



Meeting: **PLANNING COMMITTEE**
Date: **WEDNESDAY, 15 MARCH 2023**
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 - 12)**

To confirm as a correct record the minutes of the Planning Committee meeting held on 8 February 2023.

5. **Planning Applications Received (Pages 17 - 18)**
 - 5.1. **2019/0547/EIA Land at Lumby, South Milford (Pages 19 - 68)**
 - 5.2. **2022/1445/HPA Garth House, Hemingbrough (Pages 69 - 84)**
 - 5.3. **TPO/24/2022 - Kenilworth House, Stillingfleet (Pages 85 - 96)**
 - 5.4. **TPO/27/2022 - Oak Lodge, Escrick (Pages 97 - 108)**

Janet Waggott

Janet Waggott, Chief Executive

Dates of next meetings (2.00pm) Date Not Specified
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Enquiries relating to this agenda, please contact Democratic Services on democraticservices@selby.gov.uk.

Recording at Council Meetings

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



Minutes

Planning Committee

Venue: Council Chamber - Civic Centre, Doncaster Road, Selby, YO8 9FT

Date: Wednesday, 8 February 2023

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 and J Duggan

Officers Present: Martin Grainger, Head of Planning; Hannah Blackburn, Planning Development Manager; Glenn Sharpe, Solicitor to the Council; Emma Howson, Senior Planning Officer; Fiona Ellwood, Principal Planning Officer; Linda Drake, Planning Project Officer; Diane Holgate, Principal Planning Officer; Jac Cruickshank, Senior Planning Officer; Josh Turner, Planning Officer; Martin Evans, Principal Planning Officer; Julie Turner, North Yorkshire County Council Highways Officer and Gina Mulderrig, Democratic Services Officer

Public: 5

67 APOLOGIES FOR ABSENCE

There were no apologies for absence.

68 DISCLOSURES OF INTEREST

Councillor Ashton declared a non-pecuniary interest in agenda item 5.1 as she was the Responsible Finance Officer for Sherburn Parish Council. Councillor Ashton confirmed that she would leave the meeting during consideration thereof.

Councillor Packham declared he had been contacted by email regarding agenda item 5.1. All Members confirmed they had seen the same email and would not leave the meeting during consideration thereof.

Councillor Topping declared a professional interest in agenda item 5.4, as he had previously advised on the application in a professional role. Councillor Topping confirmed that he would leave the meeting during consideration thereof.

69 CHAIR'S ADDRESS TO THE PLANNING COMMITTEE

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

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

The Chair announced the running order of items had been amended to take item 5.2 first, followed by item 5.1 and the remainder of the items in numerical order.

70 MINUTES

The Committee considered the minutes of the Planning Committee meeting held on 11 January 2023.

RESOLVED:

To approve the minutes of the Planning Committee meeting held on 11 January 2023 for signing by the Chairman.

71 PLANNING APPLICATIONS RECEIVED

The Planning Committee considered the following planning applications.

72 2019/0559/FULM - IBBOTSONS, COLTON

Application: 2019/0559/FULM

Location: Ibbotsons, Colton, Tadcaster

Proposal: Use of agricultural buildings and land for the processing and storage of potatoes, erection of enlarged storage building following demolition of existing building, construction of internal roadway and footpath, construction of water tanks, excavation of lagoons, and construction of hardstanding.

The Principal Planning Officer presented the application which had been brought before Planning Committee at the request of Councillor Musgrave on the 12 January 2022. The application was deferred for further information, as detailed in the report, to be collected and evaluated as part of the scheme before being brought back to the Committee.

Members noted that the application was for the use of agricultural buildings and land for the processing and storage of potatoes, erection of enlarged storage building following demolition of existing building, construction of internal roadway and footpath, construction of water tanks, excavation of lagoons, and construction of hardstanding.

Members noted the Officer Update Note which provided an amended planning statement from the agent along with a spreadsheet of potato loads from 2021. The Officer Update Note also added an amendment to paragraph 2.18 of the report which summarised a further representation from Veritas Planning Ltd on behalf of Samuel Smith Old Brewery.

The Committee asked the Principal Planning Officer for details on the volume of traffic associated with the site.

The North Yorkshire County Council Highways Officer confirmed that the planning statement stated that in 2021 there were between 20 and 40 Heavy Goods Vehicle traffic movements associated with the site per day, but this had not been substantiated. The North Yorkshire Highways Officer noted the planning statement reported an increase in staff from 86 in 2021 to 106 in 2023 which indicated the data on Heavy Goods Vehicle movements from 2021 was no longer contemporaneous.

The Principal Planning Officer stated that no official traffic assessment had been received besides the amended planning statement and that no Landscape and Visual Impact Assessment had been received. The Principal Planning Officer clarified that the planning statement had not included data on traffic movements relating to the 106 members of staff based at the site.

The Committee asked for clarification on which developments besides the storage facility were included in this application.

The Principal Planning Officer confirmed that the water towers, internal road, footpath, hard surfaces, and lagoons were included in the application and required planning permission.

Democratic Services read a statement on behalf of objector to the proposal, Brian Percival.

Ward Councillor Richard Musgrave was in attendance and spoke against the application.

The Applicant, Christopher Kendall, attended the meeting remotely and spoke in favour of the application.

Members debated the application further stating that approval and appropriate conditions could not be considered without an up-to-date Transport Impact Assessment, Landscape and Visual Impact Assessment and other relevant information.

Concerns were also raised by the Committee on light pollution caused by the facility and the consequent effect on local wildlife.

It was proposed and seconded that the application be REFUSED. A vote was taken on the Proposal and was carried.

RESOLVED:

That the application be REFUSED.

73 2022/0918/OUT 7 LOW STREET, SHERBURN IN ELMET

Councillor Ashton left the room.

Application: 2022/0918/OUT

Location: 7 Low Street, Sherburn in Elmet

Proposal: Outline application for the development of 5 new detached houses including access, appearance, layout, and scale (all other matters reserved) on land to the rear of 7 Low Street.

The Senior Planning Officer presented the application which had been brought before Planning Committee because 3.8.9(b)(vi) had been triggered as there has been more than 10 letters of representation received that raise material planning considerations and where officers would otherwise determine the application contrary to these representations. The application had been brought before Planning Committee on 7 December 2022 and was deferred to allow the Committee to conduct a site visit, which occurred on 6 February 2023.

Members noted that the application was for outline permission for development of 5 new detached houses including access, appearance, layout, and scale (all other matters reserved) on land to the rear of 7 Low Street.

Members noted the Officer Update Note which clarified that the retail unit was still operating as Jacksons the Butchers. The Officer Update Note also stated a further representation objecting to the scheme had been received and that a query had been received in relation to the number of units using the access and whether the access road should be adopted which had been circulated to Members. The Note also included clarification from North Yorkshire County Council Highways that there were no changes to their recommendations. Details of dimensions of the site were also included as requested by the Committee.

The Committee asked for clarification on the impact of the development to vehicle access to the land in front of the neighbouring Spar shop.

The Senior Planning Officer explained that the development included railings dividing the access to the site from the area in front of Spar but that the land was privately owned and was not designated parking for the shop and that there was no right of access from the site of the application to that land.

The Committee asked for confirmation on whether the access road was single track and if any plans were in place for resurfacing the entrance and lane to define the development boundaries.

The Senior Planning Officer confirmed that the access road was single lane at

the entrance and at further points on lane as detailed in the Officer Update Note but that there was ample passing space for pedestrians. The Senior Planning Officer stated that no hard landscaping details had been provided but a Landscaping Plan had been requested and the materials could be added into the conditions.

Objector Alex Tant-Brown was in attendance and spoke against the application.

The Chairman of Sherburn Town Council, Councillor Gary Limbert, was in attendance and spoke against the application.

The Planning Agent, Joe Flanagan, was in attendance and spoke in favour of the application.

The Committee expressed concerns regarding the narrowness of the entrance to the site and the track to the dwellings which could cause vehicles to queue back onto the highway and could pose a danger to pedestrians accessing the housing. Members expressed understanding that replacement parking was being provided for patrons of local shops, but that this might require enforcement which was not always available. The potential of vehicles using the land in front of Spar, adjacent to the proposed access road, to disrupt traffic flow and cause incidents was also raised. Members also recounted the declaration by North Yorkshire County Council Highways that had the access road been offered for adoption, this would have been refused and that that effectively delegated approval of safety of the access road to Selby District Council. It was stated that the application contravened Core Strategy Policy SP4 (c) as the access road did not comply with normal planning considerations and it was proposed and seconded that the application be refused on these grounds. A vote was taken and the proposal fell.

Other Members noted that the application had been amended twice previously and could now be considered acceptable and achievable. The Senior Planning Officer confirmed the proposed dwellings were now single storey dwellings with dormer windows rather than the 2 storey dwellings originally proposed.

Members stated the current parking situation on Low Street was manageable and, as no parking space was being lost due to the development, access and parking issues were surmountable with effective signage. The Senior Planning Officer clarified that there was no legal right for the public to use the site for parking and this had always been at the landowner's discretion so replacing any parking spaces lost was not a requirement. The Senior Planning Officer explained that the Car Park Management Plan that formed part of the application stated the proposed 5 new parking spaces would be reserved for patrons of Jacksons the Butchers only and not residents of the proposed dwellings and that this would be enforced. The Senior Planning Officer clarified that a Traffic Management Plan had been requested by Planning Committee but that the Agent had submitted a Car Park Management in place.

It was proposed and seconded that the application be GRANTED subject to

conditions. A vote was taken on the Proposal and was carried.

RESOLVED:

That the application be GRANTED subject to the conditions set out in paragraph 7 of the report, the details set out in the Officer Update Note and a S106 agreement to provide contributions for Open Space and Waste and Recycling and in relation to the management of the car parking area, railings and provision of a maintenance and landscape management plan in relation to the area of land to the east of the site.

74 2021/1353/FUL - LAND ADJACENT A163, NORTH DUFFIELD

Councillor Ashton returned to the room.

Application: 2021/1353/FUL

Location: Land Adjacent to the A163, North Duffield

Proposal: Erection of 5 dwellings and associated infrastructure.

The Principal Planning Officer presented the application which had been brought before the Planning Committee as there had been 10 letters of representation which raised material planning considerations and where officers would otherwise determine the application contrary to these representations.

Members noted that the application was for the erection of 5 dwellings and associated infrastructure.

Members noted the Officer Update Note which detailed comments received on 7 February 2023 from North Duffield Parish Council in support of the application.

The Committee asked the Principal Planning Officer whether the proposed buildings would be for sale at market value. Members also asked for clarification on the reason the application was recommended for refusal and the history of the site.

The Principal Planning Officer confirmed the proposed dwellings would be sold on the open market. The Principal Planning Officer confirmed there had been a previous application on the site for larger dwellings but that his application was for 2 bedroom dwellings and that both applications had been recommended for refusal as the proposed development was outside the development limits of North Duffield and therefore in the open countryside, in conflict with Local Plan Policy.

The Planning Agent Jennifer Hubbard was in attendance and spoke in favour of the application.

Members expressed their support for the application noting the village could

sustain 5 more dwellings, particularly dwellings of the proposed size which are needed in North Duffield and the development would improve pedestrian safety to the west extremity of the village and the allotments. The Committee raised concerns that the previous application on this site was refused in a decision upheld by the Planning Inspectorate but the Committee also noted the support of local residents and North Duffield Parish Council and proposed that the value to the village and the design of the site was strong enough to go against the Officer's recommendation.

It was proposed and seconded that the application be GRANTED subject to conditions. A vote was taken on the Proposal and was carried.

RESOLVED:

That the application be GRANTED with authority delegated to Head of Planning in conjunction with Chair of Planning to agree conditions and subject to the provision by the applicants of a minerals assessment in accordance with Policy S02 of the MWP and subsequent consultation with the Minerals Authority resulting in no material issues being raised.

75 2019/0458/OUTM - SCHOOL ROAD, HEMINGBROUGH

Councillor Topping left the room. Councillor Richardson took the Chair.

Application: 2019/0458/OUTM

Location: Land off School Road, Hemingbrough

Proposal: Outline application including access (all other matters reserved) for residential development for up to 40no custom built dwellings.

The Planning Project Officer presented the application which had been brought before the Planning Committee at the request of Councillor Arthur. The reasons given were that the land was outside the development limits of the village, the development would increase traffic in the village and increase pressure on the sustainability of the village, its facilities and infrastructure and that the development would harm residential amenity.

Members noted that the application was for the outline permission including access (all other matters reserved) for residential development for up to 40no custom built dwellings.

Members noted the Officer Update Note which gave a correction to paragraph 5.15 of the report and detailed 2 additional representations which gave further grounds of objection to those set out in the report and listed additional consultation responses received from North Yorkshire County Council Minerals and Waste, the Lead Local Flood Authority and the Landscape Architect.

Members asked for clarity on how following the Officer's recommendation to refuse this application would affect the new proposed Local Plan set for

adoption in 2024 given that development of the site was supported by Selby District Council in the Publication Draft of the new Plan.

The Head of Planning confirmed that the site was outside development limits according to the current Local Plan, adopted in 2013, but that the Council were currently preparing a new Local Plan for the District which will cover the period to 2040. The Head of Planning stated consultation on the Publication Draft had been undertaken and the Council was still analysing the representations received. The Head of Planning stated that this application site formed part of a wider residential allocation which had been identified as suitable for up to 123 dwellings in Hemingbrough under the Regulation 19 Consultation and that the Council would seek to ensure this allocation was developed comprehensively and in context with the relevant policies rather than in a piecemeal manner. The Head of Planning stressed that the emerging Local Plan was not yet finalised and that Members should make their decision on this application knowing that the proposed specifications for the proposed Local Plan were subject to change.

Democratic Services read a statement on behalf of objector to the proposal, Mrs Clare Gillard.

The Planning Agent, Jennifer Hubbard , was in attendance and spoke in favour of the application.

The Committee debated the application further questioning whether deferring the decision could lead to a change in circumstance where Officers would recommend the application be granted.

The Head of Planning stated that under the current Local Plan, adopted in 2013, it would be unlikely any deferral or amendment to the application would change the Officer recommendation stated in the report, but that the proposed new Local Plan for Selby District will continue to progress into the new Local Authority, North Yorkshire Council, and this position could change and the site be supported for development.

Members expressed support for the need for consultation on development of the site through the proper statutory processes involved in developing and ratifying the new proposed Local Plan. The Committee agreed the application was contrary to policies in the current Local Plan and given the significant scope of the plan could not be supported.

It was proposed and seconded that the application be REFUSED. A vote was taken on the Proposal and was carried.

RESOLVED:

That the application be REFUSED.

76 2022/1142/FUL - STROME HOUSE, HEMINGBROUGH

Councillor Topping returned to the room and took the Chair.

Application: 2022/1142/FUL

Location: Strome House, Hemingbrough

Proposal: Erection of 1 No 4-bed detached dwelling on land to the west of Strome House.

The Senior Planning Officer presented the application which had been brought before the Planning Committee as it had been called in by the local ward Councillor. The Councillor requested that the application was called to Committee should Officers be minded to refuse the application. The reasons provided for the application being called to committee were detailed in the report.

Members noted that the application was for the erection of 1 No 4-bed detached dwelling on land to the west of Strome House.

The Committee asked the Senior Planning Officer to clarify whether the proposed dwelling would be classed as a 2 or 3 storey dwelling and asked for clarity on how many households used the access road to the site.

The Senior Planning Officer confirmed that the proposed dwelling would be the fourth property to use the access road and clarified that the proposed dwelling was a 2-storey house with a bedroom in the roof space.

Objector, Alexandra Firth, was in attendance and spoke against the application.

Planning Agent, Sam Dewar, was in attendance and spoke in favour of the application.

Members expressed a lack of support for the application citing the negative impact the proposed dwelling would have on the residential amenity of the neighbouring residents, in particular the loss of privacy and light.

It was proposed and seconded that the application be REFUSED. A vote was taken on the Proposal and was carried.

RESOLVED:

That the application be REFUSED.

77 2022/1316/HPA - 8 BROADACRES, CARLTON

Application: 2022/1316/HPA

Location: 8 Broadacres, Carlton

Proposal: New pitched roof over existing flat roofed front dormer window.

The Planning Officer presented the application which had been brought before the Planning Committee as it had been called in by Councillor Jordan on the basis that the application was for a simple alteration in an area where some others had been done similarly.

Members noted that the application was for a new pitched roof over an existing flat roofed front dormer window.

The Committee asked the Planning Officer to confirm whether there were other properties with the proposed roof design in the local area and asked whether the extension building works detailed in the application had already been completed. The Committee also asked the purpose of the design.

The Planning Officer explained that there were properties with the proposed roof design in the Selby District but not in the local vicinity of 8 Broadacres and explained that the extension was only partially completed as of December 2022. The Planning Officer stated that the proposed design would not increase the existing height of the property or add to increased amenity space in the property but was to replace the existing flat roof removing issues inherent with flat roofs.

The Applicant, Amanda Ledson, was in attendance and spoke in favour of the application.

Members expressed understanding as to why the application had been brought to Planning Committee but disagreed with the Officers recommendation. Members stated there were similar roof design examples in the Selby District, that the neighbouring houses were not uniform in nature and that 8 Broadacres was not in a Conservation Area so the proposed design would not be unsuitable for the street. It was expressed the proposed materials were sympathetic and that the reasons given by the applicant for improving the integrity of the property and increasing the energy efficiency of the property to counter climate change were reasonable and commendable.

It was proposed and seconded that the application be GRANTED against the Officer's recommendation on the basis of positive material considerations. A vote was taken on the Proposal and was carried.

RESOLVED:

That the application be GRANTED subject to conditions and that the decision be delegated to the Head of Planning Services in consultation with the Chair of Planning Committee.

78 TPO/21/2022 - THE ORCHARDS, CHURCH FENTON

Application: TPO 21/2022

Location: Land adjacent to The Orchards, Church Street, Church Fenton

Proposal: Confirm Tree Preservation Order No. 21/2022 with modifications.

The Senior Planning Officer presented the application which had been brought before the Planning Committee for decision in accordance with the scheme of delegation 3.8.9(b)(viii); the confirmation of the Tree Preservation Order could not be issued under delegated powers due to an objection to make the order.

In exercise of the powers conferred by section 198 of the Town and Country Planning Act 1990 this report sought the permission of the Planning Committee to “Confirm with Modifications”, Tree Preservation Order No. 21/2022.

Members noted that the application was for confirmation of Tree Preservation Order No. 21/2022 with modifications.

The Committee asked whether the trees were considered as part of the grounds of St Mary’s Church and asked how the field behind the trees was accessed.

The Senior Planning Officer confirmed that the trees were not on land belonging to the church, but their presence enhanced the visual impact of the setting and the entrance to Church Fenton. The Senior Planning Officer explained that there was no vehicular access to the land adjacent to The Orchards but that this Preservation Order would not preclude an application being made for vehicular access through the appropriate processes.

It was proposed and seconded that the Tree Preservation Order be confirmed with modifications. A vote was taken on the Proposal and was carried.

RESOLVED:

That the application for Tree Preservation Order No. 21/2022 be confirmed with modifications.

79 TPO/19/2022 - WHITINGS LODGE, BURN

Application: TPO 19/2022

Location: Whitings Lodge, Burn

Proposal: Confirm Tree Preservation Order No. 19/2022 with no modification.

The Principal Planning Officer presented the application which had been brought before the Planning Committee for decision in accordance with the scheme of delegation 3.8.9(b)(viii); the confirmation of the Tree Preservation Order could not be issued under delegated powers due to an objection to make the order. In exercise of the powers conferred by section 198 of the Town and Country Planning Act 1990 this report sought the permission of the Planning Committee to “Confirm with no Modification”, Tree Preservation Order No. 19/2022.

Members noted that the application was for confirmation of Tree Preservation Order No. 19/2022

The Committee stated they were aware the landowner was a tree surgeon and that the landowner did not want the Tree Preservation Order confirmed to Tree 3 as they wanted to perform a crown lift on it. It was also noted that a previous planning application near Tree 2 included no reference to the tree.

The Principal Planning Officer explained that although there was no imminent

development pressure from the landowner to Tree 3, the specimen was adjacent to previously developed land and, as such, needed proactive protection and supervision particularly as the landowner had expressed an interest in performing a crown lift. The Principal Planning Officer confirmed that a previous planning application near Tree 2 had been submitted after the crown reduction detailed in the report and it was the processing of this application that led to the evaluation from the Council's Tree Officer that identified the 3 specimens detailed in the report.

The Principal Planning Officer stated it was the opinion of Officers that all 3 specimens met the criteria of having significant amenity value to be granted a Tree Preservation Order.

Ward Councillor, Councillor Chris Pearson was in attendance and spoke against the confirmation of the Tree Preservation Order.

Some Members expressed support for confirming the Tree Preservation Order and stated that these aged and healthy specimens needed to be protected. It was proposed and seconded that Tree Preservation Order No. 19/2022 be confirmed. A vote was taken and the proposal fell.

Other Members of the Committee suggested imposing Preservation Orders would set a precedent for restricting landowners' ability to maintain their own trees. The Committee noted that the landowner had successfully and proactively maintained the trees so far and had not proposed removing the trees.

It was proposed and seconded that the Tree Preservation Order not be confirmed against the Officer's recommendation on the grounds that the landowner be able to maintain the trees without restriction. A vote was taken on the Proposal and was carried.

RESOLVED:

That the application for Tree Preservation Order No. 19/2022 not be confirmed.

The meeting closed at 5.30 pm.

