

Officer Update Note
Planning Committee – 10 November 2021

Item 5.1

APPLICATION NUMBER:	2020/0149/FUL M	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 Amendment to Recommendation and Heads of Terms for Legal Agreement

To include the Traffic Routing Plan

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.
- C) Traffic routing plan for HGV's

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

2.0 Additional Information

2.1 Since the preparation of the report additional information has been received from the Applicant:

- Traffic routing plan – all vehicles from the new entrance to avoid the village of Great Heck – this is added to the recommendation should Members resolve to grant permission. It is recommended this forms part of the legal agreement to ensure it is enforceable for the lifetime of the development.
- Draft CEMP's – Highways, Ecology and Environmental Health have been consulted on these drafts and agree with the principles – the conditions are still required to further agree the finer details of the CEMP's.
- Confirmation that the landscaping scheme required by condition 15 prior to first occupation can include specimens such as Poplar trees to the north and south boundaries of the site which will be able to soften the higher parts of the building from long distance views.

Comparison building heights

2.2 Since the preparation of the report Members asked at the site visit if the heights of other examples of tall buildings in Selby could be provided namely the Abbey and the British Gypsum plant at Fenton Lane Church Fenton.

The Abbey (as stated on the internet) is 37 metres. British Gypsum is 35.5 metres.

3.0 Additional Representations

3.1 Additional representation submitted by Mr S Vendy of Veritas Planning on behalf of Mr C Watkinson.

Local Plan

In brief, the representation seeks to draw attention to the Local Plan and site allocations particularly in relation to site HECK-D – land at the West of Long

Mr Vendy points out that in the call for sites in preparation for the Local Plan that the settlement of Great Heck was considered to perform the lowest in terms of the sustainability criteria.

Mr Vendy considers this is a highly pertinent consideration in the determination of the application proposal.

Landscape

A Landscape Statement by Martin Popplewell of Rossetta Landscape has been provided commenting on the applicant's submission with regards to visual impact and a professional opinion that the work on the application is deficient

and the proposal is likely to lead to significant adverse effects on the surroundings.

In brief the Landscape Statement sets out where, in Mr Popplewell's professional opinion the Landscape and Visual Impact Assessment is deficient in the following areas:

- Lack of detailed objective assessment of the adverse visual impact on local receptors;
- Lack of clarity in showing the location and extent of these on the plans;
- No amount of landscape mitigation could reduce the adverse visual impact that will occur.

The Applicant's Landscape Consultant has responded to the above comments:

- The LVA adheres to a clear and objective methodology based on the Guidelines for Landscape & Visual Assessment (3rd edition), which sets the professional standard for the production of Landscape & Visual impact Assessments & recognised by all relevant professional institutes.
- The methodology has been agreed and accepted by the LPA and their consultees.
- The number and position of viewpoints was agreed with the LPA's Landscape consultee in accordance with best practice as set out within the GLVIA guidelines. The views selected are representative of the range of views available and experienced by the different types of receptors present. It is accepted practice (again, as set out in the GVLIA guidelines) that it is not necessary, nor desirable (as it could serve to confuse and/or overload the reader), to assess every single possible viewpoint or receptor.
- Mr Poppleton appears to have not adhered to any recognised standard of assessment and has not stated which objective methodology he has followed in order to come to his conclusions. His opinions appear to be based on preconceived objectives.
- In his report, Mr Poppleton does not make it clear whether he has sight of the development proposal drawings nor the landscape proposal drawings which set out the proposed mitigation – the implication in his statements is that he has not, and his opinions are based on inaccurate assumptions, for example at para 2.5, first bullet point where he states that there are no trees of height present, he fails to acknowledge that there is significant planting proposed which includes oak, alder, and birch all of which are capable of achieving mature heights in excess of 20m.

- Mr Poppleton does not seem to come to any conclusions that differ materially from what is already set out within the LVIA or the consultation responses, and, as per the Landscape Officer's response, these are based on opinion and not concluded through the carrying out of a clear and objective methodical process.

