



Report Reference Number: 2020/0149/FULM

To: Planning Committee
Date: 6 October 2021
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Lead Officer: Ruth Hardingham Planning Development Manager

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

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

1.0 INTRODUCTION AND BACKGROUND

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

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

The Site and Context

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

The Proposal

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

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

Relevant Planning History

1.10

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

2.0 CONSULTATION AND PUBLICITY

Publicity Response

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

77 letters of objection have been registered.

The objections include the following material planning comments:

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

Consultation Responses

Environment Agency

Initial consultation

The Environment Agency raises no objections to the proposal, subject to conditions. The previous use of the proposed development site for commercial use presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located on a principal aquifer and within source protection zones 2 and 3.

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

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

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

Further consultation

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

Yorkshire Water

Initial consultation

Ground Water Protection

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

Waste Water

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

Further consultation

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

Local Lead Flood Authority (LLFA)

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

- Percolation tests
- Detailed drainage design
- Exceedance Flow Routes

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

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

If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow. If the surface water is to be discharged to any ordinary watercourse within the Drainage District, Consent from the IDB would be required and would be restricted to 1.4 litres per second per hectare or greenfield runoff.

Further consultation

No comments

Ecology

Initial consultation

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

The recommendation for a CEMP is fully supported

Further consultation

March 2020

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

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

March 2021

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

Environmental Health

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

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

Noise and Vibration

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

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

Emission to Air

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

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

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

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

External Lighting

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

This information is required including following details:

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

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

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

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

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

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

North Yorkshire County Council Highways

March 2020

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

April 2020

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

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

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

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

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

Landscape Consultant

Initial Consultation June 2020

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

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

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

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

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

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

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

Mitigation

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

Suggestions

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

Additional Information/Clarification

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

Further consultation

December 2020

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

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

Recommendations

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

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

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

Final comments May 2021

The applicant has submitted further drawings and information including:

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

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

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

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

Recommendations

Conditions should planning permission be approved:

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

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

Parish Council

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

The proposal is in contravention to national and local policies.

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

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

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

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

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

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

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

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

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

Yorkshire Water

March 2020

Ground Water Protection

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

Contaminated Land Consultant

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

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

3.0 SITE CONSTRAINTS

3.1 The main constraints identified are:

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

4.0 POLICY CONSIDERATIONS

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not

change the statutory status of the development plan as the starting point for decision making.

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

“219...existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

Selby District Core Strategy Local Plan (2013)

- 4.6 The relevant policies of the Core Strategy are:

- SP1 Presumption in Favour of Sustainable Development
- SP2 Spatial Development Strategy
- SP13 Scale and Distribution of Economic Growth
- SP15 Sustainable Development and Climate Change
- SP18 Protecting and Enhancing the Environment
- SP19 Design Quality

Selby District Local Plan (2005)

- 4.7 The relevant saved policies of the Selby District Local Plan are:

- ENV1 Control of Development
- ENV2 Environmental Pollution and Contaminated Land
- ENV3 Outdoor Lighting
- EMP9 Expansion/re-development of existing employment uses in the countryside
- T1 Development in Relation to the Highway Network
- T2 Access to Roads

National Planning Policy Framework (July 2021)

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

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

Annexe 1 Implementation

Annexe 2 Glossary

Supplementary Policies and Guidance

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

5.0 APPRAISAL

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

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

The Principle of Development

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

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

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

Economic Growth

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

Previously Developed Land (PDL)

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

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

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

Impact on the Countryside and Landscape Visual Impact

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

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

Highways and Transportation

- 5.12 Saved Policies T1a and T2 of the Selby District Local Plan set out the local planning policies with regards to Development in Relation to the Highway Network and Access to Roads. Paragraph 109 of the NPPF, states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety , or the residual cumulative impact on the highway would be severe.
- 5.13 The proposal intends to alter an existing access to the north of the site connecting with Long Lane. NYCC have worked with the applicants agent with regards to the visibility splays required for the altered access, the swept path analysis, land levels connecting the site with the existing highway, position of gates, parking provision and vehicle routing.
- 5.14 The Transport Assessment states that the proposal anticipates an increase of 16 staff. There are currently 12 staff working at the site resulting in a total of 28 staff. These staff will work on a shift programme. NYCC have asked for clarification of the total number of parking spaces existing and proposed along with the details of the shift system. The Highways Officers have also asked for details on vehicle routing within the site to ensure that they can exit the site in a forward gear. These details and the outcome of the Highway's Officers advice will be presented to Members at committee.
- 5.15 Subject to these final details the Highways Officers raise no objections to the proposal.