Planning Committee

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

1. The legislation that allowed Councils to take decisions remotely came to an end on 7 May 2021. As such, Planning Committee meetings are now back to being held 'in person', but the Council still needs to be mindful of the number of attendees due to Covid-19. If you are planning to attend a meeting of the Committee in person, we would ask you to please let Democratic Services know as soon as possible. The meetings will still be available to watch live online.
2. If you are intending to speak at the meeting, **you 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 – 15 March 2023

Item No.	Ref	Site Address	Description	Officer	Pages
5.1	2019/0547/EIA	Land At Lumby Lumby South Milford Leeds West Yorkshire LS25 5LE	Proposed construction of a motorway service area.	Jenny Tyreman	19 - 68
5.2	2022/1445/HPA	Garth House Landing Lane Hemingbrough Selby North Yorkshire YO8 6RA	Demolition of attached rear single storey porch and workshop to be replaced with new single storey extension to form new kitchen and garden room	Esther Pask	69 - 84
5.3	TPO/24/2022	Kenilworth House The Green Stillingfleet York YO19 6SF	TPO be confirmed with no modification	Esther Pask	85 - 96
5.4	TPO/27/2022	Oak Lodge, Skipwith Road, Escrick, York, YO19 6JU	TPO be confirmed with no modification	Jordan Fairclough	97 - 108

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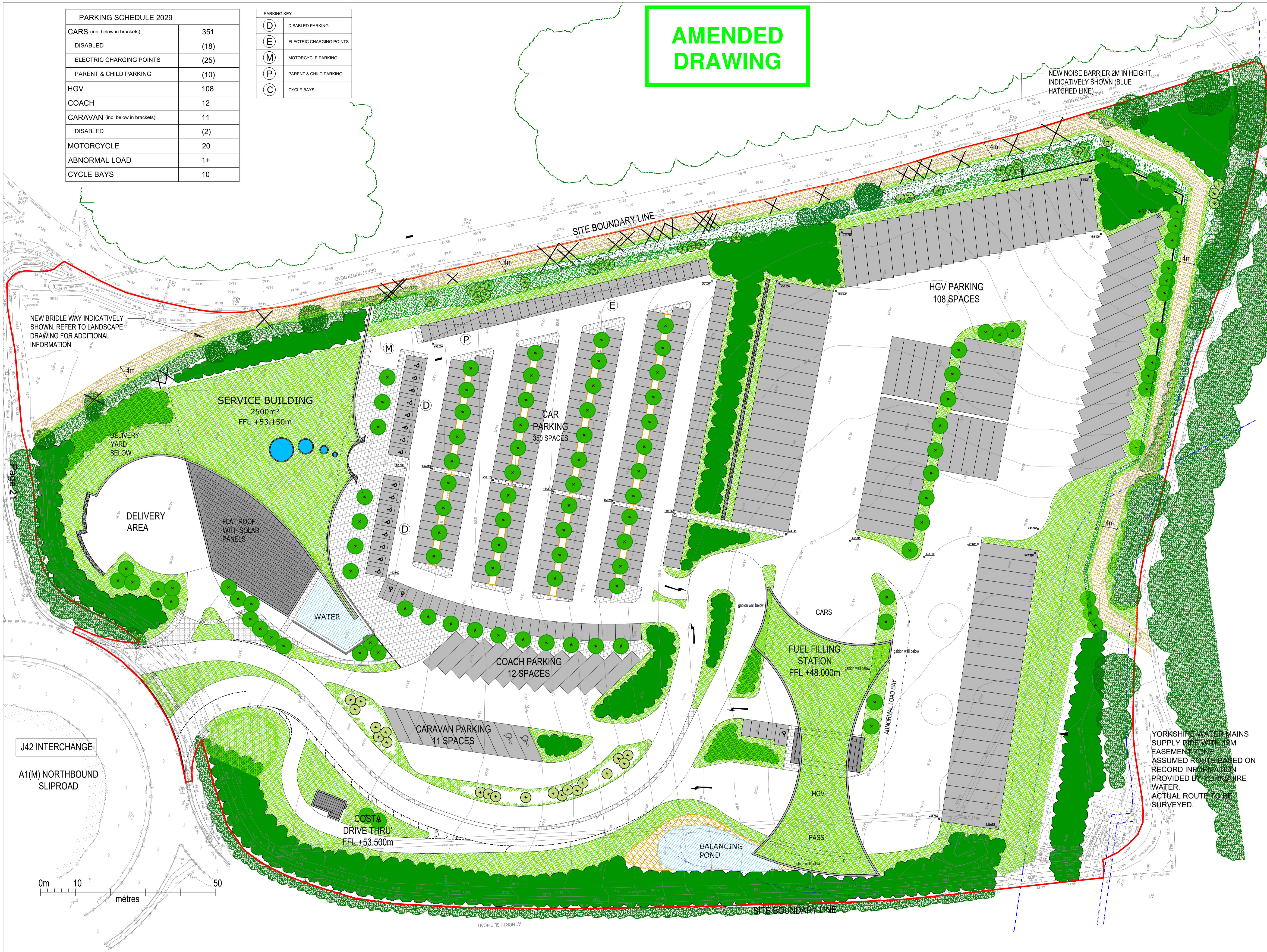
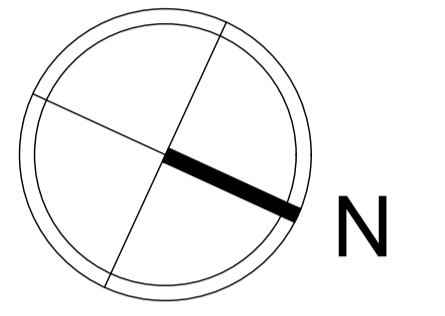
PARKING SCHEDULE 2029	
CARS (inc. below in brackets)	351
DISABLED	(18)
ELECTRIC CHARGING POINTS	(25)
PARENT & CHILD PARKING	(10)
HGV	108
COACH	12
CARAVAN (inc. below in brackets)	11
DISABLED	(2)
MOTORCYCLE	20
ABNORMAL LOAD	1+
CYCLE BAYS	10

PARKING KEY	
(D)	DISABLED PARKING
(E)	ELECTRIC CHARGING POINTS
(M)	MOTORCYCLE PARKING
(P)	PARENT & CHILD PARKING
(C)	CYCLE BAYS

AMENDED
DRAWING



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LANDSCAPING SCHEME SHOWN INDICATIVELY ONLY. REFER TO LANDSCAPE DRAWING FOR FURTHER DETAIL

PLANNING APPLICATION REVISION 18 JANUARY 2023

DRAWING STATUS		
P16	18.01.23	BRIDLEWAY AMENDED
P15	16.12.22	MSA AMENDED
P14	08.11.22	LANDSCAPE AMENDED
P13	06.05.22	PARKING SPACE ADDED
P12	29.09.21	LANDSCAPE AMENDED
P11	10.09.21	SITE ROAD LAYOUT AMENDED
P10	04.02.21	LANDSCAPING MODIFIED
P9	01.02.21	ENTRANCE AMENDED, ROAD LAYOUT AMENDED, PARKING AMENDED, MSA AMENDED, FFS AMENDED ETC.
P8	14.02.20	ENTRANCE AMENDED, FOOTPATH ADDED, ROAD LAYOUT AMENDED ETC.
P7	14.02.20	BARRIER REMOVED, FOOTPATH ADDED, ACOUSTIC BARRIER AMENDED
P6	05.02.20	BRIDLE WAY AMENDED, HGV PARKING AMENDED, CYCLE BAY ADDED, COACH PARKING AMENDED, FOOTPATH ADDED, ACOUSTIC BARRIER ADDED
P5	29.01.20	BRIDLE WAY AMENDED
P4	16.01.20	HGV PARKING AMENDED
P3	03.12.19	RED LINE AMENDED
P2	20.11.19	SIGNATURE ARCH REMOVED
P1	15.11.19	GENERAL LAYOUT AMENDED
Rev.	Date	Note

YORKSHIRE WATER MAINS SUPPLY PIPE WITH 12M EASEMENT ZONE ASSUMED ROUTE BASED ON RECORDED INFORMATION PROVIDED BY YORKSHIRE WATER. ACTUAL ROUTE TO BE SURVEYED.

J42 INTERCHANGE
A1(M) NORTHBOUND SLIPROAD



PROPOSED SITE PLAN FOR SELBY MSA

SCALE 1:500 @ A1
SCALE 1:2000 @ A3

ARCHITECTURE DESIGN DEVELOPMENT

1-3 Spencer Street
Ringstead * Kettering
NN14 4BX
T: 01536 430499

Scale: 1:500 Date: 28.05.19 Drawn by: JCA
@ A1 Job No: RC 610 Drg No: 1001 Rev No: P16

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Report Reference Number 2019/0547/EIA

To: Planning Committee
Date: 15th March 2023
Author: Jenny Tyreman (Assistant Principal Planning Officer)
Lead Officer: Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2019/0547/EIA	PARISH:	South Milford Parish Council
APPLICANT:	Roadchef	VALID DATE:	14th June 2019
		EXPIRY DATE:	13th September 2019
		EOT:	17 March 2023
PROPOSAL:	Proposed construction of a motorway service area		
LOCATION:	Land At Lumby Lumby South Milford Leeds West Yorkshire LS25 5LE		
RECOMMENDATION:	REFUSE		

This application has been brought before Planning Committee as the application has been accompanied by an Environmental Impact Statement. Furthermore, the application is a major application where 10 or more letters of representation have been received which raise material planning considerations and where officers would otherwise determine the application contrary to these representations.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located outside the defined development limits of any settlements and is located within the West Yorkshire Green Belt. The site is also located within a Locally Important Landscape Area.
- 1.2 The application site comprises some 5.8 hectares of predominantly agricultural land to the north-west of the westernmost roundabout at junction 42 of the A1(M). The site is broadly rectangular in shape and comprises semi-improved grassland, with tree planting and hedges adjoining the boundaries of the site. The site rises from

north to south, with a small pond located to the north-eastern corner of the site. Overhead cables currently cross the site from north to south. A Yorkshire Water easement runs along the northern boundary of the site.

- 1.3 A fenced bridleway (35.59/13/1) runs along the southern and eastern boundaries linking into an underpass under the A1(M) at the northeast corner of the site and a bridge over the A63 towards the southwest corner of the site. A public footpath runs adjacent to the western boundary (35.59/17/1). A non-designated footpath runs along the northern boundary in-between existing tree planting.
- 1.4 To the south of the application site is the A63, beyond which is Lumby Garden Centre and a residential property; to the north of the application site is tree planting and hedging beyond which is open agricultural land; to the east of the application site is the A1(M) beyond which are open agricultural fields; to the west of the application site is an access road leading to South Milford Hotel and other businesses, beyond which is a local hill and woodland area providing separation to the A63 (Great North Road).

The Proposal

- 1.5 The application seeks full planning permission for the proposed construction of a Motorway Service Area (MSA) on land at Lumby, South Milford.
- 1.6 It should be noted that the scheme has been amended and updated throughout the application process in response to comments from consultees and representees.
- 1.7 The MSA would provide an amenity building (GEA 3,270m²), a fuel filling station (GEA 130m²) together with a canopy over the fuel pumps, a drive through coffee unit (GEA 38m²), parking for all classes of vehicles, landscaping, amenity areas, a balancing pond and a diverted public right of way (bridleway).
- 1.8 Vehicular access to and from the MSA would be gained from a new arm on the westernmost roundabout at junction 42 of the A1(M), between the A63 to Leeds and the entry slip road to the A1(M) northbound. Within the site, signage would separate the traffic, directing it to the appropriate parking area or required facility – this would be done from a roundabout within the centre of the site.

Amenity building

- 1.9 The amenity building would be located in the south-west corner of the site with the main entrance facing north. The majority of the amenity building would sit within a natural mounded shape with a green sedum roof incorporating circular rooflights; however, part of the amenity building would be covered by a flat roof incorporating solar panels. The maximum height of the mounding over the amenity building would be approximately 12.5 metres, with a maximum exposed structure at approximately 9.5 metres.
- 1.10 The front elevation of the building would be constructed in full height stone and glass curtain walling. The elevational treatment to the side and rear elevations would incorporate a polished aggregate stone wall; through coloured fibre cement cladding panel system; and planar glazing system. A delivery area would be to the rear of the amenity building, accessed from the immediate west of the site entrance, enclosed by a concrete screen wall to the south.

- 1.11 The amenity building would include toilets, a seating area, a number of restaurant outlets, a retail unit, a gaming area and circulation space. An outdoor seating area and water feature would be provided to the front of the amenity building.

Fuel filling station

- 1.12 The fuel filling station would be located towards the north east corner of the site. It would include a kiosk and fuel pumps, which would be sited under a canopy with a green sedum roof finish supported by gabion walls. The canopy would have a maximum height of approximately 8 metres.
- 1.13 The kiosk would be sited centrally between separate forecourts for cars and HGVs/coaches. The elevations of the kiosk would incorporate the same material palette as the amenity building. The kiosk would include a sales area, payment counters, food and drinks servery, toilets, a storeroom, a cash ATM and an office. Six dual sided stands for cars would be provided within the car forecourt area (12no. pumps in total), while two dual sided stands for HGV's/coaches would be provided in the HGV/coach forecourt area (3 no pumps in total). Air and water stations would be available for all classes of vehicles, along with a car vacuum point.

Drive through coffee unit

- 1.14 The drive through coffee unit would be located towards the south east corner of the site. It would have a maximum height of approximately 4 metres, with a stone plinth rising above the eaves line to a maximum height of approximately 5.3 metres to incorporate signage. The elevations of the drive through coffee shop would incorporate the same material palette as the amenity building and kiosk.

Parking areas

- 1.15 A stepped terraced car park would be located to the north of the amenity building and would provide 351 car parking spaces for the amenity building, including 25 spaces with electric charging points, 18 spaces for the disabled, 10 spaces for parent and child, 20 bays for motorcycles, and 10 cycle bays.
- 1.16 Other separate parking areas would be provided to accommodate 108 HGV spaces (to the north end of the site), 1 abnormal load bay (to the north of the fuel filling station), 11 spaces for caravans and 12 spaces for coaches (to the east of the stepped car park between the fuel filling station and the drive through coffee unit).

Landscaping

- 1.17 The site would be landscaped throughout, as shown on the proposed landscape masterplan (drawing no. 1847.06 Rev N). A balancing pond would be created towards the eastern boundary of the site adjacent to the fuel filling station. A diverted public right of way (bridleway) would lie adjacent to the north and western boundaries of the site, the details of which are subject to agreement through a separate application (reference: 2020/0045/PROW).

Supporting information

- 1.18 In addition to the forms and plans, the application is supported by numerous documents including a Planning Statement outlining community involvement,

Design, Landscape and Access Statement and a Socio-Economics Statement, along with technical reports and an Environmental Impact Assessment Statement. Together the Planning Statement and Socio-Economic Statement by Bowcliffe set out the applicant's assessment of the need for and benefits arising from the proposal.

Relevant Planning History

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

- 2019/0410/SCP - EIA scoping report for the development of a motorway service area. Scoping response issued: 23-MAY-19.
- 2020/0045/PROW - Public Footpath No. 35.19/13/1 at land at Lumby Diversion Order 2020 – Pending consideration.

2. CONSULTATION AND PUBLICITY

Consultation

2.1 South Milford Parish Council

No objections subject to conditions being in place that a percentage of employees shall live within a set distance of the development and that the applicant engages with the local community to agree and deliver appropriate social value benefits.

2.2 Burton Salmon Parish Council

Raise a number of concerns regarding the proposed development:

- The need for a motorway service area in this location due to the proximity of other services, notably the services at Ferrybridge;
- The Planning Statement (para 3.15) notes the presence of Ferrybridge, however Ferrybridge Services are a significant material consideration and should be considered as such;
- The Planning Statement states that most users of the Ferrybridge Services are from the M62, but this has not been evidenced;
- Request that the Sequential Test be adequately evaluated by the District Council to ascertain if there are better locations outside of the Green Belt.

2.3 Fairburn Parish Council

Raise a number of observations regarding the proposed development:

- The drainage arrangement - drainage from the existing hotel ends up in Fairburn's current inadequate drainage system;
- The application site has no mains water or gas;
- The application site lies within the designated Green Belt; and
- The proposed access/egress onto an already very busy road system.

2.4 **Hambleton Parish Council** – No response.

2.5 **Hillam Parish Council**

Have a number of comments regarding the proposed development:

- The proposal is inappropriate for Green Belt land and would devastate wildlife habitat and open space;
- Given that Ferrybridge Services are only 5 miles South and Wetherby Services are only 15 miles North on the same stretch of road, the development is considered to be unnecessary;
- This location does not have a need for such development;
- The motorway traffic from the A1(M) visiting the proposed services will cause delays and congestion to traffic en route to Leeds via the A634;
- Concerns regarding light pollution in a rural area;
- Concerns regarding additional noise pollution on top of the general motorway hum in an otherwise rural, quiet area.

2.6 **Monk Fryston Parish Council**

Raise a number of concerns regarding the proposed development:

- The proposal represents inappropriate development within the Green Belt;
- Concern about a precedent being set by such a development in that it could help to justify the development of additional commercial enterprises around this junction;
- Whilst sympathetic to the proposal to construct a lorry park with associated facilities to accommodate vehicles currently parking overnight in lay-by's, the Parish Council is not sympathetic to it being developed as a full motorway service area for which there is no local need; and
- There are sufficient service areas within reasonable distance to meet demand.

Should the Local Planning Authority be minded to approve the development the following comments and observations were agreed:

- There are safety concerns about the introduction of an additional highly utilised access/egress onto what is a very busy small radius roundabout already comprising 8 entry/exits points;
- The Traffic Assessment does not go further East than the A63/A162 junction. The A63 through Monk Fryston village should be included in the Traffic Assessment for further consideration and consultation;
- A Construction Management Plan should be put in place to prevent heavy goods construction vehicles going through Monk Fryston village during the construction phase;
- There is ambiguity about the intention and timing for the construction of the intended number of lorry parking spaces for which permission is being sought and this should be cleared up. 74 spaces are shown on the plan for initial construction with 27 additional ones described as 'in Phase 2' but only at the loss of the dog walking facility and an extensive area of landscaping. If the intention is to initially construct (only) 74 lorry parking spaces it should be a requirement that all the landscaping on the landscaping plan in both the Phase 1 and Phase 2 areas is completed before the facility is brought into use.

2.7 **Sherburn in Elmet Town Council**

Raise a number of concerns regarding the proposed development:

- The application site is on Green Belt land and is contrary to Selby District Council 'green belt land' policy, permitting its construction could set a precedence and encourage further developments on Green Belt land in the area;

- Building on this Green Belt land would severely and adversely affect ecological habitats and open space;
- The proposed development is unnecessary as there are other motorway services in close proximity, namely Ferrybridge Services 5.5 miles (south), Barnsdale Bar Services 7.5 miles (south), Wetherby Moto services 15.5 miles (north), new motorway services almost completed Junction 45 of M1;
- Motorway Service Association Policy 01/2008 indicates there should be an "absolute minimum distance of 12 miles" between services;
- There would be an significant increase in light and noise pollution from both the site and by vehicles using the facility;
- The proposed provision of parking for HGVs will not alleviate the current problems of HGVs parking in local lay-bys and roads; and
- Access and egress from the proposed services from the busy roundabout will increase the potential risks to road users.

2.8 Brotherton Parish Council

The drainage system, especially the sewerage, has not been updated to accommodate increases in throughput. Whilst the sewer from the proposed development is of a nine-inch (9") diameter when it falls to Fairburn. After leaving Fairburn it reduces to a five-inch (5") diameter pipe which then continues to the sewerage treatment farm on Sutton lane near Byram-cum- Sutton. The result is that surrounding villages suffer from sewerage egress during high water events.

2.9 Ledsham Parish Council

No objections subject to conditions being in place for the applicant to block up the layby on the west side of Great North Road and the introduction of new signage and speed limits through the village of Ledsham to mitigate any increased traffic through it arising from the development of the MSA.

2.10 Huddleston and Newthorpe Parish Council

Raise a number of concerns regarding the proposed development:

- The precedent of building on Green Belt land and the impact on openness.
- The benefits to the surrounding community would not stack up taking into account the harms relating to precedent, traffic volumes, pollution and noise.
- It doesn't make sense to create a new truck stop when there are four already and one in the making within a reasonable distance.

2.11 Byram-cum-Sutton Parish Council

Raise a number of concerns regarding the proposed development:

- The sewerage system is already totally overloaded. The system from Ledsham runs through a 9" pipe which when it gets to Fairburn goes down to a 5" pipe. This will cause problems through Fairburn, Brotherton, Byram until it gets to the sewage works in Sutton village.
- The idea of a lorry park is excellent, but there is already one at Ferrybridge. Drivers will park in laybys rather than pay fees.
- New jobs to the area are welcomed, but there needs to be infrastructure to get people to work. The increase in workers, lorries and visitors would add to air pollution.

2.12 **Leeds City Council** – No response.

2.13 **North Yorkshire County Council (CPO)** – No response.

2.14 **Highways England** – No objections, subject to conditions.

2.15 **NYCC Highways** – No objections, subject to conditions and a section 106 agreement.

2.16 **Landscape Architect**

Object to the proposed development. The proposals do not sufficiently minimise impacts and enhance the traditional character of buildings and landscape within the LILA (contrary to Selby DC policy ENV15), will impact on local character and setting (contrary to Selby DC policy ENV1, ENV3, SP18, SP19), nor do they provide sufficient new opportunities to better join up existing Green Infrastructure as well as creating new GI (contrary to Selby DC policy SP12).

The proposed development is likely to adversely impact on the openness and permanence of the Green Belt (contrary to the NPPF).

The overall effectiveness of the Landscape Strategy in this context is questionable. The revised scheme maintains a number insufficiently resolved landscape issues and the relating to:

- Siting of main built structures in the landscape
- Site material and ground modelling
- Existing Trees, Shrubs and Hedgerows to be protected and retained
- Proposed Green Infrastructure Planting
- Proposed Green Infrastructure for Parking Areas
- Visualizations and Photomontages and Cross Sections
- Proposed Off-site Green Infrastructure
- Proposed Lighting
- Long-term Maintenance and Management

The applicant has not provided a sufficiently robust landscape strategy or green infrastructure to demonstrate that adverse effects could be mitigated, offset or compensated, secured through long-term landscape maintenance and management and which take account of the landscape's sensitivity.

Given the sensitive context of the site and stated landscape and environmental aspirations of the proposed development it seems reasonable and possible that more could be done to reduce and offset the likely adverse landscape and visual effects of the scheme.

2.17 **Urban Designer** – No objections, subject to conditions.

2.18 **Campaign for the Protection of Rural England (CPRE)**

Biodiversity Net Gain (BNG) – CPRE are wary of sites offering off-site habitat compensation rather than onsite enhancement which often do not yield the most favourable or successful environments and do not offer adequate replacement habitats. As such, it is such considered that any proposed section 106 agreement

should explicitly set out both areas indicated within the proposed planning documents and BNG report in order to ensure compliance and delivery of BNG.

Object to the proposed development. The proposal for the MSA in the Green Belt location appears to be predicated on 'need' for the HGV parking area. CPRE note the applicant's comments regarding very special circumstances as prescribed in the NPPF at paragraph 147. However, CPRE still consider that the proposal should be justified in this way, As such, the justification for very special circumstances by way of HGV parking requirements do not meet this test as set out in the Secretary of State's decision confirming the Appeal Inspector's recommendation at APP/F4410/W/18/3197290 (the Brodsworth appeal). The Inspector and Secretary of State both found that 'need' did not outweigh 'harm' to the Green Belt despite being above the recommended distance of 28miles between MSA as set out in Circular 2/2013. The proposed site, in this instance, is a mere 6 miles from the nearest MSA, therefore, the purported 'need' must be challenged. It is acknowledged that this subjective opinion will be determined by the Council.

2.19 **Yorkshire Water Services Ltd** – No objections, subject to conditions.

2.20 **Selby Area Internal Drainage Board** – No objection in principle:

The applicant should ensure that any existing or proposed surface water discharge system has adequate capacity for any increase in surface water run-off to the area. 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 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 a watercourse are permitted without Consent from the IDB.

2.21 **Local Lead Flood Authority** - Further information required prior to the determination of the application.

2.22 **The Environment Agency (Liaison Officer)** - No objections to the proposal as submitted subject to the inclusion of a condition regarding the discovery of any unexpected contamination; and an informative regarding petrol filling stations.

2.23 **Environmental Health** – No objections, subject to conditions.

2.24 **Conservation Officer** – No response.

2.25 **HER Officer** – No objections.

2.26 **Natural England** – No objections.

2.27 **County Ecologist** – No objections, subject to conditions and a section 106 agreement.

2.28 **Yorkshire Wildlife Trust**

Raise a number of queries over the deliverability and maintenance of the off-site biodiversity net gain.

[Officer Note: Further information has been provided by the applicant to address the above comments and while the Yorkshire Wildlife Trust have not provided a further response, NYCC Ecology have confirmed that the further information addressed the above comments and therefore they have no objections to the proposals].

2.29 **Designing Out Crime Officer**

The overall design and layout of the proposed scheme is considered acceptable. However, there are some minor issues which should be considered prior to planning permission being granted. This would improve the safety and security of the scheme and are summarised as follows:

- Gating access to the delivery area is recommended to prevent unauthorised access and theft;
- Landscape planting should not impede natural surveillance and the lighting for the vehicle parking areas;
- The lighting scheme for the site must be compatible with the CCTV system to ensure there is no loss of picture quality or colour rendition;
- Anti-ram bollards are recommended to protect the glazed façade of the service building and petrol filling kiosk from vehicle born attack.

2.30 **North Yorkshire Fire and Rescue Service** - No objection/observation.

2.31 **Public Rights of Way Officer**

No objections to the principle of the proposed public right of way diversion. Ongoing discussions between the applicant, the District Council and the Public Rights of Way Officer regarding the detail of the proposed public right of way diversion to enable a draft Order to be produced as part of application reference 2020/0045/PROW.

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

2.33 **Economic Development Team**

Support the proposed development. The application will support the ambitions of the Selby District Economic Development Framework 2017-2022 (EDF) through job creation and diversification, and through supportive infrastructure for the strategic priority site at Sherburn. The proposal represents a significant investment in the district. The development will result in additional jobs created during the construction and operation of the site, with most jobs benefiting local residents. The proposal also includes a provision of 108 HGV parking spaces which will support the haulage industry – one of the key sectors of Selby's economy.

2.34 **Local Enterprise Partnership** - No response.

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

2.36 **Automotive Consultant (Knight Frank/Alexander James Ltd)**

A 54-space truck stop with small café and amenity building is not a financially viable development on previously undeveloped land. Following a review of the sites in the alternative site assessment, none of the sites put forward present a potentially viable truck stop opportunity. Our experience in the market suggests strongly that in order to present a viable solus development opportunity a truck parking facility needs to be of a minimum scale of least 100 spaces, in order to support the cost of building and running an adequately sized and provisioned amenity building. If it cannot offer the capacity then it needs to offer other income opportunities and/or other draws to bring truckers into site to use the café and shop.

2.37 **Contaminated Land Consultant** – No objections, subject to conditions.

2.38 **NYCC Minerals and Waste**

The proposed development is within a Minerals Safeguarding Area for limestone. It is considered that the location in proximity to the hotel to the north and residential properties to the south would not be compatible with large scale minerals working. Consideration of the application in regard to the Minerals and Waste Local Plan Policy S02 is required in this instance and part iii) of Part 1 of Policy S02 may be applicable, which states that permission for development other than minerals extraction can be considered acceptable where “*The need for the non-mineral development can be demonstrated to outweigh the need to safeguard the mineral*”.

In addition to this please be aware that the County Council currently has an outstanding planning application for a new minerals site within 500m of the site. This application reference number is C8/2022/0616/CPO. Consideration of the cumulative impacts of multiple new developments in the locality is required in the determination of this planning application.

There are no active quarry sites or waste facilities within 500 metres of the application site and no sites have been proposed for allocation for minerals or waste activities in the Minerals or Waste Joint Plan within that 500m zone.