Officers are of the view that both Landscape Specialists have put forward their professional opinions.

NYCC Landscape Architect agreed the methodology of the assessment and views and whilst some concerns were addressed and concluded that the visual impact of the tallest part of the building (the crushing mill up to 21 metres and the acoustic hood up to 24 metres) could not be adequately screened and as such would have an unacceptable visual impact in terms of longer distance views.

Officers have balanced this advice and impact in the report along with the other material considerations.

Local Plan

The Council's Planning Policy Team have been consulted on the further representation with regard to the comments on the proposed allocation in the Great Heck Area.

The site lies disconnected from a settlement receiving planned growth – it is defined as a “Smaller Village” in the emerging Local Plan. We (The LPA) are not seeking to make any allocations in these settlements but will support small scale windfall development within and adjacent to the main built-up area of the Smaller Villages, where it is considered appropriate to their scale, form, and character to support their continued vitality.

The HECK-D site is greenfield, and the application site is brownfield, accommodates an existing employment use which is looking to expand. The circumstances are entirely different.

3.2 One objector has written to request that her objection be withdrawn. This has been removed from the public file as requested.

3.3 One objector has sent in a further email and photographs of HGV's travelling in the middle of the canal bridge which they believe is dangerous. A response has been provided that the policing of the highway is a matter for NY Police and has not a material planning issue than can be taken into account.

Item 5.3

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

Consultation response from Selby Town Council

- Selby Town Council would like to see the woodland protected and the open space that is mentioned in the report form a buffer between existing houses on Abbots Road and the Woodland, thereby allowing the line of desired footpath between the Staynor Hall development and Selby College to be retained.
- Selby Town Council strongly suggests that the access road onto Staynor Avenue should be removed, and an access road be provided to the bypass, as the Town Council is concerned that Abbots Road is already a busy road and would be in danger of being overloaded with traffic.

Additional representation from the college.

The college is urging committee to defer the application to allow the College to engage with the applicants and County Highways to resolve the safety issues.

The range of evidence-based responses that we have submitted on behalf of the College have not been taken into account. For example, we commissioned and submitted a video of the end of the college day showing the students waiting for the buses and the bus manoeuvres. These arrangements have worked in the past as Staynor Avenue is a cul-de-sac. Being the access to 1200 houses is a totally different situation and changes to this arrangement must be required of the applicant.

We say that a revised stage 1 Road Safety Audit is required for the scheme before this application could be put before the Committee. Stage 2, as requested by NYCC, is too late.

Therefore, we maintain our position that the submitted scheme is inappropriate for the location and the circumstance of a 1000+ college community entering and leaving the campus daily. It is inappropriate for the safety of the college community in terms of, for example adequate areas for large groups of students to wait for buses and for laying up spaces for the buses, and that of residents of the estate who expect adequate highway arrangements. The principle of creating a through road is not challenged.

The College leadership has a duty of care to its students and staff. To seek to determine this application before a response to the College's expert submissions has been made negates the whole consultation process (which began over a year ago) and would lead to an unsound decision.

Comments from WSP – (College's consultants.)

