May 2022	Jordan Fairclough
2022/0354/HPA	Miss Sammi Fryer	16 Duffield Crescent Sherburn In Elmet North Yorkshire LS25 6DG	Single storey rear extension to provide additional living accommodation plus decked patio area	PERMITTED 16 May 2022	Jordan Fairclough
2022/0355/S73	Daniel Key	Denbar Lunnsfield Lane Fairburn Knottingley North Yorkshire WF11 9LE	Section 73 application to vary condition 02 (approved plans) of approval 2020/1183/HPA Front and first floor extension, including alterations to fenestrations to existing bungalow to create two storey dwelling granted on 25 January 2021	PERMITTED 25 May 2022	Ellis Mortimer
2022/0356/DOC	Mr Russell Ransome	9 Moor Lane Sherburn In Elmet North Yorkshire LS25 6DZ	Discharge of Condition 05 (foundation details & general building structure) of approval 2021/0413/HPA Two storey extension to side of dwelling	CONDITION DECISION 24 May 2022	Bethany Harrison
2022/0359/HPA	Andrew Hiorns	7 Brunswick Crescent Sherburn In Elmet Selby North Yorkshire LS25 6GE	Two storey rear extension and alterations to fenestrations	PERMITTED 16 May 2022	Bethany Harrison

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0363/HPA	Mr & Mrs Swain	3 Low Farm Close Bolton Percy Selby North Yorkshire YO23 7HA	Demolition of existing conservatory and the erection of a sun room on the same foot print	PERMITTED 31 May 2022	Bethany Harrison
2022/0368/HPA	Richard Hurrell	10 Hillside Close Hillam Selby North Yorkshire LS25 5PB	Single storey rear extension	PERMITTED 25 May 2022	Ellis Mortimer
2022/0371/HPA	Craig Walsh	19 Church Hill Sherburn In Elmet North Yorkshire LS25 6AX	Single storey rear extension	PERMITTED 17 May 2022	Jordan Fairclough
2022/0375/HPA	Mr & Mrs Appleby	23 Willow Bank Brayton Selby North Yorkshire YO8 9SR	Single storey rear extension	PERMITTED 6 Jun 2022	Jordan Fairclough
2022/0383/COU	Mr & Mrs Fielden	25 Wharfe View Newton Kyme Tadcaster North Yorkshire LS24 9FH	Change of use of land to domestic garden (retrospective)	PERMITTED 13 Jun 2022	Irma Sinkeviciene
2022/0384/COU	Mr George Hughes	Beckfield Farm Newton Lane Fairburn Selby North Yorkshire WF11 9JJ	Change of use of farm shop to beauty salon (sui generis) (retrospective)	PERMITTED 1 Jun 2022	Emma Howson

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0394/MAN2	Mr Dave Hodsdon	105A York Road Tadcaster North Yorkshire LS24 8AR	Non material amendment of 2018/0219/HPA proposed side extension, first floor extension over garage and first floor extension to the rear, roof alterations and internal alterations	REFUSED 13 Jun 2022	Irma Sinkeviciene
2022/0395/FUL	Carl Clayton	Intake Farm Main Street Ulleskelf Tadcaster North Yorkshire LS24 9DU	Erection of an agricultural building	PERMITTED 13 Jun 2022	Irma Sinkeviciene
2022/0400/S73	Samuel Hird	Pear Tree Farm Low Street Carlton Selby North Yorkshire DN14 9PN	Section 73 application to vary condition 02 (approved plans) of approval 2018/0741/FUL Proposed demolition of existing single storey building at the entrance to the site and erection of three, two storey dwelling houses each with an associated detached single garage granted on 23 November 2018	PERMITTED 27 May 2022	Jenny Tyreman
2022/0401/TPO	Mr Guise	56 Station Road Tadcaster North Yorkshire LS24 9JR	Application for consent to clean out crown and reduce crown by approximately 15% to 1No Sycamore tree covered by TPO 10/1987	REFUSED 30 May 2022	Bethany Harrison
2022/0406/HPA	Mrs Ruby Jones	9 Firtree Crescent Tadcaster North Yorkshire LS24 9HY	Erection of single storey rear extension	PERMITTED 24 May 2022	Bethany Harrison
2022/0408/HPA	Mrs Marie Foster	2 Badgers Way Cliffe Selby North Yorkshire YO8 6RN	Erection of a first floor extension over an existing garage footprint. With associated dormer and roof light	PERMITTED 31 May 2022	Jordan Fairclough