Publicity

2.39 The application as originally submitted was publicised by neighbour notification letter, site notices and press notices.

2.40 Further information received during the course of the application has been publicised, where necessary, in accordance with Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

2.41 A total of two hundred and forty representations have been received as a result of the advertisement of the application as follows:

- Two letters of comment/query.
- Eleven letters of objection (two of which were on standardised template)
- Forty-two letters of support (eleven of which were on a standardised template)
- One hundred and eighty-five survey forms where the answer to the question “Do you support these proposals” is ‘Yes’. [Officer Note: these were all submitted together.]

2.42 The letters of comment/query make the following points:

- The 3D visualisations do not show a full 360-degree impression of the outlay. The view from Lumby Garden Centre and the adjacent dwelling is not represented.
- The gable end windows of the dwelling adjacent to Lumby Garden Centre would look directly at the site entrance and amenity building. The 3D visualisation with the rolling tree line in the distance is not an accurate representation of the actual tree line.
- The proposed site access seems exceptionally tight off the roundabout and would have been more suited directly off the A1(M) past junction 42 (the north side of the proposed development).
- The proposals for off-site biodiversity net gain are located on land that forms part of the Order limits for the Yorkshire Green Development Consent Order application, which was accepted for examination by the Planning Inspectorate on 15 November 2022.
- Construction activities would take place on the area of land proposed for off-site biodiversity net gain; therefore, the delivery of the off-site biodiversity net gain would need to take place after the construction works associated with the Yorkshire Green project, which is expected to be by the end of 2027. This approach has been discussed and agreed with the applicant for the motorway service area.

2.43 The letters of objection raise concerns in respect of:

- The impact of the proposed development on the Green Belt.
- The need for an MSA in this location given the presence of existing facilities along the A1(M).
- Whether brownfield sites in closer proximity to Sherburn Industrial Estate have been considered.
- Whether the site should be developed as a HGV/lorry park, rather than an MSA.
- Whether the site boundary is correctly shown on the proposed plans.
- Highway safety.
- Foul and surface water drainage.
- The potential for pollution.
- The impact of the proposals on the residential amenity of neighbouring residential properties in terms of noise and light.
- The potential for litter and crime.
- The validity of the proposed farm shop and proposed job creation.
- Limited/no water supply and no gas supply to the site.
- There are existing truck stops which could be used. Drivers use local roads and laybys to avoid chargers for staying at existing facilities.
- the fact that the submission does not refer to a site at Brodsworth which has a pending appeal for the construction of a MSA, which is considered to be a material consideration.
- The fact that the proposed MSA is predicated on the need to support Sherburn Industrial Estate, while MSAs should be justified on the safety and welfare needs of motorways and no case has been made on these grounds.
- HGV parking at Sherburn Industrial Estate is a material consideration at best, the Sherburn Industrial Estate is outwith the Green Belt and is the proper location for HGV parking.
- The applicant does not apply the correct statutory approach of considering the Development Plan followed by material considerations.

- The only very special circumstances offered by the applicant is HGV parking for Sherburn Industrial Estate, no very special circumstances are offered on the basis of motorway users needs.
- Ferrybridge MSA has been dismissed by the applicant without any evidence - Moto has undertaken user surveys at Ferrybridge MSA which demonstrate it is used by mostly A1(M) road users (these have been included in an Appendix). Ferrybridge MSA lies just 6 miles from the application site.
- In respect of safety, no accident analysis is provided in relation to the A1(M).
- No assessment has been undertaken of the capacity of existing MSAs to accommodate any increased need for roadside facilities to avoid the need for a new MSA in the Green Belt.
- The applicant recognises that locating MSAs too close to one another would not assist the safety and welfare case for motorway users, therefore, by the applicant's own case locating a new MSA at Lumby just 6 miles from Ferrybridge MSA fails Road chef's own case.
- The approach to the Alternative Site Assessment is incorrect – the process is to identify if there are other sites and check them against the application site;
- there are other suitable sites outwith the Green Belt to meet the needs of HGV parking or be suitable for an MSA.
- The parking provision at the MSA is unclear and inconsistent referenced in the application documents.
- The level of parking required for an MSA to be signed has not been calculated in accordance with DfT Circular 02/2013.
- Traffic forecasts rely upon applying a turn in rate derived from eight existing Roadchef MSAs but the identity of these sites are not revealed making it difficult to judge if they are representative of the situation at junction 42 of the A1(M).
- The number of car parking spaces and HGV spaces proposed are significantly in excess of the minimum requirement providing an opportunity to reconsider the layout.
- The application is deficient in the number of coach parking spaces and disabled parking spaces.
- Design of the fuel filling station which does not separate HGVs from cars and other light vehicles.
- Swept path analysis is required of the layout of junction 42 and the on-site road layout to ensure an abnormal load carrying vehicle can adequately manoeuvre.
- In the Brodsworth appeal decision, the Inspector and the SoS decided that although the maximum distance between MSAs was greater than the recommended maximum in Circular 02/2013 this did not amount to a need case which overcame the harm to the Green Belt. The need for additional HGV parking was given little weight in the overall balance. This is of relevance to the consideration of the proposed development.
- Further information submitted during the course of the application has failed to justify the proposed MSA. The site is being promoted on the basis of the need for HGV parking. This is not the correct approach to justifying an MSA in the Green Belt. Such parking should be promoted at Sherburn Industrial Estate and not the A1(M).

2.44 The letters of support set out the following points in support of the proposals:

- There is a need for the proposed facilities.
- There is a need for HGV/lorry parking and overnight facilities.
- The site is next to other businesses and is well screened.

- The economic benefit to Selby District.
- Nationally, there is an urgent need for secure HGV facilities; especially as many vehicles are targeted by criminals, due to parking in unsecure areas, every night, without basic amenities, because there is nowhere else for them to go. This issue is prevalent in Selby.
- Paragraph 107 of the NPPF should be given serious consideration in the determination of the application.
- The site represents the most logical and practical location to deal with this local issue.
- parking of HGVs in unsecure areas, takes place along the Great North Road, connecting to Sherburn Industrial Estate which is identified as one of the key economic hubs for Selby
- Sherburn Industrial Estate has been the main location for employment development since 2004 and is subject to further industrial growth at present. However, during the past 15 years, there has been no provision of dedicated HGV parking and it is highly unlikely to happen without investment from the private sector
- Creation of jobs for local people
- The proposed farm shop would help sustain local farmers.
- The proposal would ease traffic to the BP fuel station in South Milford increasing highway safety in that area.

3. SITE CONSTRAINTS

Constraints

- 3.1 The application site is located outside the defined development limits of any settlements and is located within the West Yorkshire Green Belt.
- 3.2 The application site is located within a Locally Important Landscape Area.
- 3.3 Overhead cables currently cross the site from north to south. A Yorkshire Water easement runs along the northern boundary of the site.
- 3.4 A fenced bridleway (35.59/13/1) runs along the southern and eastern boundaries linking into an underpass under the A1(M) at the northeast corner of the site and a bridge over the A63 towards the southwest corner of the site. A public footpath runs adjacent to the western boundary (35.59/17/1). A non-designated footpath runs along the northern boundary in-between existing tree planting.
- 3.5 The application site is located within Flood Zone 1, which has a low probability of flooding.
- 3.6 The land within the application site is classified as being Grade 2 (Very Good) in accordance with the Natural England Agricultural Land Classification. However, an Agricultural Land Classification Survey has been undertaken, which sets out that the land is actually Subgrade Grade 3b (Moderate).

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".

- 4.2 This is recognised in the National Planning Policy, at paragraph 11 of the NPPF, with paragraph 12 stating that the presumption in favour of sustainable development contained in paragraph 11 does not change the statutory status of the development plan as the starting point for decision making. It goes to state at paragraph 12 that where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations in a particular case indicate otherwise. This application has been considered against the 2021 NPPF and, in particular, the sections listed below.
- 4.3 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)."*
- 4.4 The development plan for the Selby District comprises various documents including the Selby District Core Strategy Local Plan (adopted 22nd October 2013), 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, the Minerals and Waste Joint Plan (adopted 16 February 2022), and the adopted neighbourhood plans (none of which are relevant to this site).
- 4.5 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 2024. Consultation on issues and options took place early in 2020 and further consultation took place on preferred options and additional sites in 2021. The Pre-submission Publication Local Plan was subject to formal consultation that ended on 28th October 2022. The responses are currently being considered. Providing no modifications are proposed, the next stage involves the submission to the Secretary of State for Examination.
- 4.6 Paragraph 48 of the NPPF states that weight may be given to relevant policies in emerging plans according to: a) the stage of preparation; b) the extent to which there are unresolved objections to the policies; and c) the degree of consistency of the policies to the Framework. Given the stage of the emerging Local Plan, the policies contained within it are attributed limited weight and as such are not listed in this report.

Selby District Core Strategy Local Plan (2013)

- 4.7 The relevant Core Strategy Policies are:
- SP1 – Presumption in Favour of Sustainable Development
 - SP2 – Spatial Development Strategy
 - SP3 – Green Belt
 - SP12 – Access to Services, Community Facilities and Infrastructure
 - SP13 – Scale and Distribution of Economic Growth

- SP15 – Sustainable Development and Climate Change
- SP16 – Improving Resource Efficiency
- SP18 – Protecting and Enhancing the Environment
- SP19 – Design Quality

Selby District Local Plan (2005)

4.8 The relevant Selby District Local Plan Policies are:

- ENV1 – Control of Development
- ENV2 – Environmental Pollution and Contaminated Land
- ENV3 – Light Pollution
- ENV13 – Development Affecting Ponds
- ENV15 – Conservation and Enhancement of Locally Important Landscape Areas
- ENV28 – Other Archaeological Remains
- T1 – Development in Relation to the Highway Network
- T2 – Access to Roads
- T8 – Public Rights of Way
- T10 – Motorway Service Areas
- VP1 – Vehicle Parking Standards
- VP4 – Parking for People with Disabilities

Minerals and Waste Joint Plan (2022)

4.9 The relevant Minerals and Waste Joint Plan Policies are:

- S01 – Safeguarding minerals resources
- S02 – Developments proposed within Minerals Safeguarding Areas
- S07 – Consideration of applications in Consultation Areas
- D13 – Consideration of applications in Development High Risk Areas

National Policy and Guidance

4.10 The relevant sections of the National Planning Policy Framework (2021) are:

- 2 – Achieving sustainable development
- 4 – Decision making
- 6 – Building a strong, competitive economy
- 9 – Promoting sustainable transport
- 11 – Making effective use of land
- 12 – Achieving well-designed places
- 13 – Protecting Green Belt land
- 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

4.11 The National Planning Policy Framework (NPPF) contains up to date Green Belt policy to which Core Strategy Local Plan Policy SP3 refers. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved other than in very special circumstances which will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Substantial weight is to be given to any harm to the Green Belt (paragraphs 147 and 148). The construction of new buildings is inappropriate other than for specified exceptions, none of which embrace buildings at an MSA (paragraph 149). Certain other forms of development, which include local transport infrastructure which can demonstrate a requirement for a Green Belt location, are not inappropriate provided they preserve openness and do not conflict with the purposes of including land in the Green Belt (paragraph 150).

- 4.12 Department for Transport Circular 02/2013 “The Strategic Road Network and the Delivery of Sustainable Development (C2/2013)” sets out Government policy relating to motorways and trunk roads. Annex B addresses roadside facilities for road users on motorways and all-purpose trunk roads (APTR). The Circular is consistent with the NPPF in identifying the primary function of roadside facilities as supporting the safety and welfare of the road user. Government advice is that motorists should stop and take a break of at least 15 minutes every two hours. The network of service areas on the SRN has been developed on the premise that opportunities to stop are provided at intervals of about half an hour. However, timing is not prescriptive as travel may take longer on congested parts of the network. Thus, the recommendation is that the maximum distance between motorway service areas should be no more than 28 miles. Further, given that speed limits vary on the SRN, the recommended maximum distance between signed services on trunk roads should be the equivalent of 30 minutes driving time. The distances are considered appropriate regardless of traffic flows or route choice (paragraphs B4-B8).

5. APPRAISAL

- 5.1 An application for a scoping opinion in relation to the proposed development was submitted to the Local Planning Authority on 18 April 2019 and a decision issued on 23 May 2019.
- 5.2 The 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. None of the statutory or other consultees has suggested that the ES is in any way inadequate.
- 5.3 The main issues to be taken into account when assessing this application are:
- The Principle of the Development
 - Impact on the Openness of the Green Belt and the Purposes of Including Land Within the Green Belt
 - 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 Amenity of Adjoining Occupiers
 - Flood Risk and Drainage
 - Land Contamination
 - Minerals and Waste
 - Socio-Economic Considerations

- Consideration of Very Special Circumstances

The Principle of the Development

- 5.4 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.
- 5.5 The application site is located outside the defined development limits of any settlements and is located within the West Yorkshire Green Belt.
- 5.6 Policy SP2A (d) of the Core Strategy states:
- “In Green Belt, including villages washed over by the Green Belt, development must conform with Policy SP3 and national Green Belt policies”.*
- 5.7 Policy SP3B of the Core Strategy states:
- “In accordance with the NPPF, within the defined Green Belt, planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted”.*
- 5.8 The decision-making process when considering proposals for development in the Green Belt is in three stages, and is as follows:
- a) It must be determined whether the development is appropriate or inappropriate development in the Green Belt.
 - b) If the development is appropriate, the application should be determined on its own merits.
 - c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted unless there are very special circumstances which clearly outweigh the harm to the Green Belt by reason of its inappropriateness, and any other harm identified.
- 5.9 Paragraph 149 of the NPPF states that the construction of new buildings should be regarded as inappropriate in the Green Belt other than for specified exceptions. The application proposes the construction of new buildings, none of which would fall within any of the exceptions listed in paragraph 149 of the NPPF; therefore, assessed against that paragraph the proposal comprises inappropriate development.
- 5.10 Paragraph 150 of the NPPF states that certain other forms of development are also not inappropriate, meaning forms other than the construction of new buildings. Since the application proposes the construction of new buildings, paragraph 150 of the NPPF would not apply.
- 5.11 Policy T10 of the Selby District Local Plan specifically relates to proposals for Motorway Service Areas and states:

“The Council will consider proposals for the establishment of facilities to meet the needs of motorway travellers on their merits and subject to other provisions of the plan. A motorway service area is inappropriate development in the Green Belt and would not be permitted under Policy GB2. Such a facility would only be considered in very special circumstances”.

- 5.12 Whilst Policy GB2 of the Local Plan is not a saved policy, it was replaced by SP3 of the Core Strategy. Having regard to the above, the proposal would therefore comprise inappropriate development within the Green Belt. This is not disputed by the applicants.
- 5.13 Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 5.14 Paragraph 148 of the NPPF states that substantial weight should be given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 5.15 This report will go on to identify if there is any other harm resulting from the proposals before considering the very special circumstances and weighing these in the planning balance.

Impact on the Openness of the Green Belt and the Purposes of Including Land Within the Green Belt

- 5.16 Paragraph 137 of the NPPF states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 5.17 The application site currently comprises an agricultural field. The proposal would result in a substantial part of the site being covered by built development in the form of buildings and hard surfaces for parking and vehicular and pedestrian circulation. This would have a significant impact on the spatial aspect of the Green Belt. The site can be viewed from public vantage points to all sides and there would be significant impact on the visual aspect of the Green Belt from the scale of the built development. The proposed development is of long-term duration and would have permanence. Furthermore, given the nature of the proposed development, being an MSA that would be open 24 hours a day, 365 days a year, there is unlikely to be any time when there would be no activity at the site from vehicles or pedestrians, or any time when the extensive areas of parking would be empty, albeit that it would be likely to be quieter late at night and in the early hours of the morning.
- 5.18 Having regard to the above, it is considered that the proposed development would result in substantial harm to the openness of the Green Belt.
- 5.19 The applicant agrees that the proposed development would result in substantial harm to the openness of the Green Belt but considers that this harm would be ‘localised’ - in extent that they consider it is directed to a parcel of land which performs weakly against the five purposes of Green Belt, having regard to the contents of ‘The Draft Stage 1: Selby District Green Belt Study’ published as part of the focused engagement consultation (29 June 2015 - 10 August 2015). It should

be noted that Green Belt boundaries have not been amended since the aforementioned study.

- 5.20 Paragraph 138 of the NPPF states that the Green Belt serves five purposes, those being: a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns from merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 5.21 It is considered that the proposed development would conflict with purpose c) of paragraph 138 of the NPPF – to assist in safeguarding the countryside from encroachment. The presence of the motorway on the eastern boundary of the site is noted, along with commercial and residential development along the A63 (Great North Road); however, the proposed development would result in substantial built development in an area which is currently void of development and is considered to result in a significant encroachment in the countryside in conflict with purpose c) of paragraph 138 of the NPPF. It is considered that the proposed development would result in substantial harm to this purpose of including land within the Green Belt.
- 5.22 The applicant agrees that there would be some harm to purpose c) of paragraph 138 of the NPPF but contends that the level of harm would be limited, in extent that they consider it is directed to a parcel of land which performs weakly against the five purposes of Green Belt, having regard to the contents of 'The Draft Stage 1: Selby District Green Belt Study' published as part of the focused engagement consultation (29 June 2015 - 10 August 2015). Again, it should be noted that Green Belt boundaries have not been amended since the aforementioned study.

Agricultural Land Assessment

- 5.23 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.

- 5.24 The application site comprises approximately 5.2 hectares of undeveloped agricultural land.
- 5.25 The land within the application site is classified as being Grade 2 (Very Good) in accordance with the Natural England Agricultural Land Classification. However, this mapping is intended for strategic and regional purposes only and is not suited for interpretation at the field scale. As such, the application has been supported by an Agricultural Land Classification Report, dated January 2019, prepared by ADAS. The submitted Report concludes that the agricultural land across the whole

application site is actually Subgrade Grade 3b (Moderate). This is not Best Most Versatile (BMV) agricultural land.

- 5.26 Having regard to the above, the proposal would not result in the loss of any BMV agricultural land.
- 5.27 It should be noted that Natural England have been consulted on the application but have not provided any specific comments with regards to the agricultural land assessment. 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.
- 5.28 The application has also been supported by a Farming Circumstances Report, dated May 2022, prepared by ADAS. This sets out that the land within the application site and the land to the east of the A1(M) to be utilised for off-site biodiversity net gain is owned by a local landowner and is not part of a farm business. It was purchased as an investment opportunity in 2008 and the landowner does not derive a sustainable income from agricultural activities on the land. The land is currently managed as low input grassland and grazed with sheep by an acquaintance. The land is not drained and due to intermittent waterlogging is considered to be of poor quality and only suitable for grazing.
- 5.29 The Report sets out that the proposed development would result in loss of all of the agricultural grazing land within the application site to the west of the A1(M). The land to the east of the A1(M) could remain available for grazing, albeit some available land would be lost to provide for off-site biodiversity net gain. The Report sets out that for the landowner this is not significant as he does not operate an agricultural business reliant on the land and does not derive an income from the land other than a small amount of rent. Should the proposed development be granted and implemented, the existing grazer would have to find alternative land for grazing in lieu of that which currently takes place at the application site. As the existing grazer currently uses land from a number of sources, it is not considered that this would present an issue.

Landscape and Visual Impact

- 5.30 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. Saved Policy ENV3 of the Selby District Local Plan requires development proposals involving outdoor lighting to (4) not detract significantly from the character of a rural area. Saved Policy ENV15 of the Selby District Local Plan requires proposals within Locally Important Landscape Areas to conserve and enhance the character and quality of the landscape. It requires particular attention to be paid to the design, layout and landscaping of development and the use of materials in order to minimise its impact and to enhance the traditional character of buildings and landscape in the area. 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.

- 5.31 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.
- 5.32 The proposed development is as described from paragraph 1.5 of this report - 'The Proposal' - and as shown on the submitted drawings. It should be noted that the application has been amended and updated throughout the application process in response to comments from the Council's Landscape Architect.
- 5.33 The application has been supported by a number of documents including an Environmental Impact Statement and subsequent Addendums; a Landscape and Visual Impact Assessment (reference 1847 Rev V3), dated April 2022, prepared by Leeming Associated Ltd; a Landscape Strategy (reference 1847 A) dated May 2022, prepared by Leeming Associated Ltd; a Landscape Masterplan (drawing no. 1847.06N); an Arboricultural Survey Report (reference SF2665 Selby Fork Revision D – May 2022) and Arboricultural Impact Assessment (drawing no. AIA02) prepared by Smeeden Foreman; and a Tree Survey Plan (drawing no. TS02).
- 5.34 The Council's Landscape Architect reviewed the most up-to-date version of the scheme alongside its accompanying documents and raises a landscape objection.
- 5.35 The proposed development is not considered to sufficiently minimise impacts and enhance the traditional character of buildings and landscape within the Locally Important Landscape Area (LILA); would impact on local character and setting and would not provide sufficient new opportunities to better join up existing green infrastructure as well as creating new green infrastructure. Furthermore, the proposed development would adversely impact on the openness and permanence of the Green Belt. The overall effectiveness of the proposed Landscape Strategy in this context is questionable. The scheme is considered to have a number of insufficiently resolved landscape issues relating to the siting of main built structures in the landscape; site material and ground modelling; existing trees, shrubs and hedgerows to be protected and retained; proposed green infrastructure planting, proposed public right of way diversion; proposed green infrastructure for parking areas; proposed lighting; and long-term maintenance and management. These will be discussed further below.
- 5.36 It is not considered that the applicant has provided a sufficiently robust landscape strategy or green infrastructure to demonstrate that adverse effects could be mitigated, offset or compensated, secured through long-term landscape maintenance and management and which take account of the landscape's sensitivity.
- 5.37 Given the sensitive context of the site and stated landscape and environmental aspirations of the proposed development it seems reasonable and possible that more could be done to reduce and offset the likely adverse landscape and visual effects of the scheme.

- 5.38 While the scope and methodology of the submitted Landscape and Visual Impact Assessment (LIVA) is generally agreed, the overall summary of adverse effects is not agreed as it is considered that these are understated (the applicant considers the overall adverse impact on landscape character and visual intrusion is minor and limited). It is also considered that there is an overly optimistic view of how the scheme could be integrated into the landscape and of the effects of the proposed development on the LILA. The Council's Landscape Architect does not agree that the potential impact of the proposed development on the LILA is neutral or that the proximity to the A1(M) diminishes the contribution that this area makes to the LILA. The proposed development would not reduce the adverse landscape and visual effects to within acceptable limits due to the Green Belt, scale and prominent location of the proposed development, and sensitivity of the LILA.

Landscape and Visual Effects

- 5.39 The site is a northeast facing slope and views extend several kilometres towards Steeton Hall and South Milford to the north-east. The proposed amenity building would be located on the most elevated part of the site. As set out earlier in this report, the majority of the amenity building would sit within a natural mounded shape with a green sedum roof. The maximum height of the mounding over the amenity building would be approximately 12.5 metres, with a maximum exposed structure at approximately 9.5 metres. The fuel filling station would be located towards the northeast corner of the site. It would include a kiosk and fuel pumps, which would be sited under a canopy with a green sedum roof finish supported by gabion walls. The canopy would have a maximum height of approximately 8 metres. A smaller drive-through coffee unit would be located towards the southeast corner of the site. The buildings would be constructed in stone incorporating glass curtain walling. Vehicular parking to the north of the amenity building would be terraced with raised planter walls forming a hard built feature running in horizontal bands stepping up the hillside when seen from lower levels. It is considered that the curved green roofs of the amenity building and fuel filling station would have a limited benefit in helping to integrate the scheme into the landscape, with vertical walls, windows and other build structures being clearly visible from a number of locations around the site, particularly from the main site entrance, wider and lower levels from the north and east side of the site and from within the A1(M) corridor.
- 5.40 The LVIA describes a highly negative change in the character of the site which extends to the wider landscape in the vicinity of the site as a moderate negative effect. Proposed lighting and signage will contribute to this impact (LVIA paragraphs 21.3 and 21.6). It is likely that these adverse visual effects would extend more widely to the area set out on the LVIA Visual Envelope Map which is significant in context of the sensitivity of the LILA and incorporates potential views from a number of local roads, the A1(M), several residential properties, public rights of way, and Steeton Hall.
- 5.41 The application site is located within the Limestone Ridge LILA, designated for its special landscape character and qualities. The LILA was reviewed in 2019 (Selby District Local Landscape Designation Review, LUC, 2019) with recommendations to '*resist encroachment of urban areas, and/or large-scale commercial development, on to higher, more visible ground*', while maintaining the LILA designation across the area of the site. The LILA is an area landscape designation which reflects the special qualities of the Magnesian Limestone Ridge (including the scenic quality and visual diversity created by the more undulating topography and variety of

woodland, pastoral and arable land). In this location the A1(M) is in cutting and relatively well concealed from wider parts of the LILA. In contrast and more significantly, the application site is located in a prominent location on the limestone ridge, visually and spatially connected to the wider landscape and LILA to the north-east. This part of the LILA is viewed by thousands of road drivers and passengers every day travelling along the motorway corridor and nearby junction who experience the special qualities of this landscape. The design and layout of the proposed development is intended to be a modern motorway service station development with large buildings, extensive hard surfacing, car parking and high-level lighting. It is not considered that this would protect local character and setting or enhance the traditional character of buildings and landscape within the LILA.