- Firstly, the latest revision of the Staynor Avenue layout is referred to as revision E, this plan was produced in January 2018 and so no changes have been made over the last year to address our concerns.
- Even though the swept paths are for a single-decker buses they would still be applicable for a double decker bus, so I am comfortable with the swept paths shown.
- It is quite clear from the swept paths that the buses won't be able to access the spaces on the south side of Staynor Avenue without having to shunt within the road. The spaces are too close to the right turn from the northern part of Staynor Avenue and so the buses will be parked at an angle to the kerb and likely to block the flow of traffic in both directions, this is not a problem in the current situation as Staynor Avenues is not used to access 1200 residential units, but this will be an issue once this road provides access to the development.
- As highlighted previously the design does not address significant numbers of pedestrian movements in the PM peak, as indicated in our technical note dated 12th May 2021. The revised data has simply shown squares on a plan where buses could park, but the parking of the buses was not the main concern, which is the movement of students in the area, no design amendments have been suggested to improve pedestrian and cycle flow or improve areas where they wait for buses. The photos in our technical note show the concerns regarding this and the previous bullet point.
- Based on the flaws pointed out with the production of the stage 1 road safety audit (RSA) I have yet to see a revised version taking into account the additional data we have provided, and the issues highlighted. NYCC in their response dated 2nd November indicate that they will request a stage 2 RSA, but this is too late, a Stage 1 RSA is to assess the acceptability of the scheme put forward, which at this stage is not acceptable. A new stage 1 RSA is needed before the planning is determined. The Stage 2 RSA simply checks

the detail of the scheme and does not check if the scheme is correct for this situation.

The information provided is simply saying the way things work now can still do so in the future, this still doesn't address the key fact that Staynor Avenue will become a through route to a development with 1200 houses, this will create a completely different dynamic on the road network in this location and further improvements to the scheme are needed to ensure road safety is maintained especially for pedestrians.

x7 additional objection letters from local residents

- Concern over widening of Staynor Avenue and use of the green triangle, as a storm drain exists underneath.
- Also noted is that the verge outside houses 2 to 16 is to be considerably widened, this results in potential danger to pedestrians and vehicles accessing properties on Staynor Avenue.
- There are driveways which we as private homeowners paid Selby District Council to have tarmac laid which appear to be removed or reduced in size, who will be responsible for recompense for monies paid for this?
- What are the proposals for the mature trees on the Avenue? In the current climate considerations will they just be disposed of or replaced?
- There are currently double yellow lines outside the properties on Staynor Avenue, these were placed to allow safe traffic control due to inconsiderate parking of vehicles outside our property and blocking open access, will they be replaced?
- How is traffic to be controlled whilst the proposed changes are made? How will those of us who use vehicles to drive to work be able to access the road outside our homes?
- Concern over the impact on the college traffic flow.
- As a resident of Staynor Avenue, I can say we have concerns that little or no thought has been made to those of us living here and the impact on the safety of pedestrians on this part of the estate.
- Concern that the building of the houses will eventually lead to a loss of the whole woodland. Concern over the loss of the wildlife.
- Concerns over flooding, and the drainage capacity of the area.
- The footpath to the rear of Abbots Road is a public right of way and should be maintained.

- A water pipeline exists 2.5m from the fence line on Abbots Road (shown on the site plan in yellow). This should not be disturbed.
- The land should be used as a children play area/football pitch.
- Concern over the increased pressure on the hospital.
- Concerns over privacy from the residents on Abbots Road, compensation claims will be made.
- Other non-material issues were raised such a devaluation of dwellings and condition of roads and public areas within Selby.

Additional Representation from the agent

Please review and let me know if you would like to discuss anything further ahead of committee next week: -

Layout, Scale, Design & Housing Mix

- We have worked very closely over a number of years with Officers to improve the layout and design of the scheme. The inclusion of tree-lined avenues and fronting onto Staynor Wood are two key elements that show an improvement on what has previously been approved at the site.
- The outline approval didn't provide any requirements in respect of housing mix, meaning we could have delivered a mix of our choice. However, the mix provided aligns with that outlined in the Council's SHMA meaning it will meet the identified housing needs of the district. Indeed, it is the delivery of a significant number of 1, 2 & 3 beds which is driving the scheme's net density. The gross density is much lower due to the significant amount of greenspace which will be provided.

Ancient Woodland

- The scheme has been amended to create a buffer from the Wood and to also 'front on' to ensure that there will be no impact on the amenity of properties due to shading.
- There is no requirement in the outline approval which requires a buffer to be provided.
- The approach to the Wood is far better than that which has been approved on previous phases where homes lie directly adjacent to it.
- The buffer area shown on the layout relates to the outer edge of the canopy spread of the closest trees located in the Wood. Meaning the new homes will be located outside of Root Protection Areas.