Flooding and Drainage

- 5.16 Policy SP15 SDCS and Chapter 14 of the NPPF 2021 meeting the challenge of climate change, flooding and coastal change set out the key considerations with regards to flooding and drainage. The site is located within Flood Zone 1 (low risk)

as identified by the Government Flood Maps for Planning and as such there are no concerns with regards to flooding impact.

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

Impact on the Natural Environment

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

Pollution

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

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

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

Light Pollution

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

Contaminated Land

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

Ecology

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

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

Impact on Residential Amenity

- 5.41 Saved policies ENV1 (1) and ENV2 of the Selby District Local Plan 2015 and Paragraph 127 of the NPPF set out the key considerations with regards to the impact of development on residential amenity.
- 5.42 77 letters of objection have been received, which demonstrates that there are significant concerns in relation to the impact of the development on residential amenity.
- 5.43 The concerns raised have been taken into account in assessing the application, the Environmental Health Officer has considered all the potential environmental impacts of the development and has concluded that with the measures available through permitting and planning conditions the proposed development would not result in significant and unacceptable impacts on residential amenity.
- 5.44 From a planning perspective, the established land use is currently industrial and whilst there are residential properties close to the site, the building will be set down lower into the ground, will benefit from enhanced planting and subject to the measures set out in the accompanying reports and recommended conditions the proposal would not result in significant impacts that would warrant refusal of planning permission when considering the proposal as a whole.
- 5.45 Paragraph 55 of the NPPF states that LPA's should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. It is on basis that officers are of a view that the proposal can be carefully managed.

Design

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

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

Other Matters

Waste and Recycling

- 5.50 Saved Core Strategy Policy SP15, the Developer Contributions Supplementary Planning Document (SPD) and the National Planning Policy for Waste set out the considerations with regards to waste and recycling. The SPD sets out the detailed guidance with regards to the handling of waste and recycling in relation to commercial developments. The NPP for Waste states that waste management is to be considered alongside other spatial planning concerns recognising the positive contribution that waste management can make to the development of sustainable companies.
- 5.51 The development itself uses a recycled glass product to manufacture building blocks, paragraph 210 b) states that planning should take account of the contribution that substitute, or secondary materials and recycled materials would make to the supply of materials before considering extraction of primary materials.
- 5.52 There is sufficient space within the site to provide for waste in line with the SPD, which states that ‘...provision shall be made for sustainable waste and recycling facilities.’

Sustainability

- 5.53 Sustainable development is at the heart of the role of the Planning System. Chapter 2 of the NPPF sets out the purpose of the planning system is to contribute to the achievement of sustainable development.
- 5.54 Planning decisions should take local circumstances into account, to reflect character, needs and opportunities in each area. The applicant has demonstrated the need for the development, the contribution it makes to recycling and production of materials for the construction industry whilst demonstrating that the potential impacts can be managed or mitigated against.
- 5.55 The proposal demonstrates that it will deliver an economic objective, social objective and environmental objective and as such is considered to be sustainable development.

Developer Contributions and Conditions

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

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

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

6.0 CONCLUSION AND PLANNING BALANCE

6.1 Taking into account all of the material planning considerations set out above, it is considered that the proposal is acceptable as it complies with both local and national planning policy. Whilst concerns of residents and the Landscape Architect have been fully taken on board the proposal is considered to be sustainable development. Any outstanding concerns can be addressed through the imposition of the necessary conditions and legal agreement.

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

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

7.0 RECOMMENDATION

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

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

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

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

CONDITIONS

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

Reason

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

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

Reason

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

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

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

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

Reason

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

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

Reason

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

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

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

Reason

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

06. Prior to development, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
1. a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
 2. an assessment of the potential risks to:
 - human health
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
 3. an appraisal of remedial options, and proposal of the preferred option(s).

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

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

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

Reason

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

11. Development shall not commence until the detailed surface water drainage design based on the percolation testing in strict accordance with BRE365 has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed. Note that further restrictions on surface water management may be imposed by Yorkshire Water and the Environment Agency with respect to Ground Water Protection.

Reason

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

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

Reason

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

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

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems in accordance with saved policy ENV2 of the Selby District Local Plan, policy SP 18 of the Core Strategy and Chapter 15 of the NPPF.

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

Reason

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

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

Reason

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

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

Reason

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

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

- To prevent deterioration of a water quality in groundwater.

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

8 Legal Issues

8.1 Planning Acts

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

8.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

8.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However, it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

9 Financial Issues

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

10 **Background Documents**

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

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Appendices: None