Landscape Strategy

- 5.42 The proposed Landscape Strategy and green infrastructure proposals are not considered to be sufficiently robust to mitigate the likely significant adverse landscape and visual effects of the proposed development. The Landscape Strategy document outlines that the overall aim of the proposed scheme is to *'create a high-quality landscape setting for the facility with minimum impact on the landscape character and visual intrusion in the countryside'*. It then goes on to discuss the landscape design principles and aspirations more fully.
- 5.43 The overall effectiveness of the Landscape Strategy in this context is questionable. The revised scheme maintains a number of insufficiently resolved landscape issues as follows.

Considered siting of main built structures in the landscape

- 5.44 The proposed amenity building would be located on the most elevated part of the site and is likely to adversely affect local landscape character and setting and the openness of the Green Belt. The Council's Landscape Architect considers that contrary to statements made in the Landscape Strategy (paragraph 5.2), the proposed buildings are likely to be visible with height and massing which interrupts the natural ridgeline, visibly extends to the wider landscape in the vicinity of the site to the area set out on the LVIA Visual Envelope Map. The proposed amenity building and fuel filling station located within close proximity to site boundaries which limits space for boundary screen planting and necessary stand-off needed for maintenance and tree planting establishment. Proposed planting at the main site entrance has been removed throughout the application process to allow vehicle visibility splays. This would cause open and unrestricted views into the main access onto vertical built walls of the amenity building, the delivery area and across the caravan and coach parking areas.
- 5.45 It is considered that the curved green roofs of the amenity building and fuel filling station would have a limited benefit in helping to integrate the scheme into the landscape, with vertical walls, windows and other built structures being clearly visible from a number of locations around the site, particularly from the main site entrance, wider and lower levels from the north and east side of the site and from within the A1(M) corridor.

Site material and ground modelling

- 5.46 The application does not provide sufficiently clear proposals for proposed site levels, grading and soil resource management (only building finished floor levels

and existing site contours are shown on the plans). Significant excavation and regrading is likely to be needed around the proposed amenity building with the levels indicated.

- 5.47 The existing site is sloping and extensive areas of soil are likely to be excavated for construction of buildings, roads, parking and hard surfacing. Some boundary earthworks are indicated on the landscape proposals drawings but the overall cut and fill volume is not clear particularly when considering the area of the proposed amenity building, cut needed for the lower delivery area, terracing of the car parking area and proportion of hard surfacing across the site.
- 5.48 Site soils will need to be retained to support the proposed landscape scheme. It is unclear if a volume of material would need to be transported and removed from site, which is not explained or assessed in the application documents, LVIA or Landscape Strategy. The Landscape Strategy (paragraph 6.1) states “*all material arising from the excavation on site will be re-used within the site boundaries avoiding the need to move material off site*”. However, without further detailed information it is unclear if this is possible. The applicant considers this matter could be dealt with via condition should planning permission be granted.

Existing trees, shrubs and hedgerows

- 5.49 It is not clear from the application how existing trees and hedgerows around the site would be retained. Existing boundary trees and vegetation should be protected and retained where possible. This is particularly important on this site because of the dependence on existing established planting needed to screen the proposed development in this location. An updated Arboricultural Survey Report sets out that a proportion of the existing boundary Ash trees are affected by Ash dieback and there are recommendations for removal and replacement. Removal of boundary trees would inevitably reduce screening of the site and increase visibility of the scheme.

Proposed green infrastructure planting

- 5.50 The proposed boundary tree and woodland screen planting, as shown on the Landscape Masterplan is not considered to be sufficient to mitigate adverse landscape and visual effects of the scheme. Landscape proposals and planting at the main site entrance and to the rear of the amenity building would not be considered to sufficiently screen or filter local views of the buildings, particularly in winter months when trees are not in leaf. Furthermore, it is considered that there is insufficient space between the entrance road and the amenity building to allow for any meaningful planting to develop as a screen and to buffer views of building walls and into the wider site. The proximity and lack of standoff between proposed planting and buildings further restricts the potential for trees and planting to develop due to foundation constraints and ongoing maintenance pressures. Although not as elevated as the proposed amenity building, there are similar boundary and screening issues with the proposed fuel filling station and drive through coffee unit buildings. In several locations at key pinch points adjacent to the proposed buildings, proposed screen planting is approximately 7m depth with less than 3m standoff between trees and buildings for maintenance access, which is not considered sufficient. At least 10 metres depth is needed for woodland screen planting to ensure that a woodland can develop sufficient height and structure needed for all-year round screening of the site. This planting depth should be increased when adjacent to buildings and roads to allow more structure, height and

natural variation to the scheme. Additional standoff would also be needed for maintenance access and to allow space for trees to develop without maintenance and clearance problems (typically at least 5-10m standoff depending on species and ground conditions).

Proposed public right of way diversion

- 5.51 The proposed bridleway diversion would result in significant hedgerow and tree loss and put pressure on existing and proposed boundary screening through ongoing maintenance to ensure clearance.

Proposed green infrastructure for parking areas

- 5.52 Proposals for specimen tree planting within the site are not considered to be sufficiently robust to ensure successful establishment and as a long-term tree planting proposal. Proposed specimen tree planting across the site is a key element of the proposed Landscape Strategy and green infrastructure proposal.
- 5.53 The proposed car park area trees are to be planted within 1.5m wide raised built planters together with a wire fence and hedgerow planting. The poor growing conditions are likely to result from the restricted soil rooting area, dry ground conditions caused by raised retaining walls and foundations needed. There are similar concerns about proposed specimen trees set within hard paved areas where trees typically struggle to thrive.
- 5.54 Graded and planted slopes would be softer in appearance and allow better growing conditions (as shown in the Landscape Strategy document paragraph 8.10). Specimen trees need good ground conditions and sufficient soil volume and space to grow. The size of proposed specimen trees should be defined in the scheme proposals and be at a sufficiently mature size to have an immediate impact. Depending on species and growing conditions, larger trees may be slow to establish and take many years to develop and grow, needing extended establishment maintenance.

Proposed Lighting

- 5.55 Proposed night-time lighting is likely to be locally visible, adversely affecting the night-time rural landscape character and setting of the LILA. Low levels of night-time lighting are typical within the LILA and local landscape character area. While there are currently some elevated lighting columns immediately around the A63/A1(M) junction, the A1(M) corridor is unlit locally. The strong rural character throughout this landscape character area increases its sensitivity to build development. High scenic value and dark night skies also add to the sensitivity of the landscape character area and the LILA.
- 5.56 The proposed development will extend outdoor lighting northwards from the A63 junction across elevated parts of the site and eastwards down to the A1(M). Proposed lighting includes 6m high and 10m high lighting columns, with 10m high lighting columns located around the main vehicle access, coach/caravan parking areas and HGV parking areas.
- 5.57 Proposed outdoor lighting is described within the submitted Kingfisher Lighting Design Report. However, there is no explanation of how proposed outdoor lighting

has been designed to reduce wider visual effects including views of reflected light from hard surfaces and views of the lighting source when viewed from lower levels.

- 5.58 The LVIA considers the effects of lighting in context of saved Policy ENV3 of the Selby District Local Plan, describing a moderately significant increase in illumination on the site which would not significantly detract from the character of the area. However, the Council's Landscape Architect does not agree with this. The LVIA describes a highly negative change in the character of the site which extends to the wider landscape in the vicinity of the site as a moderate negative effect – the proposed outdoor lighting contributes to this impact. It is likely that adverse night-time lighting effects are likely to extend more widely to the area set out on the LVIA Visual Envelope Map, which is significant in context of the sensitivity of the LILA and incorporates potential views from a number of local roads, the A1(M), several residential properties, public rights of way, and Steeton Hall.

Long-term Maintenance and Management

- 5.59 Long-term landscape maintenance and management is needed for the life of the proposed development (beyond the initial establishment period) to ensure that proposed landscape mitigation is sufficiently retained and maintained.

Summary

- 5.60 Having regard to the above, the proposed development is not considered to sufficiently minimise impacts and enhance the traditional character of buildings and landscape within the LILA; would impact on local character and setting and would not provide sufficient new opportunities to better join up existing green infrastructure as well as creating new green infrastructure. Furthermore, the proposed development would adversely impact on the openness and permanence of the Green Belt. The overall effectiveness of the proposed Landscape Strategy in this context is questionable. It is therefore considered that the proposal would be contrary to saved policies ENV1, ENV3 and ENV15 of the Selby District Local Plan, Policies SP12, SP18, SP19 of the Core Strategy and national planning policy contained within the NPPF.

Impact on Heritage Assets

Designated Heritage Assets

- 5.61 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.
- 5.62 Relevant policies within the NPPF which relate to the effect of development the setting of heritage assets include paragraphs 194 to 204.
- 5.63 The application site itself does not contain any designated heritage assets. Furthermore, there are no designated heritage assets located within a 1km search area of the application site.

5.64 It is considered that the proposal would have any impact on the significance of any designated heritage assets or their setting. The proposal would therefore be in accordance with Policies SP18 and SP19 of the Core Strategy and national policy contained within the NPPF.

Non-designated heritage assets (archaeology)

5.65 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.

5.66 The application has been supported by an Archaeological Geophysical Survey, dated July 2020, prepared by RSK ADAS Limited and an Archaeology and Cultural Heritage Impact Assessment: 1st Addendum, dated May 2022, prepared by RSK ADAS Limited.

5.67 The County Archaeologist has reviewed the application and notes that the Archaeological Geophysical Survey has identified a number of modern anomalies including drains and former field boundaries. The types of archaeological feature anticipated on this site would have been rock cut ditches and pits and these would be expected to be visible had they been present. The County Archaeologist advises that this suggests that the development area has a low archaeological potential and therefore they raise no objections to the proposed development.

5.68 Having regard to the above, it is considered that the proposed development would not have any 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

5.69 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.

5.70 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 from natural capital and ecosystem services, and minimising impacts on and providing for net gains for biodiversity.

5.71 The application has been supported by an Environmental Impact Statement with subsequent Addendums; an Ecological Assessment (reference SF 2665), dated January 2019, prepared by Smeeden and Foreman; Ecology Species Specific and Botanical Surveys (reference SF 2665), dated November 2017, prepared by

Smeeden and Foreman; Ecology Updates (reference SF 2665 Revision B) dated July 2022, prepared by Smeeden and Foreman; and a Biodiversity Net Gain Assessment (which has been updated to reflect the current proposed development).

- 5.72 The County Ecologist has reviewed the application and has advised that they have no objections to the proposed development subject to a section 106 agreement and conditions relating to: pre commencement surveys to capture any changes to the baseline; a construction environmental management plan to include protection measures set out in the Environmental Impact Statement and its Addendum's for habitats and species; the submission of detailed habitat creation and establishment measures for the development site; the submission of a long-term monitoring and management plan for the life of the development with clear indicators of success and contingency plans should monitoring demonstrate that objectives for biodiversity have not been met; sufficient funding to ensure monitoring and management in the long term; lighting requirements; and details of offsite habitat creation, establishment, monitoring and management.
- 5.73 The proposed development would provide for 15% biodiversity net gain (provided on and off site through a combination of landscaping within the proposed development site and off-site habitat creation). This would be in excess of the 10% biodiversity net gain target.
- 5.74 It is noted that in their latest response, dated May 2021, Yorkshire Wildlife Trust raised a number of queries over the deliverability and maintenance of the off-site biodiversity net gain. Further information has been provided by the applicant to address these queries and while the Yorkshire Wildlife Trust have not provided a further response, the County Ecologist has considered the further information and is content that it satisfactorily addresses the queries raised.
- 5.75 Natural England has been consulted on the application and raises no objections. Natural England considers that the proposed development would not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Generic advice on other natural environmental issues is provided, which essentially directs the decision maker (the Local Planning Authority in this instance) to national planning policy contained within the NPPF.
- 5.76 Subject to the aforementioned section 106 agreement and conditions, it is considered that the proposed development would not have any 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

- 5.77 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).

- 5.78 The application has been supported by an Environmental Impact Statement with subsequent Addendums; a Transport Assessment with a subsequent Addendum; and a Staff Travel Plan.
- 5.79 Vehicular access to and from the MSA would be gained from a new arm on the westernmost roundabout at junction 42 of the A1(M), between the A63 to Leeds and the entry slip road to the A1(M) northbound.
- 5.80 The proposed MSA would change the level of demand on the slip roads at Junction 42 of the A1(M) and the roundabouts of the junction. The trip generation of the proposed development has been based upon a mainline turn in rate of 5.5% from the A1(M) and 2% from the A63. Following the addition of development traffic at the eastern roundabout, it has been concluded that this junction would operate over capacity. However, a mitigation scheme has been modelled which demonstrates how it could be made to work within capacity as a result of the proposed development. The western roundabout would operate within capacity following alterations to accommodate the vehicular access from a new arm on the roundabout.
- 5.81 Whilst it is expected that the majority of visitor trips to the development will be by car, due to its nature as an MSA, there is potential for staff trips to be made sustainably, as staff are likely to derive from local areas. Mitigation measures are proposed to encourage sustainable travel for staff.
- 5.82 Having regard to the above, the proposed highway mitigation measures for the scheme include:
- Improvements to the operation of the eastern roundabout to increase capacity at the roundabout. The entry width would be increased on the western arm of the roundabout from 7.6 metres to 8.4 metres.
 - A staff travel plan to encourage sustainable travel to and from the site by future employees.
 - A pedestrian footway/cycleway improvement would be provided adjacent to the A63 to the west of the proposed development to facilitate the sustainable movement of staff. It is proposed that the existing footway would be improved and widened between the site and the A63 footbridge which is located approximately 230m west from the site access point. Furthermore, a new footway/cycleway would be provided to the west of the footbridge, connecting with Selby Fork Roundabout.
- 5.83 The proposed highway mitigation measures would all be located either on land within the applicant's ownership or highway land and are thus considered to be deliverable.
- 5.83 Within the site, signage would separate the traffic, directing it to the appropriate parking area or required facility – this would be done from a roundabout within the centre of the site.
- 5.84 A stepped terraced car park would be located to the north of the amenity building and would provide 351 car parking spaces for the amenity building, including 25 spaces with electric charging points, 18 spaces for the disabled, 10 spaces for parent and child. There would be 20 bays for motorcycles and 10 cycle bays.
- 5.85 Other separate parking areas would be provided to accommodate 108 HGV spaces (to the north end of the site), 1 abnormal load bay (to the north of the fuel filling

station), 11 spaces for caravans and 12 spaces for coaches (to the east of the stepped car park between the fuel filling station and the drive through coffee unit).

- 5.86 The parking provisions for the proposed development have been informed by Schedule 1 of the DfT Circular 02/2013, 'The Strategic Road Network and the Delivery of Sustainable Development'. Current traffic flows dictate a demand for 318 car parking spaces, and 56 HGV parking spaces, in addition to a small number of spaces for other vehicle types. The expected traffic flows for 2032 would require an additional 33 car spaces, and 6 HGV spaces. This equates to a total requirement for 351 car parking spaces and 62 HGV spaces, in addition to a small number of spaces for other vehicle types.
- 5.87 However, the application proposes 108 HGV parking spaces in total – 46 of which are additional spaces provided in relation to the very special circumstances case put forward by the applicant, based around a need for HGV parking in the locality.
- 5.88 The table below shows the breakdown of the proposed parking provision. Those listed in the final column would be those provided as part of the proposed development:

	2022	2025	2032
Cars	318	329	351
HGV (Required for MSA)	56	58	62
HGV (Additional provided in relation to very special circumstances case)	46	46	46
Caravans	10	10	11
Coaches	11	12	12
Motorcycles	10	10	11
Abnormal Load	1	1	1

- 5.89 National Highways and NYCC Highways have been consulted on the proposals and have raised no objections subject to a section 106 agreement and conditions relating to: the construction of the site access to the westernmost roundabout at junction 42 of the A1(M); the provision of access, parking and maneuvering areas; local road network signing; provision of off-site highway mitigation measures; a construction management plan; access to and from the site; provision of a staff travel plan and contribution towards monitoring; diversion of the public right of way which intersects the proposed site access; use of the site; glare from lighting; landscaping; and a stage 3 road safety audit.
- 5.90 Subject to the aforementioned section 106 agreement and 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.

Impact on Public Rights of Way

- 5.91 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.
- 5.92 A fenced bridleway (35.59/13/1) runs along the southern and eastern boundaries linking into an underpass under the A1(M) at the northeast corner of the site and a bridge over the A63 towards the southwest corner of the site. A public footpath runs

adjacent to the western boundary (35.59/17/1). A non-designated footpath runs along the northern boundary in-between existing tree planting.

- 5.93 The public footpath adjacent to the western boundary (35.59/17/1) lies predominantly outside the application site and would remain. The part that lies within the application site (to the south-west corner) is currently obstructed and would be opened up on the current alignment.
- 5.94 The non-designated footpath which runs along the northern boundary in-between existing tree planting lies outside the application site and would remain.
- 5.95 The fenced bridleway (35.59/13/1) along the southern and eastern boundaries would be diverted as part of the proposed development, given the proposed vehicular access to and from the MSA would be gained from a new arm on the westernmost roundabout at junction 42 of the A1(M) which would intersect it. The diverted public right of way (bridleway) would lie adjacent to the north and western boundaries of the site, as shown on the submitted plans. The details of the public right of way (bridleway) diversion are subject to agreement through a separate application (reference: 2020/0045/PROW).
- 5.96 The Public Rights of Way Officer has been consulted on the application and raises no objections to the principle of the proposed public right of way diversion. There are ongoing discussions between the applicant, the District Council and the Public Rights of Way Officer regarding the detail of the proposed public right of way diversion to enable a draft Order to be produced as part of application reference 2020/0045/PROW. Once made, the Order would be subject to the required consultation. If no objections are received the Order would be confirmed, allowing the diversion works to be carried out on site, after which they would be inspected by the Public Rights of Way Officer to determine whether they have been satisfactorily completed before the Order is certified.
- 5.97 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 Amenity of Adjoining Occupiers

- 5.98 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.
- 5.99 The nearest sensitive receptors to the application site are:
- occupants of residential properties near the application site boundary (the closest is approximately 130m to south-east of application site boundary adjacent to Lumby Garden Centre);
 - commercial premises near to the application site boundary (the closest are Active House approximately 20m to north-west of application site boundary; South Milford Hotel approximately 40m to north west of application site boundary; Atkinsons approximately 200m to the north west of the application site boundary; and Lumby Garden Centre approx. 140m to the south east of the application site boundary).

Noise

- 5.100 The application has been supported by a Noise Impact Assessment (NIA) (reference 297346-RSK-RP-004-(00)), dated July 2022, prepared by RSK Acoustics. A baseline noise survey was undertaken at site and within the wider study area to establish the pre-development noise climate. This was used to inform the NIA. In terms of construction noise, an assessment of construction induced noise levels was undertaken based on the anticipated activities that would take place during the primary phases of work. The assessment identified that the unmitigated construction activities have the potential to give rise to temporary significant adverse effects and therefore a number of mitigation measures are proposed. In terms of operational noise, an assessment of operational phase road traffic noise levels was undertaken for the road links in the vicinity of the application site. The change in vehicle movements attributable to the introduction of the development would be most pronounced on the slip roads of Junction 42 of the A1(M), although the increases are not predicted to give rise to significant adverse effects. The NIA notes that the operation of the MSA is not predicted to result in significant noise increases on the mainline carriageways of the A1(M). During the operation of the MSA there would be a number of new noise sources which could potentially influence the acoustic environment at surrounding noise sensitive receptors. However, following the introduction of mitigation measures in the form of a noise barrier along the western boundary of the HGV parking area, the residual noise levels are not predicted to give rise to significant adverse effects.
- 5.101 The Council's Environmental Health Officer has been consulted on the application and has advised that they have no objections to the proposed development in respect of noise impact, subject to four conditions relating to: (1) working hours; (2) a Construction Environmental Management Plan; (3) cumulative level of sound from all plant and equipment associated with the proposed development; and (4) the development being carried out in accordance with the submitted Noise Impact Assessment.

Air Quality

- 5.102 The application has been supported by an Air Quality Assessment (AQA) (reference 444813-02 (00)), dated July 2022, prepared by RSK. This includes a qualitative assessment of construction phase impacts and of operational phase impacts (air quality impacts attributable to changes in vehicular traffic and building emissions associated with the operation of the proposed development). During the construction phase, the potential risk of dust impacts was predicted to be a maximum of 'low risk' as per the IAQM guidance. With mitigation measures, the significance of the residual impacts associated with the construction phase of the development is considered to be 'not significant'. During the operational phase, the key issue identified was the impact of the increase in emissions from road traffic on the nearby sensitive receptors. Based on the findings of this comparison and the existing background air quality, it was concluded that the proposed development is likely to have an insignificant impact on air quality at existing and proposed sensitive receptors once it is operational.
- 5.103 The Council's Environmental Health Officer has been consulted on the application and has advised that they have no objections to the proposed development in respect of air quality impact, subject to a condition requiring a Construction Environmental Management Plan.

Outdoor Lighting

- 5.104 The proposed development would incorporate outdoor lighting. There are no objections to the impact of the outdoor lighting on the amenity of adjoining occupiers.
- 5.105 Subject to the aforementioned conditions, it is considered that the proposed development would not have an adverse impact on the amenity of adjoining occupiers in accordance with saved Policies ENV1(1), ENV2 and ENV3(3) of the Selby District Local Plan and national planning policy contained within the NPPF.

Flood Risk and Drainage

- 5.106 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.
- 5.107 From a search of the Environment Agency Flood Maps, it is confirmed that the application site is located within Flood Zone 1, which has a low probability of flooding.
- 5.108 Paragraph 167 of the NPPF requires local planning authorities to ensure flood risk is not increased elsewhere when determining planning applications and therefore requires certain applications to be supported by site specific flood risk assessments. This includes all proposals in Flood Zone 1 where the site exceeds 1 hectare.
- 5.109 The application has therefore been supported by a Flood Risk Assessment (reference 881673-R1(02)-FRA), dated May 2022, prepared by RSK. This has been reviewed by the Environment Agency, who raise no objections to the proposed development subject to a condition regarding the discovery of any unexpected contamination, and an informative regarding petrol filling stations.
- 5.110 The application has also been supported by a Drainage Strategy Report (reference 218255 Rev H), dated May 2022, prepared by Baxter Glaysher Consulting and a Layout Drainage and Services Strategy (reference 218255 DO2 Rev K), prepared by Baxter Glaysher Consulting.
- 5.111 In terms of foul drainage, a sewage pumping station is proposed to facilitate a connection to the public sewer network. Most of the discharge connections across the site would be from the toilets and trading units located within the amenity building. These would be gravity drained to a central collection point within the delivery/service yard area. From here the discharge would flow to a below ground storage tank, linked to the sewage pumping station. The discharge would then be pumped with a controlled peak flow volume of 6lt/sec from the pump chamber to the main Yorkshire Water Sewer connection, the closest of which is expected to be located to the west of the site in Great North Road, the A63. Due to the location and level of the Drive Thru unit, gravity drainage direct to the below ground storage tank is expected to be possible. Due to the location and level of the fuel filling station, a pumped rising main would need to be used for the foul discharge from the sales building, which will be collected locally using gravity drainage to the pump chamber then pumped to a collection manhole prior to the main below ground storage unit in the delivery/service yard area of the amenity building. With a peak flow discharge of 6lt/sec the final design volume of the on-site storage requirements for the foul

drainage would need to be agreed with Yorkshire Water. The sewage pumping station and rising main would be designed in accordance with Yorkshire Water Adoptable Standards.