Affordable Housing

- The 20% offer which has been made mirrors that delivered on previous phases of the development.
- The 20% offer which has been made mirrors the Council's own emerging policy and evidence base for the new Local Plan, which recently underwent public consultation. Meaning the applicant could have delayed the scheme coming forward until this policy is adopted. However, they took the sensible approach that it was better to meet local housing needs now.
- The mix and tenure of the proposed affordable housing meets identified local housing needs and has been agreed with the Council's Housing Officers.
- There is the potential for the new affordable homes to be obtained by the Council, as a registered provider. But this will be decided following a tender process.

Selby College & Highways Matters

- The outline permission requires an access to be delivered to Staynor Avenue. There is no requirement in the outline application for the development to provide a new access for Selby College.
- For the avoidance of any doubt to members, the applicant has consulted with the College. This can be seen in the correspondence/reports submitted with the application.
- The kerbside space available for bus parking (whether single or double decker) will marginally increase by 3m. So it is effectively the same.
- Whilst 11 buses may operate to/from the College, a number of them either stop on Abbot's Road (where there are formal bus stops that also accommodate the wider public) and those that do access Staynor Avenue wouldn't access it at the same time as there wouldn't be sufficient space now.
- We will be providing formalised/safe pedestrian crossing points which do not currently exist. One across Abbot's Road and one across the new entrance to the site. Meaning students can circumnavigate the formalised roundabout safer than they do now.
- The works will create a better flow of vehicle movement through formalising the design of the existing roundabout.
- We have tracked the movement for both the existing and proposed junction layouts and there is no material difference in the manoeuvring space/ability for buses.

- The proposals retain the ability for the College to utilise the current access for two-way movements in the future. Though the current movements are 'one-way' (arrivals only), we wanted to make sure that the ability for two-way movements wasn't impeded in the future.
- We have provided off-road parking for existing residents within our scheme to ensure that they won't be impacted by the proposed amendments to the junction.
- The latest scheme includes amendments to incorporate all comments/requests from the Local Highway Authority and the recommendations from a formal Road Safety Audit.
- It is highly likely that the majority of the traffic from this phase will access/egress the site from Bawtry Road. However, if the traffic from this phase used the Staynor Avenue access, at peak hours we would be looking at circa 1-2 car movements a minute. Which is very low in highway terms.
- There is no requirement for a TA or Travel Plan to be submitted alongside this Reserved Matters application. There is an obligation in the S106 to submit a Travel Plan pre-commencement of development and thus we intend to fulfil this obligation in accordance with the approved trigger point.

Noise

- A number of Noise Impact Assessments and Addendums have been submitted to respond to the comments raised by the Council's EHO.
- The layout was revised to remove homes from the northern boundary of the site, the result being an increase in separation distance between the new homes and the Industrial Unit to approximately 160m.
- In addition there will be a 4m high acoustic bund and fence located on the site's boundary, and the nearest properties will also 'front on' and have enhanced glazing.
- The response to noise matters is therefore extremely comprehensive and is effectively 'belt and braces'.

Climate Change & Broadband

- It must be stressed to members that there are no conditions attached to the outline approval in association with the provision of Electric Charging Points and High-Speed Broadband. Meaning they shouldn't be requested at this stage. However, in order to work positively with the Council towards achieving their climate change aspirations Persimmon Homes are happy to retain these proposed conditions.

- With regards to Proposed Condition 6 – Persimmon Homes are happy to agree to a condition which requires the submission and approval of an electric vehicle charging plan for the site. This plan will indicate the location and type of socket to be installed at properties with parking spaces adjacent to the dwelling or garage. This is a further measure which goes beyond the parameters established by the outline planning permission at the site.
- Persimmon Homes are happy for proposed Condition 7 to remain as worded.
- There are a number of other conditions that mirrors those which are attached to the outline approval.