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0418/HPA	Mr Percival	Springfield House Colton Lane Colton Tadcaster North Yorkshire LS24 8EJ	Extension to existing 2 storey detached garage	REFUSED 6 Jun 2022	Bethany Harrison
2022/0419/HPA	Mr Richard Warriner	123 Stutton Road Tadcaster North Yorkshire LS24 9HJ	Single storey rear and side extension to provide additional living accommodation	PERMITTED 10 Jun 2022	Bethany Harrison
2022/0432/TCA	Mrs Amy Duffy	Kendall Cottage Chapel Street Hillam Leeds West Yorkshire LS25 5HP	Fell 1 No Eucalyptus in the conservation area	PERMITTED 18 May 2022	Elizabeth Maw
2022/0439/S73	Mr & Mrs Colin Welsh	Hazel Grove Farm Weeland Road Hensall Selby North Yorkshire DN14 0RL	Section 73 application to vary Condition 02 (approved plans) of approval 2021/0668/FUL Erection of a detached bungalow following demolition of former showroom previously approved for the change of use to a dwelling under application 2018/1220/FUL	PERMITTED 9 Jun 2022	Diane Holgate

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0440/DOC	Mr & Mrs S Marshall	Land adjacent to Thorn Tree Cottage Low Street Carlton Selby North Yorkshire	Discharge of conditions 1 (time), 2 (plans), 3 (contamination), 4 (contamination), 5 (contamination), 6 (flood risk), 7 (foul & surface water drainage), 8 (drainage), 9 (foul & surface water drainage), 10 (surface water), 11 (drainage), 12 (drainage), 13 (drainage), 14 (highways), 15 (highways), 16 (highways), 17 (highways), 18 (bats), 19 (materials), 20 (fencing) of planning permission 2021/0356/FUL Erection of detached dormer bungalow	CONDITIONS PART DISCHARGED 31 May 2022	Martin Evans
2022/0454/FUL	Finkle Hill Dental Care	12C Finkle Hill Sherburn In Elmet North Yorkshire LS25 6EA	Change of Use for 12A Finkle Hill from 1 No. Hot Food Takeaways (Sui Generis) to 1 No. Dental Practice E(e), aligning with 12B Finkle Hill (Planning Application Ref: 2020/0762/COU) and 12C Finkle Hill (Existing Dental Practice), extensive internal reconfiguration to combine 3 individual units into 1 single unit, new shop frontage including proposed enlarged window openings, replacement glazing replacement windows and externally cladding, erection of external bin store and ramped access. and removal of existing ventilation ducts	PERMITTED 7 Jun 2022	Irma Sinkeviciene

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0459/DOC	HPREF I Konect Investments S.a.r.l & Harworth Group Plc	Former Kellingley Colliery Turvers Lane Kellingley Selby North Yorkshire WF11 8DT	Discharge of condition 19 (Foul Water Drainage) of planning permission 2020/0155/S73 Section 73 application to vary condition 01 (plans) and 02 (employment use) of planning permission reference 2016/1343/OUTM for outline application including means of access (all other matters reserved) for the construction of an employment park up to 1.45 million sq ft (135,500sq m) gross floor space (GIA) comprising of B2, B8 and ancillary B1 uses, ancillary non-residential institution (D1) and retail uses (A1- A5) and related ancillary infrastructure) granted on 06 February 2019	CONDITION DECISION 7 Jun 2022	Jenny Tyreman
2022/0466/TPO	North Yorkshire County Council	5 Mayfield Court Barlow Selby North Yorkshire YO8 8ED	Consent to fell 1 No Ash tree (T03) suffering from Ash die back	REFUSED 9 Jun 2022	Jac Cruickshank
2022/0480/MAN2	Kyme Homes	Meadow Field Farm Mill Lane Camblesforth Selby North Yorkshire	Non material amendment of 2005/0677/FUL Proposed erection of 4 detached dwellings and garages and alterations and extensions to existing bungalow to form two storey house and detached garage. Amendment to materials, planting, means of enclosure and hard landscaping	REFUSED 8 Jun 2022	Elizabeth Maw
2022/0482/MAN2	Harworth Group	Former Kellingley Colliery Turvers Lane Kellingley Selby North Yorkshire WF11 8DT	Non material amendment of 2020/0341/FUL Proposed access arrangements including the erection of one electric substation	PERMITTED 16 May 2022	Jenny Tyreman