- 5.112 In terms of surface water drainage, sustainable drainage systems are proposed to be utilised, including on-site attenuation within the water feature close to the amenity building and the balancing pond to the northern end of the site. The main sustainable drainage system technique to be used across the site is infiltration, utilising the hard surfaces of the various areas by using permeable block paving or porous asphalt surfacing. Both surfaces being constructed on areas of graded stone sub-base with geotextile layers. Using this type of system to drain the hard surface areas provides additional on-site attenuation, assisting in ensuring the final volume of water discharging into the receiving water course does not exceed that of the green field run-off, generally taken as 1.4lt/sec/hectare.
- 5.123 Yorkshire Water, the Internal Drainage Board and the Local Lead Flood Authority have been consulted on the application.
- 5.114 Yorkshire Water raise no objections to the proposals, subject to conditions to relating to measures to protect the public water supply infrastructure laid within the site boundary; separate systems for drainage of foul and surface water on and off site; pumped foul water discharge not exceeding 6lt/sec; no piped discharge of surface water from the application site until works to provide a satisfactory outfall have been completed; and surface water runoff from hard standing not discharging into a public surface water sewer network and passing through an oil , petrol and grit interceptor/separator of adequate design.
- 5.115 The Internal Drainage Board note that the applicant should ensure that any existing or proposed surface water discharge system has adequate capacity for any increase in surface water run-off to the area. General advice on the surface water drainage proposals is then provided. 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 the surface water is to be discharged to any 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 a watercourse are permitted without consent from the IDB.
- 5.116 The Local Lead Flood Authority have advised that further information is required prior to the determination of the application. Based on the submitted information, the Local Lead Flood Authority advise that they are not clear on whether there is a viable means of surface water disposal. Infiltration (to the ground) is not viable and permeable and porous hard surfaces are to be used alongside an attenuation basin to discharge at a controlled rate into a watercourse. However, the Local Lead Flood Authority it is not clear if there is a wider drainage network to discharge the sites surface water into. Therefore, the Local Lead Flood Authority request further information to confirm that the site can be connected to a watercourse and that there is a watercourse as part of a wider network. Furthermore, the LLFA request a detailed drainage design alongside drainage calculations showing all locations, dimensions and freeboard of every element of the proposed mitigation and drainage system (e.g. storage areas) including details of a proposed pipe network (pipe

numbers, gradients, sizes, locations, manhole details etc.); an exceedance plan; and a maintenance plan.

- 5.117 The applicant is in the process of putting together the further information requested by the Local Lead Flood Authority and Members will be updated on this matter at Planning Committee.

Land Contamination

- 5.118 Saved Policy ENV2 of the Selby District Local Plan requires proposals for development which would give rise to, or be affected by, unacceptable contamination or other environmental pollution, to not be granted unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme. Where there is a suspicion that the site might be contaminated, planning permission may be granted subject to conditions to prevent the commencement of development until a site investigation and assessment has been carried out and development has incorporated all measures shown in the assessment to be necessary.
- 5.119 The application has been supported by a Phase 1 Desk Study (reference 322537-01 (01)), dated January 2019, prepared by RSK.
- 5.120 The Phase 1 Desk Study (and Chapter 17 of the Environmental Statement) shows that the site has previously been used for agricultural and pastoral activities. No potential contaminating activities have been identified onsite. However, historically open drains crossed the site and are no longer visible and appear to have been infilled. The surrounding land use has also been largely agricultural, together with a nursery located to the south and Selby Fork Services (fuel station) 95 metres to the northwest of the site. The unknown material within backfilled historical drains and the nearby Selby Fork Services (fuel station) have been identified as potential sources of contamination. The report recommends that an exploratory investigation in accordance with BS10175 is carried out, to provide a more detailed assessment of both the geotechnical characteristics and the actual environmental risks prior to the development of the site. The investigation would include an intrusive investigation of shallow soils and subsequent monitoring, to provide information for the future commercial development and to determine whether more detailed phases of investigation may be required. The investigation would also clarify the features and uses of the four manhole covers and chambers that were observed at the site and the potential presence of a water main running across the northern area of the site.
- 5.121 The Council's Contaminated Land Consultant has been consulted on the application and has advised that with regard to land contamination, the proposed motorway services are unlikely to give rise to significant environmental effects. However, they agree with the recommendations contained within the Phase 1 Desk Report that further investigation is required. Therefore, 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 relating 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.

5.122 Subject to the aforementioned conditions, it is considered that the proposed development would be acceptable in terms of land contaminated in accordance with saved Policy ENV2 of the Selby District Local Plan and national planning policy contained within the NPPF.

Minerals and Waste

5.123 The application site is located within a Surface Minerals Safeguarding Area for limestone. It is also indicated in the Minerals and Waste Joint Plan as lying within a High Risk Development Area, though the Coal Authority interactive map shows the site within a Low Risk Area. The Coal Authority map takes precedence.

5.124 Part 1 of Policy S02 of the Minerals and Waste Joint Plan relates to surface mineral resources and states:

“Within Surface Minerals Safeguarding Areas shown on the Policies Map, permission for development other than minerals extraction will be granted where:

- i) It would not sterilise the mineral or prejudice future extraction; or*
- ii) The mineral will be extracted prior to the development (where this can be achieved without unacceptable impact on the environment or local communities), or*
- iii) The need for the non-mineral development can be demonstrated to outweigh the need to safeguard the mineral; or*
- iv) It can be demonstrated that the mineral in the location concerned is no longer of any potential value as it does not represent an economically viable and therefore exploitable resource; or*
- v) The non-mineral development is of a temporary nature that does not inhibit extraction within the timescale that the mineral is likely to be needed; or*
- vi) It constitutes ‘exempt’ development (as defined in the Safeguarding Exemption Criteria list).”*

5.125 In accordance with Policy S07 of the Minerals and Waste Joint Plan, given the development is located in such a Surface Minerals Safeguarding Area, North Yorkshire County Council have been consulted on the application. North Yorkshire County Council have advised that given the proximity of the site to the South Milford Hotel to the north-west of the site and residential property to the south of the site, it would not be a compatible site for large scale minerals working. As such, North Yorkshire County Council advise that part iii) of Part 1 of Policy S02 may be applicable, which states that permission for development other than minerals extraction can be considered acceptable where *“The need for the non-mineral development can be demonstrated to outweigh the need to safeguard the mineral”*.

5.126 In this instance, the Local Planning Authority consider the need for the proposed development has not been demonstrated (see discussion below in ‘Consideration of Very Special Circumstances’). However, taking account of the response from North Yorkshire County Council, if the need for the proposed development were to be demonstrated, the location of the site within a Surface Minerals Safeguarding Area for limestone would not preclude the development from being considered acceptable. If approved an informative would need to be added to bring the applicant’s attention to the location of the site in a Low Risk Coal Authority area.

Socio-Economic Considerations

- 5.127 The NPPF sets out the Government's vision to build a strong, competitive economy that encourages innovation and productivity. It states at paragraph 81 that 'significant weight should be placed on the need to support economic growth and productivity, taking into account both the local business needs and wider opportunities for development'. With particular reference to large scale transport facilities, paragraph 106 of the Framework states that planning policies should provide for such facilities that need to be located in the area, taking account of national policy statements. This is subject to a footnote – footnote 44 - that identifies the primary function of roadside services as supporting the safety and welfare of the road user.
- 5.128 As set out above, Government policy, contained in the Department for Transport Circular 02/2013 "The Strategic Road Network and the Delivery of Sustainable Development (C2/2013)", provides guidance on roadside facilities for road users on motorways and all-purpose trunk roads (APTR) as is consistent with the NPPF in identifying the primary function of roadside facilities as supporting the safety and welfare of the road user.
- 5.129 The Core Strategy seeks to guide the majority of employment and retail development to the main urban areas or existing employment areas. It does not identify a need for further motorway service facilities with Policy SP13 relating specifically to sustainable development that brings sustainable economic growth through local employment opportunities. However, saved Policy T10 of the Local Plan does relate to Motorway Service Areas, with no weight being given in the assessment of their acceptability to economic benefits arising from the facility.
- 5.130 Nevertheless, the application is supported by a Socio-Economic Statement and the Environmental Impact Assessment contains a chapter on Socio-economic considerations. These outline the potential benefits that could be generated by the proposed development, including direct and indirect employment supported and generated through the construction phase, the permanent jobs arising from the operational phase of the proposed development along with enhanced skill levels for workers and a potential uplift in tourism. In terms of likely direct operational employment generation, a total of 200 full time equivalent is estimated across the proposed service provision based on a similar site elsewhere in the country, with the potential for this to be increased when combined with part time roles. Further, there is anticipated to be indirect employment that together with the multiplier effect from increased expenditure in the area would result in a likely boost to the local economy.
- 5.131 The statements indicate a contribution to the Selby economy over the operational life of the MSA (assumed as 50 years) expressed as Gross Value Added to be £25,803 per head, with the potential to generate between £207,714,150 to £273,511,800. It is anticipated that there would be secondary benefits from increased business rates estimated at £1million per annum.
- 5.132 The statements also confirm a commitment by Roadchef to new training and employment opportunities including a range of skill level jobs and apprenticeship schemes.
- 5.133 Finally, the applicant considers that the proposal would support the continued economic success of Sherburn Industrial Estate by providing HGV infrastructure.

5.134 Whilst the economic benefits are noted, these need to be weighed in the planning balance against identified harms arising from the proposals.

Consideration of Very Special Circumstances

5.135 It has been determined earlier in this report that the proposal is inappropriate development in the Green Belt, which is by definition harmful to the Green Belt. Other harm resulting from the proposal has been identified, namely: harm to the openness of the Green Belt and one of the purposes of including land within the Green Belt; and landscape harm. Therefore, it is necessary to consider whether very special circumstances exist which outweigh the harm to the Green Belt by reason of its inappropriateness and any other harm identified.

5.136 The applicant acknowledges the harm to the Green Belt by reason of its inappropriateness. The applicant also acknowledges the harm to the openness of the Green Belt and one of the purposes of including land within the Green Belt, albeit they consider the harm to be localised - in extent that they consider it is directed to a parcel of land which performs weakly against the five purposes of Green Belt, having regard to the contents of 'The Draft Stage 1: Selby District Green Belt Study' published as part of the focused engagement consultation (29 June 2015 - 10 August 2015). The applicant does not agree with the nature and extent of the landscape harm identified.

5.137 The applicant has put forward a case for very special circumstances having regard to saved Policy T10 of the Selby District Local Plan, amongst other matters, which focuses on the need for a MSA in this location.

5.138 Part A of saved Policy T10 of the Selby District Local Plan states that in assessing whether very special circumstances apply at the time that a proposal is made, following should be taken into consideration:

“a) Whether there is a compelling need for such a facility in terms of:

- i. The distance between the proposal and existing and planned MSAs on the A1(M) and related motorway routes, bearing in mind government policy with regard to the spacing of services;*
- ii. Road safety;*
- iii. The capacity of existing MSAs to cope with the needs of motorists*

b) Whether there are non-Green Belt sites on the A1(M) and related motorway routes which are suitable and available for an MSA and would avoid the use of a green belt site.”

Whether there is a compelling need for an MSA

5.139 Circular 02/2013, 'The Strategic Road Network and the Delivery of Sustainable Development', recommends that the maximum distance between MSAs on motorways and all-purpose trunk roads should be no greater than 28 miles, although the distance can be shorter. The distance of 28 miles is based on providing an opportunity to stop every half an hour.

5.140 The proposed development would be located on the A1(M) between MSAs at Ferrybridge to the south and Weatherby to the north. The proposed development would be located a distance of approximately 6 miles from Ferrybridge MSA and 15 miles from Weatherby MSA. The distance between the existing MSAs at

Ferrybridge and Weatherby is approximately 21 miles. This is below the maximum distance of 28 miles set out in in Circular 02/2013.

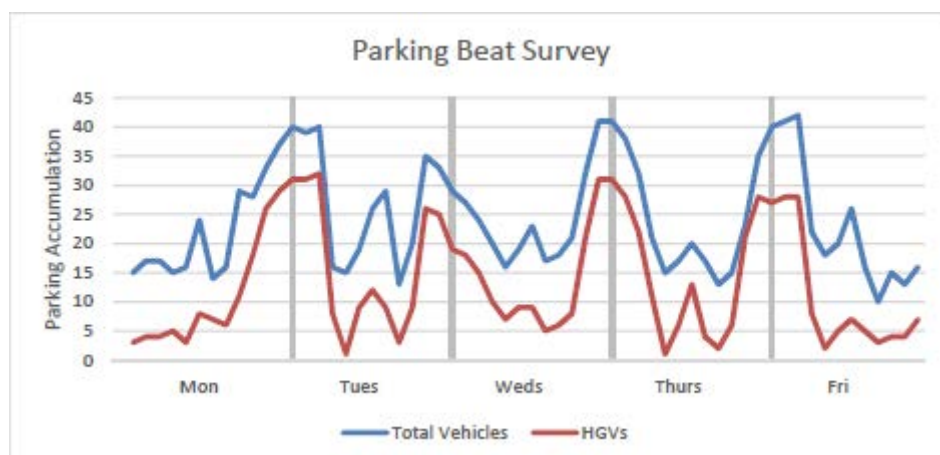
- 5.141 The applicant argues that the distance between MSAs at Blyth and Wetherby is approximately 44 miles, which far exceeds the maximum distance of 28 miles between MSAs set out in Circular 02/2013. The applicant notes the presence of Ferrybridge MSA (which is approximately 25 miles from Blyth MSA and 20 miles from Wetherby MSA), however, the applicant contends that Ferrybridge MSA principally serves the M62 rather than the A1(M) and that the access to Ferrybridge MSA from the A1(M) involves a diversion which detracts users of the A1(M) from using it.
- 5.142 The recent Brodsworth appeal decision (reference APP/F4410/W/18/3197290) dated July 2019 for a proposed MSA further south on the A1(M) near Doncaster included commentary on Ferrybridge MSA. Based on the available evidence, the Inspector concluded it would not be appropriate to discount the Ferrybridge MSA, as although situated on a junction of the M62, it is well signed from the A1(M) with direct access to it and the detour would not add significantly to journey time whether travelling north or south along the A1(M). Furthermore, the Inspector concluded that there was nothing to suggest that the facilities at Ferrybridge MSA are not used by travellers on the A1(M).
- 5.143 The application has been supported by an ANPR Survey (reference 184260), dated February 2020, prepared by Vectos. The purpose of the ANPR Survey is to demonstrate the role of Ferrybridge MSA. The ANPR Survey was undertaken over a 7-day period in November 2019, operating a 17-hour period per day between 05.00 to 22.00 (which accounts for 94-97% of all traffic on the network). The overall capture rate was 90%.
- 5.144 The Survey sets out that the turn in rate for an MSA of this nature is usually 5.5%. The Survey demonstrated that the turn in rate for Ferrybridge MSA from A1(M) is 1.5%; while the turn in rate to Ferrybridge MSA from the M62 is 3.6%. Both of these figures are below the average turn in rate for an MSA of this nature and this could be due to a variety of reasons. In terms of HGVs specifically, the turn in rate for Ferrybridge MSA from the A1(M) is 2.8%; while the turn in rate to Ferrybridge MSA from the M62 is 6.6%. Again, these variations could be due to a variety of reasons.
- 5.145 The ANPR survey is noted, however, this demonstrates that while turn in rates to Ferrybridge MSA may be lower than average from both the A1(M) and the M62, it does serve users of both the A1(M) and the M62 and as such contributes to road safety for users of both the A1(M) and the M62. Ferrybridge MSA is signed from both the A1(M) and the M62 and makes a meaningful contribution to the welfare and safety of the travelling public on both the A1(M) and the M62.
- 5.146 There is no firm evidence to suggest that the existing MSAs are unable to cope with the needs of motorists.
- 5.147 Having regard to the above, there are no gaps of more than 28 miles between MSAs. The proposed development would be located a distance of approximately 6 miles from Ferrybridge MSA and 15 miles from Weatherby MSA. Whilst there is no policy that would rule out more frequent facilities, it is not considered that there is a compelling need for a MSA in this Green Belt location.

Whether there are non-Green Belt sites on the A1(M) and related motorway routes which are suitable and available for an MSA and would avoid the use of a green belt site

- 5.148 The entire section of the A1(M) through Selby District, and the majority of those areas which fall outside Selby District between Weatherby MSA and Blyth MSA lie within the Green Belt (save for some settlements adjacent to the A1(M) which are outwith the Green Belt and areas of land around Wetherby and Blyth in close proximity to the existing MSAs). Therefore, notwithstanding the position regarding need for an MSA, it is considered that there are no non-Green Belt sites which would be suitable and available for an MSA which would avoid the use of a Green Belt site.
- 5.149 An Alternative Site Assessment has been submitted in support of the application which has considered on-line and off-line options for the provision of an MSA along this stretch of the A1(M) and determines that the proposed site is the most suitable, especially when considering providing for a local need for lorry parking (which will be discussed in more detail later this report). Consideration has been given to upgrading existing services, such as Ferrybridge and those along the trunk road, however, these have been discounted as they would not be positioned to provide for the local need for lorry parking, amongst other things. However, the principal basis for an alternative site assessment for the provision of an MSA should not be based on local need for lorry parking. Furthermore, an MSA would not be able to be provided on a trunk road, only a motorway.

Local need for lorry parking

- 5.150 The applicant has identified a local need for lorry parking to support economic development in Sherburn in Elmet.
- 5.151 The applicant undertook a parking beat survey over a five-day period in March 2019 to understand roadside parking in the area. This covered three zones:
- The A63, of which a principal part is Great North Road, which runs north to south to the west of the application site;
 - The A162 between the A63 and Sherburn in Elmet; and
 - The B1222 between Sherburn in Elmet and Great North Road.
- 5.152 Over the five-day period, the number of vehicles parked alongside the road in each zone was recorded every two hours. The result of the survey are shown graphically below.



- 5.153 The results demonstrate that over the survey period, roadside vehicle parking predominantly comprised HGVs and was most prevalent overnight. The results demonstrate that over the survey period, there are between 26-32 HGVs parked on the roadside each evening in the study area. The applicant asserts that the majority of HGV parking occurs in laybys along the A63 (Great North Road) and the A162. These roadside locations offer no facilities for HGV drivers. Furthermore, the applicant asserts that parking in these roadside locations typically results in anti-social behaviour and an opportunity for crime.
- 5.154 The applicant considers the identification of up to 32 HGVs being parked on the roadside each evening presents a local need for HGV lorry parking.
- 5.155 The applicant contends that the employment development at Sherburn in Elmet contributes to the prevalence of HGV parking in the area. A turning count survey undertaken at all site access junctions for the existing Sherburn in Elmet employment development in March 2019 (over a 24 hour period) demonstrated that there were 2,367 HGV trips (including in and out) associated with the Sherburn in Elmet employment development.
- 5.156 The applicant notes the large quantum of committed employment development at Sherburn in Elmet, and potential for future employment development. The applicant asserts this could lead to an even greater demand for HGV parking in the area, as a large proportion of the freight trips associated with new development will travel to and from the A1(M) at Junction 42.
- 5.157 As a result of the applicant identifying a local need for lorry parking to support economic development in Sherburn in Elmet, they propose to provide an additional 46 HGV parking spaces at the proposed development, over and above those required for the MSA under Schedule 1 of the DfT Circular 02/2013, 'The Strategic Road Network and the Delivery of Sustainable Development' (32 to account for existing unsatisfied demand locally and 14 to account for committed employment development at Sherburn in Elmet). These additional 46 HGV spaces are to be provided in relation to the very special circumstances case put forward by the applicant, based around a need for HGV parking in the locality.
- 5.158 The applicant has confirmed that the additional HGV spaces provided as part of the very special circumstances case would be subject to a £10 charge, of which £9 would be redeemable within the MSA facilities. The remaining HGV spaces (required for the MSA under Schedule 1 of the DfT Circular 02/2013, 'The Strategic Road Network and the Delivery of Sustainable Development') would be free for the first two hours after which usual charges would apply.
- 5.159 The applicant has also confirmed that there would be a commitment to pursue Traffic Regulation Orders to prevent roadside HGV parking along the A63 (Great North Road) and the A162 between the A63 and Sherburn in Elmet. This would need to be secured by S106 agreement.
- 5.160 Whilst a local need for lorry parking may have been identified and providing for that need would be a benefit of the scheme, it is not considered that, of itself, justifies the provision of a new, full scale MSA in a Green Belt location where there is no compelling need for an MSA.

5.161 The applicant contends that it would not be viable to provide a stand-alone lorry park and that there are no suitable sites to provide one within the vicinity of Sherburn in Elmet. A viability assessment for the provision of a standalone lorry park and an Alternative Site Assessment for the provision of a standalone lorry park have been submitted in support of the application. This has been reviewed by an independent Automotive Consultant, Alastair Coates of Alexander James Ltd (formerly of Knight Frank). The viability appraisal and alternative site assessment have been undertaken on the basis of a standalone lorry park comprising approximately 50 spaces and amenities on a site of circa 3 acres. The Automotive Consultant advises that the provision of a facility of such size would not be financially viable. Furthermore, having reviewed the alternative site assessment, the Automotive Consultant considers there are no suitable sites on which to provide a standalone lorry park of this size within the locality. Of those identified sites which offer the size of site considered necessary to present a potentially viable truck stop opportunity, there are challenges identified in respect of ownership, greenfield status and the need for considerable highways improvement works that will add a potentially critical burden to a development appraisal. The Automotive Consultant concludes that in their experience of the market, in order to present a viable solus development opportunity a truck parking facility needs to be of a minimum scale of least 100 spaces, in order to support the cost of building and running an adequately sized and provisioned amenity building. If it cannot offer the capacity, then it needs to offer other income opportunities and/or other draws to bring truckers into site to use the café and shop.

Economic and Social Benefits

5.162 The proposed development would have a number of economic and social benefits including:

- £45million pound investment
- £1million pounds generated per annum in business rates
- 228 new construction jobs (equating to 12.5 FTE within Selby)
- 200 FTE new operational jobs (164 within Selby)
- A Local Labour Agreement
- Apprenticeship scheme across a range of sectors
- No zero hours contracts and a range of employee benefits
- A Shuttle bus to connect employees to the site
- Inclusion of a farm shop, which would have linkages to local suppliers
- 46 HGV parking spaces to address an identified local need for lorry parking (these spaces would be subject to a £10 charge, of which £9 would be redeemable within the MSA facilities)
- A commitment to pursue Traffic Regulation Orders to prevent roadside HGV parking along the A63 (Great North Road) and the A162 between the A63 and Sherburn in Elmet

Environmental Benefits

5.163 The proposed development would have a number of environmental benefits including:

- Provision of biodiversity net gain in excess of the 10% target
- Provision of off-site highway improvement works to encourage sustainable transport

- Provision of electric vehicle charging points
- Provision of some energy requirements from renewable, low carbon or decentralised energy sources

6. PLANNING BALANCE AND CONCLUSION

- 6.1 The proposal would comprise inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt. Furthermore, the proposal would result in substantial harm to the openness of the Green Belt and one of the purposes of including land within the Green Belt to safeguard the countryside from encroachment. Paragraph 148 of the NPPF requires substantial weight should be given to any harm to the Green Belt.
- 6.2 Also to be weighed into the balance are other harms identified. With regard to landscape, the proposed development is not considered to sufficiently minimise impacts and enhance the traditional character of buildings and landscape within the LILA; would impact on local character and setting and would not provide sufficient new opportunities to better join up existing green infrastructure as well as creating new green infrastructure. The overall effectiveness of the proposed Landscape Strategy in this context is questionable. Significant weight is given to the landscape harm.
- 6.3 In terms of matters weighing in favour of the proposals, the primary consideration is whether there is a compelling need for an MSA in this Green Belt location. There are no gaps of more than 28 miles between MSAs. The proposed development would be located a distance of approximately 6 miles from Ferrybridge MSA and 15 miles from Weatherby MSA. Ferrybridge MSA is signed from both the A1(M) and the M62 and makes a meaningful contribution to the welfare and safety of the travelling public on both the A1(M) and the M62. Whilst there is no policy that would rule out more frequent facilities, it is not considered that there is a compelling need for an MSA in this Green Belt location. This matter is afforded limited weight.
- 6.4 The applicant has identified a local need for lorry parking to support economic development in Sherburn in Elmet. While providing for that need would be a benefit of the scheme, it is not considered that, of itself, justifies the provision of a new, full scale MSA in a Green Belt location where there is no compelling need for an MSA. This matter is afforded limited weight.
- 6.5 A range of economic, social and environmental benefits are identified. While these would be benefits of the scheme, it is not considered that they would justify the provision of a new, full scale MSA in a Green Belt location where there is no compelling need for an MSA. These matters are afforded limited weight.
- 6.6 Having regard to matters weighting in favour of the proposals, it is considered that there is nothing that, either individually, or cumulatively, clearly outweighs the harm to the Green Belt by reason of inappropriateness and the other harm identified so as to amount to very special circumstances to justify inappropriate development in the Green Belt.
- 6.7 The proposed development would be contrary to saved policies ENV1, ENV3, ENV15 and T10 of the Selby District Local Plan, Policies SP1, SP2, SP3, SP12, SP18 and SP19 of the Core Strategy and national planning policy contained within the NPPF.

