Report Reference Number: 2020/0149/FULM

To: **Planning Committee**
Date: **10 November 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 and completion of a S106 Agreement		

1.0 INTRODUCTION AND BACKGROUND

1.1 This application was brought before Planning Committee on 6 October 2021 as the application is a major application where 10 or more letters of representation have been received against the officer recommendation.

1.2 Members resolved to defer the application for a site visit to assess the impact on the highway, visual impact on the countryside and the impact on occupiers of residential properties.

1.3 Members also deferred for further information with regards to the necessary conditions, HGV traffic movements, hours of operation, clarification of emissions from the plant and further details on visual impact.

1.4 Members of the Planning Committee, Parish Councillors and Mr Vendy as agent for Heck Parish Council were invited to the site visit along with NYCC Highways Officer and SDC Environmental Health Officer.

2.0 FURTHER ASSESSMENT

Highways and HGV Traffic Movements

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

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

The proposed movements in/out
(i.e., 4 x powder tanker movements which is 2 in and 2 out)
(i.e., 40 x tipper trucks movements which is 20 in and 20 out)
(i.e., 40 x block trucks movements which is 20 in and 20 out)

Table 3.1 sets out the vehicle movements

Existing Block Plant

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

New Foam Glass Plant

Traffic movements 7.00am to 19.00pm Monday to Friday (plus 7.00am to 12.00pm Saturdays)
Wheeled loading shovel to top up the glass sand feed hopper from 22.00pm to 7.00am (9 Hrs) the wheeled loader would work about 10 minutes per hour.

Staffing and hours of operation

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

Existing Block Plant

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

New Foam Glass Plant

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

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

Operatives for the first block of 4 days
6.00am to 14.00pm 5 No operatives
14.00pm to 22.00pm 5 No operatives
22.00pm to 6.00am 4 No operatives

Operatives for the second block of 4 days

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

Planning Conditions

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

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

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

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

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

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

Conditions 3, 4 and 5 (CEMP)

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

Condition 15

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

Reason

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

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

Condition 15 is replaced with:

There shall be no piled foundations.

Reason:

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

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

Previously Developed Land (PDL)

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

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

Emissions to Air and Production Details

Production

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

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

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

Emissions

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

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

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

Chimney 1 – combustion gases

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

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

Table 1: Expected maximum concentrations and maximum mass flow

	mg/Nm^3	kg/h
CO	500	2,1
NOx	500	2,1
SOx	500	2,1
Organic C	50	0,21
Dust	20	0,084

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

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

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

Chimney 2 – cooled air

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

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

Species	Unit	Max value minus error range	Max value plus error range	Maximum permissible value
CO	mg/m³	264	285	
	kg/h	1,0	1,3	
NO+NO2, as	mg/m³	0,01	0,05	0,35
NO2	kg/h	0,01	0,2	0,5
SO2+SO3 as	mg/m³	0,0004	0,004	0,35
SO2	kg/h	0,001	0,002	1,8
Total C	mg/m³	25,4	27,9	50
	kg/h	0,09	0,15	0,5

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

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

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

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

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

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

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

- Nevertheless, the hopper used to receive the feedstock will be enclosed to minimise the dust emissions from the tipping of the glass;

- the conveyors used to transport the lump foam glass will be covered, and where conveyors intersect dust suppression water sprays will be used to minimise fugitive emissions;

- a tractor towing a water bowser and spray system will be used to douse the roadways in order to supress dust in dry conditions;

- both crushing and screening plant will be supplied with a pressurised water bore hole system to supress dust emissions; and

- water sprays will be used to supress dust emissions from the finished product stockpiles when they are loaded into wagons for export.

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

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

Visual Impact

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

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

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

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

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

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

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

Landscape Effects

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

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

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

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

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

Visual Effects

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

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

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

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

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

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

3.0 RECOMMENDATION

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

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

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

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

CONDITIONS

Statutory Conditions

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

Reason

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

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

Site Location Plan	
Site Plan	1917 PL 101 G Published 20.09.2021
Site Access - Vehicle Swept Path Analysis	19110/ATR/01 Rev A Published 20.09.2021
Trailer Route - Vehicle Swept Path Analysis	19110/ATR/02 Published 20.09.2021
Tipper Route - Vehicle Swept Path Analysis	19110/ATR/03 Published 20.09.2021
Block Trunk - Vehicle Swept Path Analysis	19110/ATR/04 Published 20.09.2021

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

Reason:

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

Pre-commencement Conditions

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

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

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

Reason

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

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

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

Reason:

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

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

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

Reason

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

06. No development must commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. restriction on the use of Long Lane, Great Heck access for construction purposes;
2. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
3. the parking of contractors' site operatives and visitor's vehicles;
4. areas for storage of plant and materials used in constructing the development clear of the highway;

5. details of site working hours;
6. details of the measures to be taken for the protection of trees; and
7. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason:

In the interest of public safety and amenity.

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

1. a survey of the extent, scale and nature of contamination (including ground gases where appropriate).
2. an assessment of the potential risks to:

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

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

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

Reason

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

08. Prior to commencement of any development, should any contamination be identified in the assessment required by condition 7 a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental

Protection Act 1990 in relation to the intended use of the land after remediation.

Reason

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

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

Reason

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

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

Reason

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

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

Prior to Occupation Conditions

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

Reason

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

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

Reason

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

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

Reason

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

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

- agreed targets to promote sustainable travel and reduce vehicle trips and emissions within specified timescales and a programme for delivery;
- a programme for the delivery of any proposed physical works;

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

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

Reason:
To establish measures to encourage more sustainable non-car modes.

Compliance Conditions

19. There shall be no piled foundations.

Reason:

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

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

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

Reason:

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

31. There must be no access or egress by any vehicles between the highway and the application site at Long Lane, Great Heck until splays are provided giving clear visibility of 127 and 97 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times. Visibility splays will be created in accordance with approved Optima drawing no. 19110/GA/01, Site Access Arrangement, Revision B.

Reason:

In the interests of highway safety.

32. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until:

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

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

Reason:

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

INFORMATIVES

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

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

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

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

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

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

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

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

4 Legal Issues

4.1 Planning Acts

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

4.2 Human Rights Act 1998

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

4.3 Equality Act 2010

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

5 Financial Issues

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

6.0 Background Documents

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

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Appendices:

Appendix 1 - Committee Report, 6 October 2021