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0485/TELB	Open Reach	12 The Pastures Carlton Selby North Yorkshire DN14 9QF	Install 2x 10M medium wooden pole	TELECOMMUNICATIONS - NOT REQUIRED 18 May 2022	Emma Howson
2022/0508/TCA	Mr A Johnson	2 Chapel Lane Riccall Selby North Yorkshire YO19 6QH	Application for consent to crown reduce by approximately 5m to 1no Sycamore tree (T1)	PERMITTED 9 Jun 2022	Diane Holgate
2022/0516/DOC	Big Bale North	Heck Hall Farm Heck and Pollington Lane Heck Selby North Yorkshire	Discharge of conditions 03 (drainage) & 04 (landscape) 2021/1197/COU Change of use of land for open air storage comprising two parcels of hardstanding (retrospective)	CONDITION DECISION 30 May 2022	Martin Evans
2022/0518/TCA	Andrew Cousins	6-7 Silver Street Riccall Selby North Yorkshire YO19 6PA	Application for consent to remove 1no Silver Birch tree (T1) within the conservation area at	PERMITTED 26 May 2022	Diane Holgate
2022/0561/MAN2	Mr Jordan Blackburn	Beam House 2 The Quarry Lumby Lane Monk Fryston Selby North Yorkshire LS25 5DS	Non material amendment of 2021/0808/FUL Demolition of existing dwelling and new build 5 bed dwelling with renovation works to garage	REFUSED 8 Jun 2022	Elizabeth Maw
2022/0580/TCA	Escrick Park Home Farm	Land off Carr Lane Escrick York	Fell 13 No Pine trees and replant with Birch, Holly, Guelder Rose and Hazel in the conservation area	REFUSED 7 Jun 2022	Jac Cruickshank

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0600/TCA	Selby District Council	The Orchard Main Street Thorganby Selby North Yorkshire	Felling of 1 No Sycamore tree in the conservation area	PERMITTED 7 Jun 2022	Jac Cruickshank
2022/0643/TCA	Selby District Council	Selby Park Park Street Selby North Yorkshire	Application for consent to crown lift by 5% to 1no Lime tree within the conservation area	PERMITTED 6 Jun 2022	Jac Cruickshank

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.

	Mark Topping, Chair Conservative	Derwent Ward	mtopping@selby.gov.uk	01757 638137
	Charles Richardson, Vice Chair Conservative	Camblesforth and Carlton Ward	crichardson@selby.gov.uk	-
	Keith Ellis Conservative	Appleton Roebuck and Church Fenton	kellis@selby.gov.uk	01937 557111
	Georgina Ashton Conservative	Byram and Brotherton	gashton@selby.gov.uk	01937 557701
	Ian Chilvers Conservative	Brayton	ichilvers@selby.gov.uk	01757 705308
	Robert Packham Labour	Sherburn in Elmet	rpackham@selby.gov.uk	01977 681954
	Paul Welch Labour	Selby East	pwelch@selby.gov.uk	01757 708531
	John Duggan Labour	Riccall	jduggan@selby.gov.uk	-
	Don Mackay Independent	Tadcaster	dbain- mackay@selby.gov.uk	01937 835776

Substitute Councillors 2022-23

	Chris Pearson Conservative	Hambleton	cpearson@selby.gov.uk	01757 704202
	Richard Musgrave Conservative	Appleton Roebuck and Church Fenton	rmusgrave@selby.gov.uk	-
	Tim Grogan Conservative	South Milford	tgrogan@selby.gov.uk	07375 676804
	David Buckle Conservative	Sherburn in Elmet	dbuckle@selby.gov.uk	01977 681412
	Keith Franks Labour	Selby West	kfranks@selby.gov.uk	01757 708993
	Stephanie Duckett Labour	Barlby Village	sduckett@selby.gov.uk	01757 706809
	John McCartney Selby Independents	Whitley	jmccartney@selby.gov.uk	01977 662558