7. RECOMMENDATION

This application is recommended to be REFUSED for the following reasons:

1. The proposal would comprise inappropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt. Furthermore, the proposal would result in substantial harm to the openness of the Green Belt and one of the purposes of including land within the Green Belt to safeguard the countryside from encroachment. Paragraph 148 of the NPPF requires substantial weight should be given to any harm to the Green Belt. There is nothing that, either individually, or cumulatively, clearly outweighs the harm to the Green Belt by reason of inappropriateness and the other harms identified so as to amount to very special circumstances to justify inappropriate development in the Green Belt. The proposal is therefore contrary to Policies SP2, SP3 of the Core Strategy, saved Policy T10 of the Selby District Local Plan and national planning policy contained within the NPPF.
2. The proposed development would not sufficiently minimise impacts and enhance the traditional character of buildings and landscape within the LILA; would impact on local character and setting and would not provide sufficient new opportunities to better join up existing green infrastructure as well as creating new green infrastructure. The overall effectiveness of the proposed Landscape Strategy in this context is questionable. The proposal is therefore contrary to Policies SP12, SP18 and SP19 of the Core Strategy, saved Policies ENV1, ENV3, ENV15 and T10 of the Selby District Local Plan and national policy contained within 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 2019/0547/EIA and associated documents.

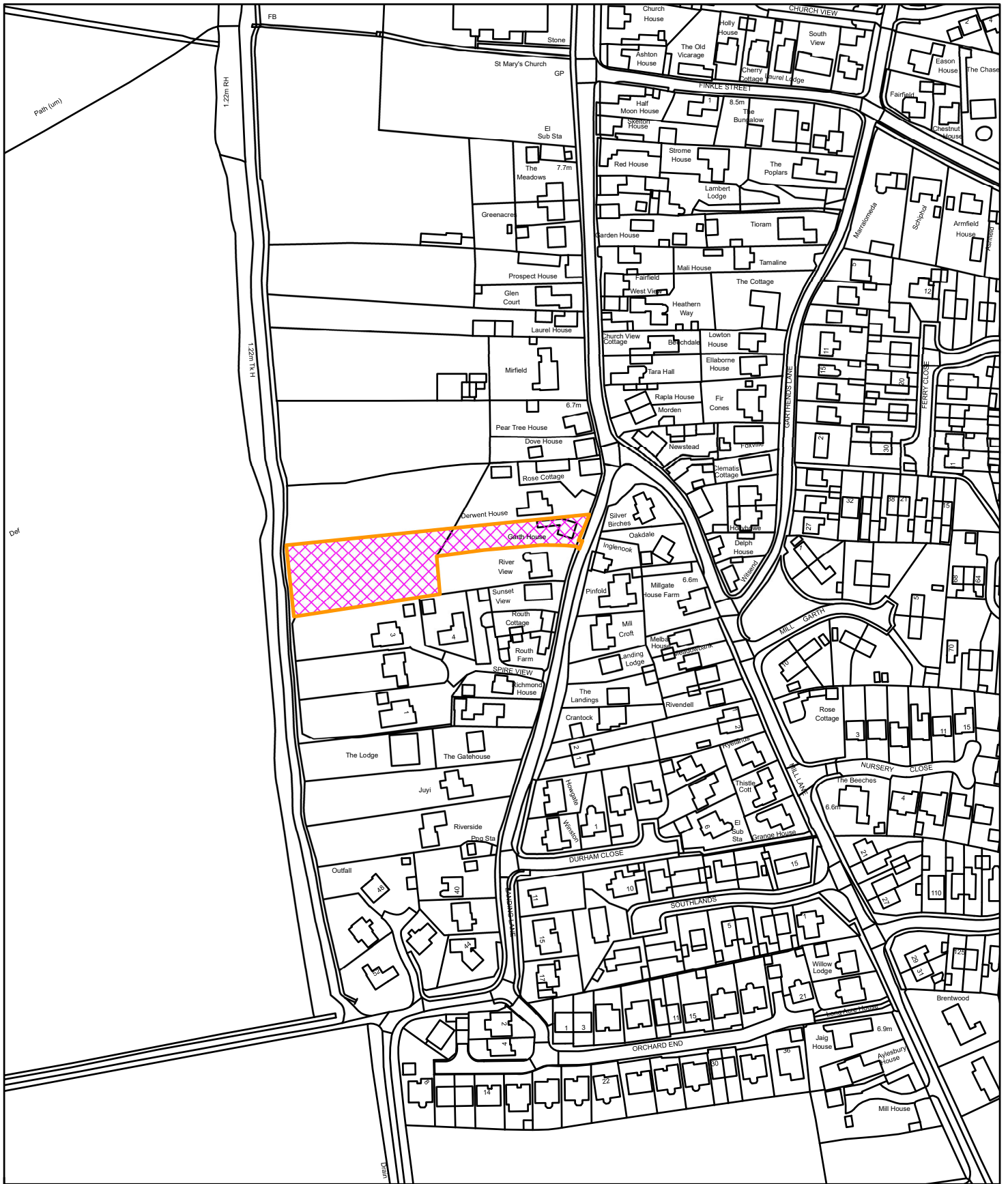
Contact Officer: Jenny Tyreman (Assistant Principal Planning Officer)

Appendices: None

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Agenda Item 5.2

Garth House, Landing Lane, Hemingbrough
2022/1445/HPA



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Report Reference Number 2022/1445/HPA

To: Planning Committee
Date: 15th March 2023
Author: Esther Pask (Planning Officer)
Lead Officer: Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	2022/1445/HPA	PARISH:	Hemingbrough Parish Council
APPLICANT:	Mr & Mrs David Hedderwick	VALID DATE:	12th December 2022
		EXPIRY DATE:	6th February 2023
PROPOSAL:	Demolition of attached rear single storey porch and workshop to be replaced with new single storey extension to form new kitchen and garden room		
LOCATION:	Garth House Landing Lane Hemingbrough Selby North Yorkshire YO8 6RA		
RECOMMENDATION:	REFUSE		

This application has been brought before Planning Committee at the request of the Ward Councillor Karl Arthur, should Officers be minded to refuse the application. The reasons provided for the application being called to committee are as follows:

1. A Heritage survey has been carried out which states that this proposal has no detrimental effect on the conservation of the area and that therefore has no adverse impact on the character and appearance of the area;
2. The nature and scale of the proposal and its location ensure that there is no impact on the existing residential amenity of the host property or adjacent properties. It therefore comprises sustainable development and is consistent with the development policies in the development plan and the NPPF;
3. The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises of sustainable development and is consistent with the policies in the development plan and the NPPF.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site features a detached brick-built dwelling with a pitched tiled roof, within the Hemingbrough Conservation Area. To the front of the site there is a small area of private amenity space along with an area of off-street parking accessed to the side of the host dwelling. Access to the rear of the site is provided to the side of the host dwelling. To the rear of the property is an area of private amenity space bounded by fencing. The dwelling sits in a prominent position within the streetscene, with views to the rear of the dwelling apparent from the south.
- 1.2 This is a re-submission of a recent approval of application ref: 2022/0564/HPA. This application was granted after multiple amendments to reduce the size and scale of the proposed extension and alter the design of the extension in order to make it less visually dominant and clearly subordinate to the host dwelling. The applicant now seeks to return to the original design via this application.

The Proposal

- 1.3 The application is for the demolition of attached rear single storey porch and workshop to be replaced with new single storey extension to form new kitchen and garden room. The application is sought as an alternative to the recently permitted (2022/0564/HPA).

Relevant Planning History

- 1.4 The following historical application is considered to be relevant to the determination of this application.
2022/0564/HPA - Demolition of single storey porch and workshop and erection of single storey extension, Address: Garth House, Landing Lane, Hemingbrough, Selby, North Yorkshire, YO8 6RA. Approved 09-DEC-22

2. CONSULTATION AND PUBLICITY

2.1 Hemingbrough Parish Council

Request that the brickwork should be the same as the existing building, as the property is situated within the Conservation Area.

2.2 Conservation Officer

The Conservation Officer opposes the proposal as the extension is overly large, it has an irregular footprint, and the form and design of the extension does not reflect the traditional characteristics of buildings found within Hemingbrough Conservation area. Overall, the awkward design of the extension would fail to preserve or enhance the character or appearance of the conservation area. The extension is not subservient to the main house, the building footprint of the proposed extension is the same width as the main house.

In addition to this, a substantial external chimney breast has been proposed for the extension which is not a typical feature for an extension or an outbuilding. Other design concerns relate to the roof pitch of the extension which is shown to be steeper than the roof pitch of the main house (resulting in a taller extension) and its

orientation does not follow the prevailing orientation of outbuilding within the conservation area.

Advice has previously been provided to the agent which suggests ways to improve the design of the extension and ensure that it meets the requirements of the local and national policies under application 2022/0564/HPA which was granted permission for the amended plans.

The development cannot be supported from the conservation or design perspective, and it is advised that the application is refused in its current form. The application is contrary to Local Plan Policy ENV 25 and ENV 1, Policy SP18 of the Selby Core Strategy and chapter 16 of the NPPF.

2.3 **Publicity**

The application has been advertised by site notice posted on 11th January 2023. The consultation period expired on 1st February 2023. No comments were received as a result of the publicity.

3. **SITE CONSTRAINTS**

Constraints

- 3.1 The application site lies within the defined development limits of the settlement of Hemingbrough, which is identified as a Designated Service Village in the Selby District Core Strategy.
- 3.2 The application site is located within the setting of Hemingbrough Conservation Area and within land designated as Flood Zone 3 as defined by the Environment Agency.

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".
- 4.2 This is recognised in the National Planning Policy, at paragraph 11 of the NPPF, with paragraph 12 stating that the presumption in favour of sustainable development contained in paragraph 11 does not change the statutory status of the development plan as the starting point for decision making. It goes to state at paragraph 12 that where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations in a particular case indicate otherwise. This application has been considered against the 2021 NPPF and, in particular, the sections listed below.
- 4.3 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)."

- 4.4 The development plan for the Selby District comprises various documents including the Selby District Core Strategy Local Plan (adopted 22nd October 2013), 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, the Minerals and Waste Joint Plan (adopted 16 February 2022), and the adopted neighbourhood plans none of which relate to the site.
- 4.5 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 2024. Consultation on issues and options took place early in 2020 and further consultation took place on preferred options and additional sites in 2021. The Pre-submission Publication Local Plan was subject to formal consultation that ended on 28th October 2022. The responses are currently being considered. Providing no modifications are proposed, the next stage involves the submission to the Secretary of State for Examination.
- 4.6 Paragraph 48 of the NPPF states that weight may be given to relevant policies in emerging plans according to: a) the stage of preparation; b) the extent to which there are unresolved objections to the policies; and, c) the degree of consistency of the policies to the Framework. Given the stage of the emerging Local Plan, the policies contained within it are attributed limited weight and as such are not listed in this report.

Selby District Core Strategy Local Plan (2013)

- 4.7 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 (2005)

- 4.8 The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development
ENV25 - Development in Conservation Areas

Minerals and Waste Joint Plan (February 2022)

- 4.9 The relevant Minerals and Waste Joint Plan Policies are:

S01 – Safeguarding mineral resources
S02 – Development proposed within Minerals Safeguarding Areas
S07 – Consideration of applications within Consultation Areas
D13 – Consideration of applications in Development High Risk Areas

National Planning Policy Framework (NPPF, 2021)

4.10 The relevant sections of the NPPF 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
- 16. Conserving and enhancing the historic environment

Other supplementary documents

4.11 Hemingbrough Conservation Area Appraisal (June 2021), adopted Sept 2022:

- Section 3 – Architectural and built character;
- Section 4 – Landscape character;
- Section 5 – Views.

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 the character and appearance of the Conservation Area
- Impact on Residential Amenity
- Flood risk
- Minerals and Waste

Principle of the Development

5.2 Policy SP1 of the Core Strategy seeks sustainable development. Policy SP2 sets out a spatial strategy for locating development in the District with the majority of new development, referring primarily to residential and small-scale employment growth being directed to the principle towns and more sustainable villages.

5.3 The proposal involves the extension of an existing dwelling within the development limits of a Designated Service Village and is within a predominantly residential area within the village. Therefore, the proposal is considered to be acceptable in principle.

Design and Impact on the Character and Appearance of the Area

5.4 Relevant policies are saved policies ENV1 of the Selby District Local Plan and SP19 of the Core Strategy. Policy ENV1 states: "Proposals for development will be permitted provided a good quality of development would be achieved. In considering proposals the District Council will take account of: 1) The effect upon the character of the area or the amenity of adjoining occupiers... 4) The standard of layout, design and materials in relation to the site and its surroundings and associated landscaping...8) Any other material considerations." Policy SP19 relates to Design Quality and requires proposals to contribute to local character,

identity and context including historic townscapes and settlement patterns including scale, density and layout.

- 5.5 Chapter 12 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. At paragraph 130, it states that planning decisions should ensure that developments, inter alia: function well and add to the overall quality of the area; are visually attractive as a result of good architecture and layout; are sympathetic to local character and history, including the surrounding built environment.
- 5.6 The proposed single storey rear extension would replace the existing rear single storey porch and workshop that projects out into the rear curtilage at an angle to the host dwelling taking account of the dog-leg form of the northern site boundary. This is narrow in width being approximately half that of the main dwelling and single storey with a low mono-pitched roof. In contrast, the proposed extension would project a similar distance from the host dwelling, and would comprise a narrow element (approx. 4.4m width) leading to an approx. 7m wide, taller dual pitched roof structure set at an angle to the main dwelling; it would have a maximum ridge height of approximately 5.4 metres and eaves height of approximately 2.6 metres. The form of the extension would result in different dual-pitched roof angles and the higher element of the extension would have a steeper roof pitch than the existing house. The materials are shown to be brick and tile to match the existing dwelling. There is a chimney proposed on the south facing elevation.
- 5.7 The proposed extension would be a significant structure to the rear of the dwelling with an unusual and uncharacteristic form and design to that of the host dwelling that would not be sympathetic to it, including a mixture of roof orientations and a steeper roof pitch. It would extend the built form into the plot to a greater extent than the current addition as a result of its increased width. Given the forward position of the host dwelling compared to the house to the south, River View, the extension would be visible from Landing Lane to the south. Attention would be drawn to the extension by its angled position, the steeper roof pitch and presence of the gable chimney feature. The extension does however sit in the context of other larger dwellings and is single storey albeit with a high roof ridge (similar to the eaves of the host dwelling) that would be viewed against the backdrop of the dwelling to the north, Derwent House. As such, the proposed extension would not be in-keeping with the host dwelling in terms of form, layout and design, and would positively contribute to the area.
- 5.8 Therefore, taking all of the above into account, the proposal is considered to be unacceptable in terms of character and appearance and is contrary to policies ENV1 of the Local Plan and SP19 of the Core Strategy and paragraph 130 of the NPPF.

Impact on the character and appearance of the Conservation Area

- 5.9 When considering proposals for buildings or other land which affect Conservation Areas, regard is to be made to S72 (1) of the Town & Country Planning (Listed Building and Conservation Area) Act 1990 requires special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Further advice of how to assess planning applications affecting

designated heritage assets such as conservation areas is contained in the NPPF at Chapter 16.

- 5.10 Relevant Local Plan policies in respect to the impact of the development on the Hemingbrough Conservation Area are Policies ENV1 (5) and ENV25 of the Selby District Local Plan, and Policies SP18 and SP19 of the Core Strategy.
- 5.11 The key requirement from Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, is reflected within the Local Plan Policy ENV25 which states: "Development within or affecting a conservation area will be permitted provided the proposal would preserve or enhance the character or appearance of the conservation area, and in particular: 1) The scale, form, position, design and materials of new buildings are appropriate to the historic context...4) The proposed use, external site works and boundary treatment are compatible with the character and appearance of the area."
- 5.12 Core Strategy Policy SP18 seeks to sustain the high quality and local distinctiveness of the man-made environment by conservating those historic assets which contribute most to the distinct character of the district.
- 5.13 The Hemingbrough Conservation Area Appraisal (June 2021, adopted by the Council in September 2022) places Garth House to the southern extent of the Conservation Area boundary. It describes Hemingbrough as a linear village set around a single street (Main Street/Town Street) with clear historic boundaries to the west marked by Oldways Lane. At section 3.1, the appraisal highlights some key positive characteristics of the Conservation Area as the strong survival of medieval toft and croft boundaries between Main Street and Oldways Lane and the significant number of older properties retaining their original substantial garden plots, which makes a substantial contribution to the character and appearance of the conservation area.
- 5.14 Additionally, the Hemingbrough Conservation Area Appraisal states in section 3.6 that all unlisted buildings contribute to the special character and appearance of the Conservation Area. The extent of the contribution made by a building is not limited to its street elevations but also depends on its integrity as an historic structure and the impact it has in three dimensions. Rear elevations can be important, as can side views from alleys and yards. Section 5.0 highlights how Hemingbrough views are dominated by views along the High Street and across the toft and croft boundaries. The proposed rear extension would be partially visible from the street elevation as the stepped back nature of neighbouring properties to the north and south and the existing driveway to the south side increases visibility from Landing Lane.
- 5.15 The application site comprises an attractive historic brick building located within the Hemingbrough Conservation Area. It is a double fronted two storey brick house of simple form facing onto Landing Lane. Historically the plot is likely to have been a burgage plot, it is long and linear. The outbuilding to the rear is single storey and extends in a linear form from the rear of the property. This outbuilding form is common throughout the conservation area. There is a kink in the footprint shape of the rear buildings due to the angle of Landing Lane and the shape of the plot.
- 5.16 The Council's Conservation Officer has raised an objection to the proposed scheme. The main concerns were that the extension is overly large with an irregular footprint, and its form and design does not reflect the traditional characteristics of buildings found within Hemingbrough Conservation Area. The design overall is

considered to be awkward and would fail to preserve or enhance the character or appearance of the conservation area.

- 5.17 The design concerns that have been raised means that the proposed development does not comply with the Development Plan policies. Awkward roof pitches and detailing, non-traditional building footprint contributes to the development failing to be in-keeping with or sympathetic to the simple and traditional form of the host dwelling. The orientation would not follow the prevailing orientation of outbuildings within the conservation area.
- 5.18 Advice has previously been provided to the agent under the consideration of application 2022/0564/HPA, which suggested ways to improve the design of the extension and ensure that it meets the requirements of the local and national policies. This was to reduce the footprint of the proposed extension, ensuring that, as an extension which connects to the main house at 90 degrees, the extension is significantly narrower than the width of the main house. The roof form should also reflect the pitch of the main house and be continuous through the entire rear extension rather than having different roof heights and pitches. By simplifying and reducing the scale of the development, this would remove awkward design elements and be more in-keeping with the local narrative of rear extensions and outbuildings within Hemingbrough. The removal of the substantial external chimney breast would also reduce the dominance of this new extension.
- 5.19 The above advice was followed through negotiation in achieving a successful planning permission for 2022/0564/HPA, and officers once again maintain this position. The current scheme which reverts back to an earlier design would result in harm to the significance of the designated heritage asset. Officers consider that there is no justification for this style or form of extension and no public benefits that would arise from its development (only private). The NPPF paragraph 202 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".
- 5.20 Having regard to the above, it is considered that the proposal would not preserve or enhance the character and appearance of Hemingbrough Conservation Area and therefore does not accord with the statutory requirement of S72(1) of the Planning (Listed Building and Conservation Area) Act 1990, and would conflict with Policy ENV25 of the Selby District Local Plan, Policy SP18 of the Core Strategy and the advice contained within the NPPF.

Impact on Residential Amenity

- 5.21 Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1 (1) of the Selby District Local Plan. In addition to that it is noted that paragraph 127 (f) of the NPPF requires that development creates a high standard of amenity for existing and future users.
- 5.22 The key considerations in respect of residential amenity are the potential of the proposal to result in overlooking of neighbouring properties, overshadowing and loss of light to neighbouring properties and whether oppression would occur from the size, scale and massing of the development proposed.

- 5.23 The proposed single storey rear extension, runs along the northern boundary and adjacent to the southern elevation of Derwent House. Derwent House has 2 first floor windows on the south elevation that may be periodically affected in terms of loss of light from the extension, particularly due to its increased height. The windows are however small and positioned high in the gable and unlikely to be high occupancy rooms and therefore there is unlikely to be a significant impact caused by the extension. The application has also received no third-party objections. In terms of the dwelling to the south, 'River View', whilst the majority of the new openings face south, these are mitigated by the existing boundary screening and if removed this could be mitigated by fence. Also, the existing dwelling has openings in the extension facing south and the windows face on the side gable and front garden of River View, thus ensuring privacy is maintained.
- 5.24 The proposed works would not alter the number of bedrooms at the property. As such, the existing parking arrangements are considered to be sufficient.
- 5.25 Therefore, 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.

Flood Risk

- 5.26 Core Strategy Policy SP15 (Sustainable Development and Climate Change) and Paragraph 159 (Planning and Flood Risk) of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where necessary in such areas, the development should be made safe for a lifetime without increasing flood risk elsewhere.
- 5.27 The location of the proposed extension sits within Flood Zone 3 as defined by the Environment Agency Flood Maps for Planning. The submitted Flood Risk Assessment confirms that the finished floor levels of the proposed extensions would be no lower than the existing floor level, and that the floors will be of solid construction.
- 5.28 The proposal is not considered to have a detrimental impact on flood risk and complies with Policy SP15 of the Core Strategy and Paragraph 159 of the NPPF.

Minerals and Waste

- 5.29 The application site is located within a Surface Minerals Safeguarding Area. However, as the application is a householder application, it constitutes 'exempt development' and no further consideration of this matter is required. Further, the site is within a low risk coal area as identified on the Coal Authority's Interactive Map. An informative is recommended to draw the applicant's attention to the location of the site in a coal mining area. The proposal complies with Policies S01, S02, S07, and D13 of the Minerals and Waste Joint Plan.

6. CONCLUSION

- 6.1 The application seeks the erection of a single storey extension to the rear of an existing dwelling within the village of Hemingbrough and falling within the

Hemingbrough Conservation Area. Whilst no harm arises in principle to the proposal, to residential amenity, flood risk or safeguarding of minerals, the proposed single storey rear extension would result in harm to the character and appearance of the Hemingbrough Conservation Area and the surrounding area. There is considered to be no justification for this style or form of extension and no public benefits that would arise from the development. The proposal is therefore considered to be contrary to Section 72(1) of the Planning (Listed Building and Conservation Area) Act 1990, policies ENV1 and ENV25 of the Selby District Local Plan, policies SP18 and SP19 of the Core Strategy and the advice contained within the NPPF at Chapters 12 and 16.

7. RECOMMENDATION

This application is recommended to be REFUSED for the following reasons:

1. The proposed development, on account of its scale, form and detailing, would fail to preserve or enhance the character and appearance of the Hemingbrough Conservation Area and would result in harm to the significance of the designated heritage asset and the character and appearance of the host dwelling and surrounding area. It is, therefore, contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies ENV1 and ENV25 of the Selby District Local Plan and Policies SP18 and SP19 of the Selby District Core Strategy Local Plan, and the advice contained within 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 2022/1445/HPA and associated documents.

Contact Officer: Esther Pask

Appendices: None

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Agenda Item 5.3



Report Reference Number: TPO 24/2022

To: Planning Committee
Date: 15th March 2023
Author: Esther Pask (Planning Officer)
Lead Officer: Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	TPO 24/2022	PARISH:	Stillingfleet Parish Council
TPO SERVED:	30 th November 2022	DEADLINE FOR CONFIRMATION:	30 th May 2023
LOCATION:	Kenilworth House The Green Stillingfleet York YO19 6SF		
RECOMMENDATION:	TPO be confirmed with no modification		

This application is being presented to Members for decision in accordance with the scheme of delegation 3.8.9(b)(viii), the confirmation of the Tree Preservation Order cannot be issued under delegated powers due to an objection to make the order. 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. 24/2022. A copy of the Order is at Appendix A.

1. INTRODUCTION

- 1.1 The tree subject to the Tree Preservation Order (TPO) is a Silver Birch tree (‘the Tree’) that is located within the north-west corner of the front curtilage of the dwelling known as Kenilworth House, The Green. It is located to the front garden and sits behind a hedgerow, to the west of its vehicular access and parking area. The tree is positioned close to some overhead cables.
- 1.2 The site is located within the Stillingfleet Conservation Area, south-east of The Green, positioned between The Green and Kenilworth House. The Stillingfleet Village Design Statement (VDS) notes that existing trees and hedges form a significant part of the village’s appearance, and the maintenance and retention of this vegetation is of utmost importance. The location of the TPO is to the south-east of The Green and opposite a large open green space referred to as the “Green”. The “Green” does have an abundance of trees within the open space however the Silver Birch is one of few mature trees located in the gardens along The Green that

provide amenity value to this part of the Conservation Area. Other vegetation within the immediate locality is predominantly made up of lower value ornamental trees and garden landscaping.