Socio-Economic Benefits

- As there is no mention to the socio-economic benefits of the scheme in the report, can the following please be added to the update report:
 - A total construction investment of £30m
 - Ensuring the protection of 146 local jobs currently working on existing phases of the development – which would be at risk if the application was refused.
 - £5m spending from new residents to existing leisure and retail facilities in Selby.
 - New residents and students to sustain local schools and Selby College.
 - A further contribution of £500,000 towards education upon completion of the 1000th dwelling, which can only be realised with the approval and delivery of this application.
 - Delivery of new market and affordable homes which will meet identified local needs.

Additional Comments North Yorkshire Police

Access & Movement

It would appear that the number of footpath links, as referred to in paragraph 4.3.2 of my previous report, has been reduced, and this is welcomed as this removes additional access/escape routes for an offender.

Ambiguous Space

In paragraph 4.6.4 of my previous report, I provided details of three areas of ambiguous space and outlined the potential issues relating to this kind of feature, and it is pleasing to note that due to the redesign of the layout, two of these areas have been removed

Defensible Space & Boundaries.

In section 4.7 of my previous report, I highlighted that there was a lack of physical demarcation to clearly identify “defensible space¹”. It is pleasing to note that the Landscape Layout drawing now shows that the majority of properties have been provided with clear demarcation between private frontages and the public realm to provide this. However, there are still a number of plots where this is lacking and these include Plots 7, 21, 96, 142, 169, 204 and 205.

There are also a number of properties where only part of the frontage is provided with physical demarcation and these are mainly corner plots. However, both Plots 184 and 190 are good examples of appropriate demarcation to corner properties and this should be replicated across the site for all dwellings of this type.

There are also a number of plots that lack physical demarcation between private frontages, and these include Plots 20 & 21, 56 & 57, 66 & 67, 68 & 69, 98 & 99, 108 & 109, 118 & 119, 124 & 125, 158 & 159, and 182 & 183.

The drawing also shows a number of plots which comprise of ground and first floor flats and there is no clear allocation of the private amenity space to the rear of these properties. This may result in neighbour disputes over its use and maintenance, with a consequent demand on Police services.

Car Parking

It is noted that the parking provision for Plots 206 and 207 is located to the side of Plot 206, with the parking space for this plot being furthest away from the property. To enable the residents of this plot to be able to see their vehicle from within the dwelling, consideration should be given to swapping the parking spaces and ensuring that there is a window in the side elevation of Plot 206 from an “active room”².

Additional Comments VPK Holdings

I had a video call with VPK earlier this week to discuss the amended plans.

VPK seek to continue to utilise their existing site as part of their commercial operations and hope that the approval of this application will not impact their ability to grow and expand their existing operations within the site.

We are happy to see that additional levels of acoustic protection has been included within the latest revised plans. We agree with the Environmental Health Officer’s comments that the enhanced glazing, mechanical ventilation and acoustic bund should be conditioned as part of any approval.

VPK remain concerned that in the future occupiers of plots 56-65 could potentially replace the enhanced double glazing with regular double glazing (when the time comes for the windows to be replaced) which could lead to higher noise levels within the properties potentially leading to complaints about VPK’s operations.

Amendment to condition 02.

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

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

The noise mitigation measure shall thereafter be retained in working order for the lifetime of the residential use of plots 56 -65.

Reason

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

Amendment to conditions

Condition 4 - Landscape Planting - Delete as this mirrors condition 32 of the outline.

Condition 5 - Landscape Management Plan – delete as this is covered by the Section 106 agreement.

Condition 9 - Footways and Footpaths - Delete as this mirrors outline Condition 6.

Condition 12 - Travel plan. Delete as this is covered in the Section 106.

Condition 13 - Construction Management Plan – Delete as this is covered in outline conditions 14,17,18 and 22.