Relevant History

- 1.3 The following historical tree applications are considered relevant to the confirmation of this TPO.
- 2021/0141/TCA– Crown reduction and shape by 25% to 3 No Silver Birch trees (T1, T3, T4) 1 No Hornbeam tree (T2) and cut back lower overhanging limb to 1 No Ash tree (T5) in the conservation area. Approved 30.03.2021.
 - 2022/1186/TCA – on 11th October 2022 the Council made valid an application for notification of intent to reduce 1 Silver Birch by approximately 4m and shape within the Stillingfleet Conservation Area. The application for consent to reduce the tree was refused on the 17.11.2022. The Council served the provisional TPO 24/2022 in response to this.

2. BACKGROUND AND SCOPE OF PROVISIONAL TPO 24/2022

- 2.1 The Council received an application (2022/1186/TCA) as notification of intent under Section 211 of the Town and Country Planning Act 1990 (as amended) to carry out works to a Silver Birch Tree located in the Stillingfleet Conservation Area. The works were to reduce the height of the tree by approximately 4m and shape. The proposed tree reduction was not supported and notice of this decision was given on 17 November 2022 on the basis that the tree is a healthy specimen and adds to the visual amenity of the Stillingfleet Conservation Area and its reduction would have an adverse impact on character and appearance. Subsequently, a provisional TPO was issued on the 30th November 2022 in order to immediately protect the tree and provide long-term protection to the Tree given its size, healthy condition and positive contribution to amenity and the Conservation Area.
- 2.2 The Order was served following the advice of the Council's Tree Officer, a qualified arboriculturist, who recommended that the Silver Birch tree is a healthy specimen typical of the species. Crown reduction is harmful to the tree and reduces visual amenity contrary to policy. Future pruning would be required to keep clear of the overhead cables though this would be supported.
- 2.3 The Town and Country Planning Act 1990 (as amended) sets out the relevant legislation with regards to the making of tree preservation orders and the preservation of trees in conservation areas and in the Town and Country Planning (Tree Preservation) (England) Regulations 2012. These enable local planning authorities to make an Order if it is 'expedient in the interests of amenity to make the provision for the preservation of trees or woodland in their area'.
- 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 removal or works to the tree(s) would have a significant negative impact on the local environment and its enjoyment by the public. Factors in the consideration of amenity include: visibility; individual, collective and wider impact, i.e. landscape setting and/or preservation or enhancement of character and appearance of the conservation area; and, other factors such as nature conservation or response to climate change.

- 2.5 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.
- 2.6 Regulation 5 of the 2012 Regulations set out at 5(1) the procedure after making an Order and requires the local planning authority as soon as practicable after making the Order to serve a copy of it on persons interested in the land affected by the Order and particulars, and make a copy available for public inspection. The particulars are listed in Regulation 5(2) and include:
- (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;
 - (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 setting out how to object or make representations.
- 2.7 The TPO as served relates to a single Silver Birch Tree (T1), as shown on the plan associated with the TPO, which is attached to this report at Appendix B. It was served in accordance with the Town & Country Planning (Tree Preservation) (England) Regulations 2012 on the person interested in the land, who has been identified as the owner of the property at Kenilworth House. A copy of the order was made publicly available at the site for inspection. Comments on the provisional Order were invited to be received by 25th January 2023.

3. REPRESENTATIONS RECEIVED TO PROVISIONAL ORDER

- 3.1 One objection to the TPO was received from the owner of the tree at Kenilworth House. It can be summarised as follows:
- Wish that the side branches be trimmed as they are touching the electric power lines.
 - Shortening the side branches all over the tree would make it slightly smaller and more attractive and would reduce the tree's vulnerability to wind damage.
 - Tree surgeon has recommended that the life span of the tree may be up to 10 years despite the trunk showing evidence of disease.
 - Reducing the height of the tree would allow for more visibility of the Green.

4. APPRAISAL

- 4.1 The main issues for consideration are:
- Whether the tree is worthy of protection;
 - Justification and consideration of objection.

Whether the tree is worthy of protection

- 4.2 As noted above, the Council's Tree Officer has advised that the Tree is a healthy specimen typical of the species. Crown reduction is harmful to the tree and reduces its visual amenity contrary to policy.
- 4.3 The Stillingfleet Village Design Statement notes that existing trees and hedges form a significant part of the village's appearance, and the maintenance and retention of

this vegetation is of utmost importance. The location of the Tree is to the south-east of The Green and opposite a large open green space referred to as the “Green”. The “Green” does have an abundance of trees within the open space however the Silver Birch is one of few mature trees located in the gardens along The Green that provide amenity value to this part of the Conservation Area. Other vegetation within the immediate locality is predominantly made up of lower value ornamental trees and garden landscaping. Therefore, Officers consider that the Tree makes a valuable contribution to the character and appearance of the Conservation Area and as such should be retained in its current form.

Justification and consideration of objection

- 4.4 No technical information was submitted with the Section 211 notification to prune the Tree. The applicant did not state in their application form the reason for seeking the permission to prune the Tree to the extent proposed. The objection to the making of the Tree Preservation Order states that the side branches touch the electric power lines, particularly in windy conditions. Additionally, the objection states that the pruning of the tree would make it smaller and more attractive allowing for more visibility across the Green.
- 4.5 The Council and its arboricultural consultant have considered the submissions made by the objector, the applicant of the previous notification to reduce the tree and the issues presented. It is considered that:
- (a) Adequate technical justifications for the proposed pruning of the tree have not been submitted.
 - (b) Account should be taken of the fact that the tree is a healthy specimen with a life expectancy of a further 40-100 years.
 - (c) The medium sized tree gives a positive contribution to the setting of Stillingfleet Conservation Area, particularly to help soften the built form.
 - (d) Silver Birch trees in particular are important for carbon sequestration, pollution lock up and oxygen production.
- 4.6 The Council’s Tree Officer advises that such aesthetic reasons are not technical justifications to remove trees and has advised that future pruning would be required to keep clear of the overhead cables though this would be supported. Such reasons are not justifications for the reduction of healthy trees at a time when tree retention is highly valued. Therefore, no weight can be attached to the aforementioned reasons in the consideration of the TPO protection.
- 4.7 It is noted that surrounding vegetation within the gardens, which is predominantly ornamental trees, garden shrubs and hedges, does not offer the same visual or environmental benefits as the Silver Birch, which is beneficial both in terms of visual amenity to the immediate locality but also as a high-performing species for carbon sequestration, providing improved air quality by way of oxygen output.
- 4.8 In summary, the Tree makes a valuable contribution to the character and appearance of the Stillingfleet Conservation Area and no technical justification or material reasons have been provided to outweigh the advice of the Council’s Tree Officer and justify the removal of the Tree.

6. CONCLUSION

- 6.1 Special attention must be paid to the desirability of preserving the character and appearance of the Stillingfleet Conservation Area. It is considered that there is not enough evidence or justification for the reduction of the healthy Silver Birch 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 the objector of the notification to reduce the tree, undermines the tree's suitability for protection by TPO.
- 6.2 Having regard to the above, the proposal to reduce 1no Silver Birch Tree would have a detrimental impact on the character and appearance of the Stillingfleet Conservation Area. This Tree Preservation Order (24/2022) would provide long term protection of a healthy and high amenity tree which provides a valuable contribution to the green and rural character of Stillingfleet Conservation Area, contributing to the area both visually and environmentally.

7. RECOMMENDATION

Taking into account all of the above, Officers recommend that Members confirm the Tree Preservation Order 24/2022 to protect the Silver Birch Tree at Kenilworth House, The Green, Stillingfleet.

Contact Officer: Esther Pask, Planning Officer

Appendices:

A – TPO 24/2022 Schedule

B – TPO 24/2022 Map

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TOWN AND COUNTRY PLANNING ACT 1990

The SELBY DISTRICT COUNCIL

Kenilworth House The Green Stillingfleet York North Yorkshire YO19 6SF

TREE PRESERVATION ORDER 2016

Number 24 of 2022

The SELBY DISTRICT COUNCIL in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order —

Citation

1. This Order may be cited as the SELBY DISTRICT COUNCIL – Kenilworth House The Green Stillingfleet York North Yorkshire YO19 6SF – Tree Preservation Order 2022 Number 24 of 2022.

Interpretation

2. (1) In this Order “the authority” means the SELBY DISTRICT COUNCIL.
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated: 29 November 2022

Signed on behalf of SELBY DISTRICT COUNCIL

A handwritten signature in black ink, appearing to read 'HKB', followed by a horizontal line extending to the right.

Hannah Blackburn - Planning Development Manager

Authorised by the Council to sign in that behalf

SCHEDULE AND SPECIFICATION OF TREES

TREES SPECIFIED INDIVIDUALLY

T1 – Silver Birch Tree

*Located in the front garden of Kenilworth House
The Green Stillingfleet York North Yorkshire
YO19 6SF*

GROUPS OF TREES

NONE

WOODLANDS

NONE

TREES SPECIFIED BY REFERENCE TO AN AREA
(within a continuous red line on the map)

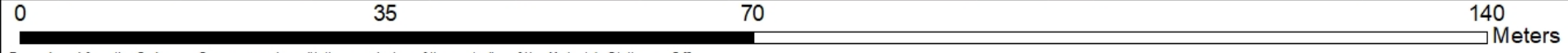
NONE

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Page 95

Key:
TPO 24/2022
 ○ T1 - Silver Birch



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Agenda Item 5.4



Report Reference Number: TPO 27/2022

To: Planning Committee
Date: 15th March 2023
Author: Jordan Fairclough (Planning Officer)
Lead Officer: Hannah Blackburn (Planning Development Manager)

APPLICATION NUMBER:	TPO 27/2022	PARISH:	Escrick Parish Council
TPO SERVED:	22 nd December 2022	DEADLINE FOR CONFIRMATION:	22 nd June 2023
LOCATION:	Oak Lodge, Skipwith Road, Escrick, York, YO19 6JU		
RECOMMENDATION:	TPO be confirmed with no modification		

This application is being presented to Members for decision in accordance with the scheme of delegation 3.8.9(b)(viii), the confirmation of the Tree Preservation Order cannot be issued under delegated powers due to an objection to make the order. 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. 27/2022. A copy of the Order is at Appendix A.

1. INTRODUCTION

- 1.1 The tree subject to the Tree Preservation Order (TPO) an Oak Tree (‘the Tree’) located in the curtilage of Oak Lodge, Skipwith Road, Escrick. It is located within the garden of Oak Lodge and to the rear of the frontage properties on A19.
- 1.2 The site is located within the Development Limits of Escrick village, and within the Escrick Conservation Area. The Council on 13 December 2022 resolved to ‘Make’ the Escrick Neighbourhood Development Plan. This means that the Escrick Neighbourhood Development Plan forms part of the statutory Development Plan for the parish of Escrick. Escrick Neighbourhood Development Plan (2021-2035) paragraph 3.62 states *“Mature trees and hedges make up much of the character of the village as well as providing habitats for local wildlife.”* In paragraph 6.0.4 it goes on to further state that *“The NDP supports all conservation of existing trees and planting of new trees throughout the Parish.”*

Relevant History

1.3 The following historical tree applications are considered relevant to the confirmation of this TPO.

- 2019/1079/TCA - Application for consent to dead wood the whole tree and reduce by 20% next to the house where it overhangs to 1no Oak tree within the conservation area. Permitted 8th November 2019.
- 2022/1331/TCA - Crown reduce by 2.5 metres all round to 1 No Oak tree (T1) in the conservation area. Not supported 22nd December 2022.

Reason: The 1No Oak tree is a healthy specimen that adds to the visual amenity of the area. The tree is considered to have an amenity value and positively contribute to the character and appearance of the Conservation Area. The crown reduction of the tree would reduce the level of amenity without sufficient justification. This decision is in the interests of residential amenity and the subject trees, and therefore the proposal fails to accord with 'A Guide to the Law and Good Practice', Government's policy on the tree preservation order system or the Town and Country Planning Act 1990.

- 2023/0113/TPO - Lateral prune south/south east canopy by 1 m and corrective pruning to reduce remaining canopy to 2 m to 1 No Oak (T1) protected by TPO 27/2022. Pending Decision.

2. BACKGROUND AND SCOPE OF PROVISIONAL TPO 27/2022

2.1 The Council received a notification under Section 211 of the Town and Country Planning Act 1990 (as amended) for proposed works to a tree in Escrick Conservation Area (reference 2022/1331/TCA) as noted in the relevant history section above. The proposal was to crown reduce the Oak tree by 2.5 metres.

2.2 The Council's Tree Officer assessed the submission and considered that the tree is a healthy specimen typical of the species. The tree has a high amenity value; it is a large tree that is visible from the public highway to the west (A19) and it makes a positive contribution to the designated heritage asset. The tree has a high carbon sequestration value and the retention of such trees is of importance and the loss or reduction in scale of such trees is not supported. As a result of the Tree Officer's assessment and having considered the contribution to local amenity and the Conservation Area, the submission was not supported.

2.3 Given the above, Officers considered that further consideration should be given to the long-term protection of this tree given it is a healthy specimen typical of the species and has a high amenity value, being a prominent tree, which adds to the character and appearance of the Conservation Area. The Council's Tree Officer concurred that tree is worthy of protection and that there was an imminent threat of tree loss because of the crown reduction. The tree has a life expectancy of over 100 years; is a large sized tree visible from the highway and makes a significant contribution to local amenity. On this basis it was Officers' judgement that a provisional Tree Preservation Order be issued on 22nd December 2022 for Tree T1 – Oak tree.

- 2.4 The Town and Country Planning Act 1990 (as amended) sets out the relevant legislation with regards to the making of tree preservation orders and in the Town and Country Planning (Tree Preservation) (England) Regulations 2012. These enable local planning authorities to make an Order if it is 'expedient in the interests of amenity to make the provision for the preservation of trees or woodland in their area'.
- 2.5 An Order can be made to protect specific trees, groups of trees or woodlands in the interests of amenity and should be used where removal or works to the tree(s) would have a significant negative impact on the local environment and its enjoyment by the public. Factors in the consideration of amenity include: visibility; individual, collective and wider impact, i.e. landscape setting and/or preservation or enhancement of character and appearance of the conservation area; and, other factors such as nature conservation or response to climate change.
- 2.6 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.
- 2.7 Regulation 5 of the 2012 Regulations set out at 5(1) the procedure after making an Order and requires the local planning authority as soon as practicable after making the Order to serve a copy of it on persons interested in the land affected by the Order and particulars, and make a copy available for public inspection. The particulars are listed in Regulation 5(2) and include:
- (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;
 - (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 setting out how to object or make representations.
- 2.8 The TPO as served relates to one Oak tree (T1), as shown on the plan associated with the TPO, which is attached to this report at Appendix B. It was served in accordance with the Town & Country Planning (Tree Preservation) (England) Regulations 2012 on the person with an interest in the land, who has been identified as the owner of the property at Oak Lodge. A copy of the order was made publicly available at the site for inspection. Comments on the provisional Order were invited to be received by 24th February 2022.

3. REPRESENTATIONS RECEIVED TO PROVISIONAL ORDER

- 3.1 Two objections to the TPO were received from the owner of the tree and neighbours (summary):
- Applicant agrees that their initial works proposed were not sufficiently justified or supported.
 - Main issue is to ensure the longevity of this important tree within the Conservation Area whilst respecting its close proximity to adjoining houses and their gardens and their respective amenities.
 - In 2019/1079/TCA application, the officer stated:

"In considering the balance of the tree, it is likely the specimen has historically been subject to a poorly conducted boundary prune to the rear. This has regrown with vigour over subsequent years but needs to be considered in the approach to balancing the specimen and the extent to which material is removed from the front weight bearing limb. In considering the rear boundary, the specimen would benefit from a minor crown lift to the rear boundary which would tidy the lower stem, remove poorly attached epicormic growth and this would also allow more light to the rear of the neighbouring garden.

Furthermore, removing this material would halt impeding growth on the host dwellings property boundary. From the ground it appears a generally healthy and stable specimen. Following observations from the site visit, the proposed works set out in the application appear reasonable maintenance work. However, the applicant is advised that the tree, given its size and contribution to the area requires a more comprehensive approach to balance, shape and maintain a healthy specimen."

- The current owner of the Oak tree's intention remains to preserve and protect the health of this wonderful specimen. Therefore, there is no evidence to suggest, indeed it is inconceivable, that the Tree should be under any kind of threat or harm under our ownership.
- Submission for reduction was timed for the 2022/23 pruning season whereby proposed works were expected to bring the shaping of the Oak tree to a similar position had reasonable maintenance work been carried out previously.
- The tree is not under threat and is protected by its location within the Escrick Conservation Area. Therefore, a TPO is not required and has not been justified. Since the Oak Tree already lies within a designated Conservation Area, any additional protection a TPO may otherwise afford is not only duplicative but carries no material advantage to the protection already available to the Tree. Indeed the only thing the imposition of the Temporary TPO has achieved to date is create additional work for an already overloaded planning team, consumed substantial local authority time and resources, as well as taken up valuable time on the Planning Committee's stacked agenda. Surely before any temporary TPO is issued, it would make practical sense to ascertain the covenants and protections already in place before setting the wheels in motion for a lengthy administrative process.
- Had the visual inspection of the Oak Tree been conducted with greater proximity, it would have been clear that the rear aspect of the Oak Tree (facing towards the A19 and encroaching on the boundary with 23 Main Street) has grown significantly since the original 2019 evaluation, and the urgency to address the lopsided nature of the Oak Tree would have been abundantly apparent, setting aside the substantial growth that has since also taken place towards the applicants house within their perimeter. To this date, we have not received notice nor request for an on-site visit to inspect our Tree from the appointed tree consultant, therefore it is difficult to draw meaningful confidence as to the conclusion of the assessment which has led us to this point.

- The Tree's amenity also significantly deprives natural light to the applicants neighbours for a vast majority of the year when in leaf. This also remains a key consideration behind their request for reduction.
- Currently the tree is a danger with falling branches, pigeon droppings and the tree is riddled with infestation.
- The tree also now blocks the light from allowing other shrubs and trees developing and the grass it has killed off.

4. APPRAISAL

4.1 The main issues for consideration are:

- Whether the tree is worthy of protection;
- Justification and consideration of objection.

Whether the trees are worthy of protection

4.2 The Council's Arboricultural Officer has advised that the tree is healthy and of typical form. The tree has life expectancy of 100 plus years and is a large tree visible to the public from the highway. The tree also helps soften the local built form and positively contributes to the character and appearance of Escrick Conservation Area. Further, Oak species are one of the highest performing carbon sequesters. Given there were immediate threats to the tree from the proposed crown reduction through the Section 211 notification, the serving and confirming of the Order is recommended. Planning Practice Guidance advises:

"But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution.

Paragraph: 010 Reference ID: 36-010-20140306

Revision date: 06 03 2014"

4.3 There is evidence of risk to the tree in the form of the proposed substantial crown reduction. There is a current application (2023/0113/TPO) for consent to lateral prune south/south east canopy by 1 m and corrective pruning to reduce remaining canopy to 2 m to 1 No Oak (T1). This is pending determination.

Justification and consideration of objection

4.4 The tree the objection covers a number of issues:

- Safety of tree,
- Amenity of neighbours,
- Tree not at risk as protected by conservation area.

There is a difference of opinion on the amenity assessment, with the owner considering it unworthy of protection, while the Council's Tree Officer considers it worthy of protection. From the perspective of the TPO legislation the tree needs to be viewed from a public vantage point. The tree can be seen from the A19 highway that runs through the settlement and conservation area. It is of high visual amenity and is a healthy tree of good form and structure. If the stability of the tree from its *"lopsided nature"* is of concern it is recommended that a stability test be commissioned. Guidance states it is *"not necessary for there to be immediate risk for there to be a need to protect trees."*

- 4.5 The tree is beneficial both in terms of visual amenity to the immediate locality but also as a high-performing species for carbon sequestration, providing improved air quality by way of oxygen output.
- 4.6 In summary, the tree makes a valuable contribution to the amenity of the area and positive contributes to the character and appearance of the conservation area, and no technical justification or material reasons have been provided to outweigh the advice of the Council's Tree Officer to justify not confirming the Order. If confirmed any future application for works to the Tree would be made via a Tree Preservation Order submission and assessed accordingly.

5. CONCLUSION

- 5.1 The tree which is the subject of the Order is visible from public vantage points, is large and healthy, makes a positive contribution to the amenity of the area and the character and appearance of the conservation area, and delivers benefit in terms of carbon sequestration. The tree is considered to be worthy of protection under a Tree Preservation Order.
- 5.2 It is considered that the matters raised in the objections do not undermine the suitability of the Order or provide justification for not confirming the provisional TPO for this Oak tree.

6. RECOMMENDATION

Taking into account all of the above, Officers recommend that Members confirm the Tree Preservation Order 27/2022 to protect the Oak tree T1 at Oak Lodge, Skipwith Road, Escrick.

Contact Officer: Jordan Fairclough, (Planning Officer)

Appendices:

A – TPO 27/2022 Schedule

B – TPO 27/2022 Map

TOWN AND COUNTRY PLANNING ACT 1990

The SELBY DISTRICT COUNCIL

Oak Lodge, Skipwith Road, Escrick, York, YO19 6JU

TREE PRESERVATION ORDER 2016

Number 27 of 2022

The SELBY DISTRICT COUNCIL in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order —

Citation

This Order may be cited as the SELBY DISTRICT COUNCIL – Oak Lodge, Skipwith Road, Escrick, York, YO19 6JU - Tree Preservation Order 2022 Number 27 of 2022.

Interpretation

2. (1) In this Order “the authority” means the SELBY DISTRICT COUNCIL.
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated 22nd December 2022

Signed on behalf of SELBY DISTRICT COUNCIL

A handwritten signature in black ink, appearing to read 'HKB', followed by a long horizontal line extending to the right.

Hannah Blackburn - Planning Development Manager

Authorised by the Council to sign in that behalf

SCHEDULE AND SPECIFICATION OF TREES

TREES SPECIFIED INDIVIDUALLY

T1 - Oak Tree

Oak Lodge, Skipwith Road, Escrick, York, YO19 6JU

GROUPS OF TREES

NONE

WOODLANDS

NONE

TREES SPECIFIED BY REFERENCE TO AN AREA
(within a continuous red line on the map)

NONE

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8.7m

Post Office Row

Albert House

9
11
15
17

8.9m

Oak View

Alleyway House

Leghorn House

Chestnut House

A19

The Parsonage (Hotel)

Smoor

T1

Chalfont

Oak Lodge


Page 107

Cottage
Chapman's

FARRIERS CLOSE

Fountain House

160
Meters

Key
TPO 27/2022
 T1

0 40 80

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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
2019/0735/DOC	BDW Trading Ltd	Turnhead Farm York Road Barlby Selby North Yorkshire YO8 5JZ	Discharge of conditions 03 (materials), 04 (drainage), 05 (gas), 08 (landscape maintenance) & 11 (bird boxes) of approval 2017/1295/FULM Proposed residential development (partial re-plan of approval 2013/0478/FUL) for 27 dwellings and associated infrastructure	CONDITION DECISION 19 Jan 2023	Gareth Stent
2021/0560/REMM	St Francis Group	Eggborough Power Station Selby Road Eggborough Selby North Yorkshire DN14 0BS	Reserved matters including scale, layout, landscaping and appearance relating to plot 3 as shown on approved illustrative masterplan related to hybrid application ref. 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	PERMITTED 3 Feb 2023	Gareth Stent

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2021/1036/OUT	Christmas At Blue Barn	Tindalls Farm Sand Lane Osgodby Selby North Yorkshire YO8 5HN	Outline application for the erection of three detached, self-build dwellings, including access and layout (all other matters reserved)	PERMITTED 7 Feb 2023	Irma Sinkeviciene
2021/1118/HPA	NRH Properties	4 Main Street Hemingbrough Selby North Yorkshire YO8 6QE	Erection of 2 storey rear extension and provision for parking to the rear to properties 4 and 5 Main Street	PERMITTED 6 Feb 2023	Josh Turner
2021/1267/TCA	Mrs J Leavor	Bank Top Main Street Kirk Smeaton Pontefract West Yorkshire WF8 3JY	Application for consent to cut back over extended branches by 2-3m to 1no Weeping Willow (T1), crown lift to 4m to 1no Sycamore tree (T2) and to remove 2no lower limbs at 3m above ground level to 1no Sycamore tree (T3) within the conservation area	PERMITTED 13 Feb 2023	Ellis Mortimer
2021/1395/TPO	Mrs Cassandra Killington	13 Green Lane Selby North Yorkshire YO8 9AN	Application for consent to crown lift 1No Copper Beech tree by 5m covered by TPO 8/2004	PERMITTED 24 Jan 2023	Josh Turner
2021/1497/HPA	Mr & Mrs A Mackenzie	Byeways Mill Lane Brayton Selby North Yorkshire YO8 9LB	Erection of single storey extension to the rear elevation and roof lift to main dwelling	PERMITTED 24 Jan 2023	Jac Cruickshank
2021/1536/FUL	Swanbuild	82 - 84 Gowthorpe Selby North Yorkshire YO8 4HA	Erection of 2 semi-detached cottages following removal of the existing advertising hoardings	PERMITTED 20 Jan 2023	Jac Cruickshank

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0415/DOC	Mr Roy Holmes	Land adjacent to Elmstone House Low Street Carlton Selby North Yorkshire	Discharge of Condition 10 (surface water drainage) of approval 2021/0108/FUL Proposed erection of a single storey dwelling and detached store	CONDITION DECISION 13 Feb 2023	Elizabeth Maw
2022/0698/S73	Mr & Mrs Desmond	Tindalls Farm Sand Lane Osgodby Selby North Yorkshire YO8 5HN	Section 73 application to vary Condition 10 (plans) of approval 2017/0222/FUL Proposed erection of a single detached dormer bungalow and garage on land	REFUSED 6 Feb 2023	Jac Cruickshank
2022/0722/FUL	Mr Richard Chan	Oakwood Lodges Greengate Lane South Duffield Selby North Yorkshire YO8 6EQ	Erection of a reception building (retrospective)	PERMITTED 31 Jan 2023	Jac Cruickshank
2022/0770/HPA	Mr Barnes	The Old Mill Water Lane Kirk Smeaton Pontefract West Yorkshire WF8 3LD	To demolish existing conservatory and to rebuild in the same position a sun lounge extension with tiled roof	PERMITTED 13 Feb 2023	Ellis Mortimer
2022/0909/HPA	Mr Payne	Beckside Grange Newthorpe Lane South Milford Leeds North Yorkshire LS25 6JT	Demolition of existing outbuilding in garden and erection of replacement outbuilding	PERMITTED 31 Jan 2023	Ellis Mortimer

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/0913/FUL	Frozen Brothers Limited	Papa Kata Ltd 16 - 18 Lancaster Close Sherburn In Elmet Leeds North Yorkshire LS25 6NS	Erection of an extension on existing industrial building (B2/B8 use) including new access	PERMITTED 8 Feb 2023	Yvonne Naylor
2022/0957/ADV	Aldi Foodstore	Police Station Brownfield Site Portholme Road Selby	Advertisement consent for display of 1 No internally illuminated fascia signs, 1 No non illuminated logo fascia sign and 1 No internally illuminated free standing totem sign	PERMITTED 30 Jan 2023	Josh Turner
2022/0984/FUL	Smith & Clark Developments LLP	Manor Farm House Poole Row Burton Salmon Leeds West Yorkshire LS25 5JX	Conversion of agricultural barns to 3no. dwelling houses, demolition of car port	PERMITTED 17 Jan 2023	Emma Howson
2022/0985/LBC	Smith & Clark Developments LLP	Manor Farm House Poole Row Burton Salmon Leeds West Yorkshire LS25 5JX	Listed building consent for conversion of agricultural barns to 3 No. dwelling houses, demolition of car port	PERMITTED 17 Jan 2023	Emma Howson
2022/1002/HPA	Mr J Hurrell	Orchard House Mulberry Vale Skipwith Selby North Yorkshire YO8 5TA	Single story rear extension	PERMITTED 18 Jan 2023	Josh Turner

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/1015/HPA	Mr Grant Withington	Ash Tree Farm Westend Lane Balne Goole East Yorkshire DN14 0EH	Erection of a single-storey rear extension	PERMITTED 8 Feb 2023	Ellis Mortimer
2022/1043/HPA	Mr Nigel Robinson	Prospect House Main Street Hemingbrough Selby North Yorkshire YO8 6QU	Barn conversion with first floor rear extension and single storey infill extension	PERMITTED 24 Jan 2023	Jac Cruickshank
2022/1044/TPO	Ulla Green Residents Company Limited	Ulla House Ulla Green Church Fenton Tadcaster North Yorkshire LS24 9RS	Remove limb over road to allow access of refuse wagons, crown lift 3m and remove dead wood to 1 No Oak (T18), crown lift to 4m to allow access of refuse wagons and remove dead wood to 1 No Lime (T19), fell 2 No Sorbus/Whitebeam (T20 and T22), fell 1 No Prunus/Cherry (T23), crown lift to 4m to allow access of refuse wagons to 1 No Sorbus (T24) and removal of limb hanging laterally over drive way (parking area) of Elm House (No 4 Ulla Green) and crown lift 4M to allow access of refuse wagons remove dead wood to 1 No Beech (T25) protected by TPO 5/1998	PERMITTED 24 Jan 2023	Jordan Fairclough
2022/1057/FUL	Mr & Mrs Jackson	Fairholm 9 Wistowgate Cawood Selby North Yorkshire YO8 3SH	Conversion of light industrial outbuilding into a single dwelling house	PERMITTED 17 Feb 2023	Jac Cruickshank

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/1058/FUL	Mr M Hattan	1 Firs Court Garden Doncaster Road Whitley Goole East Yorkshire DN14 0HZ	Erection of a single storey side extension for workshop and gym for use in association with existing sports massage and therapy business	PERMITTED 10 Feb 2023	Ellis Mortimer
2022/1059/LBC	Mr Mark & Mrs Rachel Jones (nee Hawrot)	The Old Vicarage Main Street Church Fenton Tadcaster North Yorkshire LS24 9RF	Listed building consent for installation of a gap in the wall to facilitate the Public Right of Way	PERMITTED 31 Jan 2023	Jordan Fairclough
2022/1077/HPA	Miss Abigail Cain	Mill House Cottage 2B The Fir Trees Thorpe Willoughby Selby North Yorkshire YO8 9PR	Proposed loft conversion	PERMITTED 25 Jan 2023	Josh Turner
2022/1092/CPE	Yorkshire Initiatives Limited	Ibbotsons Mill Hill Braegate Lane Colton Tadcaster LS24 8EW	Lawful development certificate for existing use of land and buildings for the processing of vegetables including warehousing, offices and parking	REFUSED 19 Jan 2023	Diane Holgate
2022/1105/FULM	EP UK Investments Limited	Eggborough Power Station Selby Road Eggborough Goole Selby East Yorkshire DN14 0BS	Construction and operation of a battery energy storage system with an electrical output capacity of up to 500MW and associated development including substation, control building(s), electrical cabling including below ground 400kV cabling, roadways and modified accesses, site security infrastructure, lighting, boundary treatments and landscaping	PERMITTED 17 Jan 2023	Gareth Stent

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/1109/HPA	Mr Ian Johnson	23 Gravelhill Lane Whitley Goole East Yorkshire DN14 0JD	Installation of an air source heat pump	PERMITTED 31 Jan 2023	Josh Turner
2022/1121/FULM	Taurus Farms Ltd	Home Farm Thicket Priory Thorganby York North Yorkshire YO19 6DE	Demolition of two existing agricultural sheds and erection of a new grain store	PERMITTED 10 Feb 2023	Elizabeth Maw
2022/1130/HPA	Tracy Barnett	1 Ivy Close Carlton Goole East Yorkshire DN14 9PD	Erection of rear extension to create larger kitchen/dining area	PERMITTED 3 Feb 2023	Josh Turner
2022/1133/TPO	Mr Jonathan Boddy	Church End Farm Church Street Church Fenton Tadcaster North Yorkshire LS24 9RD	Removal of 1 large limb and reduction to 2 No large limbs to 1 No Ash tree protected by TPO No 2/2001	REFUSED 31 Jan 2023	Jordan Fairclough
2022/1148/HPA	Mr & Mrs Coy	11 York Road Tadcaster LS24 8AE	Conversion of existing domestic outbuilding to a residential annex and associated with it external alterations	PERMITTED 17 Feb 2023	Jordan Fairclough
2022/1187/FUL	Andrew Hunt	14 Carousel Walk Sherburn In Elmet Leeds North Yorkshire LS25 6LP	Erection of new house and garage in grounds of	PERMITTED 17 Jan 2023	Irma Sinkeviciene

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/1206/TPO	Mr Richard Sykes	27 Kirkby Avenue Selby North Yorkshire YO8 3WA	Crown lift by 5 metres and crown thin by 20% to 1 No Ash tree protected by TPO 4/1999	SPLIT DECISION FOR TREES 26 Jan 2023	Jordan Fairclough
2022/1209/TCA	Selby District Council	St Wilfrids Church Doncaster Road Brayton Selby North Yorkshire YO8 9HE	Application for consent to crown lift trees (T1, T3, T64, T65, T76, T77, T79-86, and T88) adjacent to footway and highway to a height not in excess of 2.5 metres. Crown lift/lateral reduce trees (T1, T3, T64, T65, T76, T77, T79-86, and T88) over the highway to give a clearance above the ground level to 5.2 metres and fell 1 No Cherry tree (T2)	PERMITTED 31 Jan 2023	Jordan Fairclough
2022/1222/FUL	Mrs Sue Bennon	Cooks Cottage Wistowgate Cawood Selby North Yorkshire YO8 3SH	Change of use from holiday let (sui generis) to dwellinghouse (C3) (retrospective)	PERMITTED 9 Feb 2023	Jac Cruickshank
2022/1224/DOC	HD777FRY Ltd	Land South Of Electricity Substation Rawfield Lane Fairburn Knottingley West Yorkshire	Discharge of conditions 06 (landscaping) and 07 (construction management plan) of approval 2021/0633/FULM Installation and operation of a battery storage facility and ancillary development on land	CONDITION DECISION 20 Jan 2023	Fiona Ellwood
2022/1231/HPA	Miss Aimee Parker	3 Hill Top York Road Barlby Selby North Yorkshire YO8 5JQ	Single storey extension to the side of the existing outbuilding and renew roof to include two roof lights (retrospective)	PERMITTED 26 Jan 2023	Jordan Fairclough

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/1244/FUL	Finkle Hill Dental Care	12C Finkle Hill Sherburn In Elmet Leeds North Yorkshire LS25 6EA	Installation of access ramp to entrance of Finkle Hill Dental Care, improving accessibility to the practice for patients with poor mobility and removal of existing litter bin immediately outside which is surplus to requirements	PERMITTED 6 Feb 2023	Jordan Fairclough
2022/1271/FUL	Heineken UK Ltd	The Brewery High Street Tadcaster LS24 9SA	Erection of an extension to the existing Draught Packaging Building to form a small enclosed bay extension for a keg reject conveyor on the north east elevation	PERMITTED 6 Feb 2023	Jordan Fairclough
2022/1273/DOC	Johnson Massey Developments	Roebuck Barracks Green Lane Appleton Roebuck	Discharge of conditions 03 (materials), 04 (arboricultural method statement and scheme of arboricultural supervision), 05 (landscape), 08 (surface and foul sewage), 10 (contaminated land), 11 (remediation strategy) and 12 (remediation works) of approval 2022/0106/FUL Erection of a replacement bungalow	CONDITION DECISION 27 Jan 2023	Irma Sinkeviciene
2022/1276/FUL	Persimmon Homes	Land Off Staynor Avenue Selby	Erection of substation on Staynor Hall Phase 4	PERMITTED 15 Feb 2023	Gareth Stent
2022/1281/TPO	Walton	Edgerton Lodge Edgerton Drive Tadcaster	Crown lift by 2.5 metres to 1 No Beech tree (T1), removal of 2 lower branches to 1 No Cedar tree (T3), fell 1 No Elderberry tree (T6) and fell and stump grind to 1 No Yew tree (T2) protected by TPO 7/1978	PERMITTED 26 Jan 2023	Jordan Fairclough
2022/1285/TPO	Catherine Copp	Willow Lodge Common Road Skipwith Selby North Yorkshire YO8 5SG	Crown reduce by 1.2 metres to 1 No Holly tree (T1) protected by TPO 10/1996	PERMITTED 9 Feb 2023	Jordan Fairclough

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/1286/S73	Mr Daniel Leadbeater	Land West Of Lowfield Road Hillam Leeds West Yorkshire	Section 73 application to vary condition of 03 (hours of operation) of approval 2018/1192/COU Retrospective change of use from paddock to dog walking facility and erection of a timber shelter and storage lean-to	PERMITTED 31 Jan 2023	Ryan King
2022/1293/TPO	Tinsley	East Lodge Common Road Barkston Ash Tadcaster North Yorkshire LS24 9PQ	Application for consent to fell 2No Ash trees, 2No Beech trees and 2No Lime trees covered by TPO 13/1985	PERMITTED 27 Jan 2023	Jordan Fairclough
2022/1298/FUL	Marion Thackray	11 Milford Road South Milford Leeds West Yorkshire LS25 5AD	Erection of new dwelling in the grounds of	PERMITTED 25 Jan 2023	Ryan King
2022/1302/FUL	J N Sykes & Sons	Woodfield House Farm Hagg Lane Cawood Selby North Yorkshire YO8 3RB	Erection of an extension of corn storage building to provide grain handling facilities	PERMITTED 17 Feb 2023	Jac Cruickshank
2022/1311/S73	Edenvale Homes (York) Ltd	Hollytree Cottage Garman Carr Lane Wistow Selby North Yorkshire YO8 3UW	Variation of condition 02 (approved plans) of approval 2017/1256/FUL Proposed erection of a single detached dwelling with attached garage and new access on land west of granted on 07 February 2018	PERMITTED 17 Jan 2023	Jac Cruickshank

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/1330/HPA	Mr and Mrs Miller	The Old Lodge Pear Tree Avenue Long Drax Selby North Yorkshire YO8 8NQ	Demolition of existing outbuildings to rear of property and replacement with single storey flat roof extension consisting of 2 No bedrooms and shared bathroom. Creation of garden room to rear	PERMITTED 24 Jan 2023	Josh Turner
2022/1332/HPA	Pamela Eyre	12 Carr Avenue Sherburn In Elmet Leeds North Yorkshire LS25 6EG	Erection of single storey rear and side extension with alterations to fenestrations and rendering	PERMITTED 30 Jan 2023	Jordan Fairclough
2022/1335/HPA	Mr J Stead	The Nurseries Bishopdyke Road Sherburn In Elmet Leeds LS25 6JL	Erection of a new rear extension and 2 dormers	PERMITTED 31 Jan 2023	Jordan Fairclough
2022/1338/DOC	Mr Gary Johnson	Kimberley School Road Hemingbrough Selby North Yorkshire YO8 6QS	Discharge of conditions 07 (landscaping and boundary treatment) and 08 (lighting) of approval 2021/0235/FUL Erection of detached dwelling and garage including vehicular and pedestrian access off Poorlands Road on land to the rear of	CONDITION DECISION 3 Feb 2023	Jac Cruickshank
2022/1339/HPA	Mr Oliver Burden	Hillside High Street Brotherton Knottingley West Yorkshire WF11 9EY	Demolition of existing detached garage for construction of two storey extension to side with patio to rear and raised drive	PERMITTED 27 Jan 2023	Josh Turner

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/1341/FUL	David Atkinson	Old Pasture Park York Road Stillingfleet York YO19 6HW	Erection of lean-to agricultural building	PERMITTED 13 Feb 2023	Elizabeth Maw
2022/1343/TCA	Mr Darren Robson	Hawthorn Cottage York Road Stillingfleet York YO19 6SJ	Application for consent to reduce 22No Leylandii trees (G1) by 8m leaving them 2m high and fell 2No Willow trees (T1 & T2) in the conservation area	SPLIT DECISION FOR TREES 20 Jan 2023	Esther Pask
2022/1347/HPA	Mr Francesco Cosentino	3 Escrick Court Escrick York YO19 6JJ	Erection of first floor extension over existing porch and proposed single storey rear extension	PERMITTED 20 Jan 2023	Esther Pask
2022/1365/HPA	Marrieanne Pal	42 North Drive Sherburn In Elmet Leeds North Yorkshire LS25 6DB	Alterations to existing outbuildings and garage, new porch and alterations to fenestrations	PERMITTED 31 Jan 2023	Lucy Nettleton
2022/1378/TCA	Selby District Council	Riverside Court Cawood Selby North Yorkshire	Application for consent to crown lift 3No Acer trees in the conservation area to a height of 2 metres above ground level and lateral reduction to the tree closest to the garage to give a 1metre clearance to the garage	PERMITTED 19 Jan 2023	Jordan Fairclough
2022/1382/HPA	Anita Davidson	11 Ash Grove Riccall York North Yorkshire YO19 6NW	Erection of a single storey side extension	PERMITTED 26 Jan 2023	Esther Pask

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/1389/FUL	Molson Coors Brewing Co (UK) Ltd	Two bays at Tower Brewery Wetherby Road Tadcaster Leeds LS24 9SD	Installation of additional external plant items forming part of the CO2 recovery project consisting of 2 no. chillers and 1 no. roof mounted CO2 condenser	PERMITTED 8 Feb 2023	Irma Sinkeviciene
2022/1390/TCA	Mrs Elaine Barlett	Andray Main Street Kirk Smeaton Pontefract West Yorkshire WF8 3JZ	Partial crown reduction by 30% and trim to 1 No Flowering Cherry in the conservation area	PERMITTED 26 Jan 2023	Ellis Mortimer
2022/1412/HPA	Ms Karrena Powell	24 The Causeway Thorpe Willoughby Selby North Yorkshire YO8 9PE	Removal of existing rear conservatory and construction of single storey rear extension to existing dormer bungalow	PERMITTED 16 Feb 2023	Diane Holgate
2022/1413/TCA	Escrick Park Estate	Carr Lane Escrick York	Application for consent to fell 3No Pine trees (T2, T9 & T12) in the conservation area	PERMITTED 26 Jan 2023	Jordan Fairclough
2022/1418/SCN	Max Design	Land off Weeland Road Kellingley Knottingley West Yorkshire	EIA screening assessment for siting of battery energy storage facility	EIA NOT REQUIRED 31 Jan 2023	Jenny Tyreman
2022/1421/HPA	Mr & Mrs Russell McClean	10 Showfield Close Sherburn In Elmet Leeds North Yorkshire LS25 6LW	Single storey extensions to both sides and rear of detached bungalow	PERMITTED 10 Feb 2023	Jordan Fairclough

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/1434/HPA	Mr Damian Mortimer	1 Oak Field Brayton Selby North Yorkshire YO8 9QZ	Erection of two 1.5 storey side extensions, the erection of a front porch and 1.8m boundary fence	PERMITTED 10 Feb 2023	Esther Pask
2022/1435/DOC	Orion Homes Ltd	23 Ryther Road Cawood Selby North Yorkshire YO8 3TR	Discharge of condition 03 (materials) of approval 2017/0177/FULM Proposed residential development of 0.78 ha to provide 23 no. dwellings with ancillary infrastructure, access road, parking spaces and garages	CONDITION DECISION 19 Jan 2023	Fiona Ellwood
2022/1436/ADV	Finkle Hill Dental Care	12C Finkle Hill Sherburn In Elmet Leeds North Yorkshire LS25 6EA	Advertisement consent for 2 No fascia signs to front elevation illuminated above by static trough light and 1 No double sided projecting internally illuminated sign to front elevation and tray sign to side elevation illuminated above by static trough light	PERMITTED 17 Feb 2023	Jordan Fairclough
2022/1448/TCA	Mr Spencer	Manor Farm House Main Street Billbrough York YO23 3PH	Application for consent to laterally reduce 1No Sycamore tree, to give a maximum of 2m clearance from the garage	PERMITTED 20 Jan 2023	Lucy Nettleton
2022/1453/DOC	Countryside Properties (UK) Ltd	N S D S Centre Field Lane Thorpe Willoughby Selby North Yorkshire	Discharge of condition 14 (remediation strategy) of planning application 2013/1041/OUT allowed on appeal APP/N2739/A/14/2216522 Outline application with all matters reserved for a residential development following the demolition of the existing buildings within the site	CONDITIONS NOT DISCHARGED 17 Feb 2023	Gareth Stent

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/1460/DOC	W.A Hare & Son Ltd	The Haven White Street Selby	Discharge of conditions 04 (contamination), 05 (contamination), 08 (surface water drainage) and 11 (landscaping) of approval 2020/0467/FUL Demolition of existing bungalow and construction of 5no. two-bedroomed and 2no. one-bedroom dwelling for retirement housing for the elderly, one unit will be a dwelling for a warden	CONDITION DECISION 17 Feb 2023	Jordan Fairclough
2022/1470/TCA	Mrs Ratcliffe	Romans Cottage 15 York Road Riccall York North Yorkshire YO19 6QG	Application for consent to remove new growth from 1No Silver Birch tree (T1) and 1No Rowan tree (T2) in the conservation area	PERMITTED 24 Jan 2023	Esther Pask
2022/1479/TCA	Cawood Parish Council	Cawood Castle Garth Thorpe Lane Cawood Selby North Yorkshire	Coppice at 200 mm above ground to 1 No Willow (Area 2) in the conservation area	PERMITTED 6 Feb 2023	Esther Pask
2022/1486/HPA	Mr & Mrs Dickinson	18 Heatherdene Tadcaster LS24 8EZ	Conversion of existing garage to form study and erection of single storey porch to front elevation	PERMITTED 8 Feb 2023	Lucy Nettleton
2022/1490/S73	Mr Vickers	Gokul Long Lane Great Heck Goole East Yorkshire DN14 0BT	Section 73 application to remove conditions 04 (contamination) and 05 (contamination) of approval 2020/1304/FUL Detached ancillary living accommodation	PERMITTED 13 Feb 2023	Elizabeth Maw

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2022/1504/TPO	Cawood Parish Council	Cawood Sports Field Maypole Gardens Cawood Selby North Yorkshire	Application for consent to fell 1no Ash tree covered by TPO 1/1973	REFUSED 17 Feb 2023	Jordan Fairclough
2023/0014/DOC	Mrs Victoria Earle	Oxmoor Lodge Meadows Edge Biggin Leeds North Yorkshire LS25 6GL	Discharge of condition 02 (boundary fence) of approval 2022/1028/COU Change of use of grassland to domestic garden in connection with Oxmoor Lodge (retrospective)	CONDITION DECISION 31 Jan 2023	Irma Sinkeviciene
2023/0016/TELB	Openreach	Land adjacent to Aspen Grove Weeland Road Eggborough Goole East Yorkshire	Install Fixed Line Broadband Apparatus	TELECOMMUNICATIONS - NOT REQUIRED 26 Jan 2023	Esther Pask
2023/0023/TCA	Mr Ben Whitworth	Beckett House 3 Fairfax Close Appleton Roebuck Selby North Yorkshire YO23 7BT	Application for consent to fell 1No Ash tree and replace with 1No Silver Birch tree in the conservation area	PERMITTED 10 Feb 2023	Lucy Nettleton
2023/0033/MAN2	Rebecca Mcelvaney	22 Leeds Road Selby YO8 4HX	Non material amendment of 2022/1159/HPA Rear two storey extension, new double garage to rear, add pitched roof to existing flat roof area, add stone mullions to existing window openings, convert existing garage to living space, proposed new boundary wall and entrance to site with extended dropped kerb	REFUSED 6 Feb 2023	Jordan Fairclough

Application Number	Applicant	Location	Proposal	Decision and Date	Case Officer
2023/0043/MAN2	Mutleys Dog Park	Mill Farm Mill Lane South Milford Leeds West Yorkshire LS25 5AG	Non material amendment of 2021/0375/COU Change of use from horticultural plant nursery to private off leash dog park with fence (Retrospective)	REFUSED 27 Jan 2023	Irma Sinkeviciene
2023/0060/DOC	Selby District Association of Voluntary Service	58 Flaxley Road Selby YO8 4BW	Discharge of conditions 03 (materials) of approval 2020/1011/FUL Change of use from convenience store (A1) to community facilities and associated alterations to the building	CONDITION DECISION 3 Feb 2023	Jac Cruickshank
2023/0061/MAN2	Selby District Association of Voluntary Service	58 Flaxley Road Selby YO8 4BW	Non material amendment of 2020/1011/FUL Change of use from convenience store (A1) to community facilities and associated alterations to the building	PERMITTED 26 Jan 2023	Jac Cruickshank
2023/0064/TELB	Telefónica UK Limited	Lockgate Farm Lowgate Balne Goole East Yorkshire DN14 0EE	Removal of 2 No. antennas and 2 No. RRUs and the installation of 2 No. replacement antennas, 6 No. RRUs, 1 No. 300mm dish and 1 No. 600mm dish on the existing lattice tower. All other works within the existing equipment cabin	TELECOMMUNICATIONS - NOT REQUIRED 3 Feb 2023	Esther Pask
2023/0068/DOC	Mr Lee Hirst	Lordship Lodge Wistow Lordship Wistow Selby North Yorkshire YO8 3RS	Discharge of condition 09 (foul & surface water drainage) of approval 2022/0838/FUL Conversion of building to form 2 bed dwelling with parking and private garden	CONDITION DECISION 21 Feb 2023	Linda Drake

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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