

**Report Reference Number:** 2015/0452/EIA (8/19/1011AV/PA)

**To:** Planning Committee  
**Date:** 9 February 2022  
**Author:** Gareth Stent (Principal Planning Officer)  
**Lead Officer:** Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2015/0452/EIA	PARISH:	Selby Town Council
APPLICANT:	Persimmon Homes Yorkshire	VALID DATE:	30th April 2015
		EXPIRY DATE:	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		

The application was previously presented to the 10<sup>th</sup> November 2021 committee and deferred for a site visit to look at the impact of the new access to Staynor Avenue at peak traffic times, to allow officers to explore alternative access arrangements and to assess the impact on the woodland. The deferment was also to allow the landscape architect to be consulted.

Outcome:

Access arrangements have now been amended, with the access from Staynor Avenue being for pedestrians, cyclists and emergency vehicles only. This means all main traffic will now pass through Staynor Avenue Phase 3 and out onto Bawtry Road via the 2 existing accesses. The college has now withdrawn its objection to the scheme, and the plans have been update to enhance cycle provision through the site.

In terms of the impact on the wood, the applicants have not sought to amend the layout but have supplied additional justification:

- Arboricultural Survey;

- A letter from our Arboriculturalist which responds specifically to the impact of the proposed development on the Ancient Woodland; and
- A Tree Assessment Plan which illustrates the extent to which the Root Protection Areas (RPA) of the trees located within the woodland would extend to. These are restricted by the presence of the drainage ditch.
- Updated Nature Conservation Plan (December 21 Rev 3)

The Woodland Trust maintains its objection despite the details provided. The landscape officer raised no objection to the scheme, however no formal comments were provided.

## 1. CONSULTATION

- 1.1 Woodland Trust comments on Rev Q (6.12.21) - We have reviewed the additional information submitted to accompany this application, specifically the additional arboricultural survey documents. Whilst we acknowledge the presence of the existing drainage ditch and the likely impacts to the ancient woodland rooting system, we will be maintaining an **objection** to this application.

The siting of a large scale housing scheme adjacent to Staynor Wood will result in a range of impacts to the ancient woodland, including noise, light and dust pollution occurring during both construction and operation of the scheme. As such, we continue to recommend a buffer zone of at least 20 metres in line with Natural England's Standing Advice:

*"For ancient woodlands, you should have a buffer zone of at least 15 metres to avoid root damage. Where assessment shows other impacts are likely to extend beyond this distance, you're likely to need a larger buffer zone. For example, the effect of air pollution from development that results in a significant increase in traffic."*

- 1.2 Landscape Officer - The Landscape Officer said he was content with the relationship between the wood and the houses but hasn't provided any formal comments. He also said the tree mix within the landscape scheme particularly the highway trees was poor and needed attention.
- 1.3 NYCC Highways - Regarding your request for the LHA opinion of the principal of your access proposals. The proposals do not align with the current NYCC Design Guide for access provision to a site of this size. The Guidance, in this case, suggests 2 vehicular access points would be required, provision of a single access with emergency access for a site would only be suitable to serve up to 100 units. So as such, the LHA cannot agree to the principal of a single access with emergency access provision for your site of 215 properties.
- 1.4 NYCC Highways – revised response awaited.

## 2. PUBLICITY

- 2.1 The application was readvertised based on the alternative access arrangements. The latest notices were posted 25.1.22, which expire 15.02.22.
- 2.2 Selby College via Janet O'Neil Associates (21.12.2021) – "We understand that additional justification for the amendment to the design for a Staynor Avenue to be restricted to blue light vehicles, cycles and pedestrians may be helpful to you in

advising the Planning Committee. Please see the comments below from WSP, Highway Consultants to Selby College.

Whilst the current application site would have one direct access road and an emergency access road, the whole of the Staynor Hall estate obviously has 2 access roads from Bawtry Road.

Our highways consultant confirms that “in these circumstances there is no need for a third general access road adjacent to the college, especially as the previous design would have resulted in potential conflicts. Bawtry Road is a local distributor road and as such it is more appropriate to assign the additional development traffic onto this type of road.”

Comments from WSP - The key with the scheme and something that NYCC don't seem to have acknowledged is the safety of the college students and staff along with other pedestrian and cyclists in the vicinity of Staynor Avenue.

“The change in design of the extension to Staynor Avenue is a welcomed evolution of the scheme for access to the residential development adjacent to the college. As you will be aware the key concern for the college was the safety of staff and students at arrival and departure times and the previous scheme did not take this into consideration and as such would have resulted in numerous highway safety issues/potential conflict points. The closing of this access will now remove the free flow of traffic (from the whole residential estate) from Staynor Avenue and as such remove the potential conflict with staff and students from the college.

The retention of a pedestrian and cycle route from Staynor Avenue to the residential development will encourage sustainable travel in line with the Councils policies. This route is also made available for emergency services should alternative routes not be available. The revised scheme will also allow the college bus service to continue to use Staynor Avenue in a safe manner, i.e. there would be no conflict with through traffic.

It is understood that the transport consultant for the developer has undertaken further traffic modelling and confirmed that the 2 access points off Bawtry Road can accommodate the additional traffic from the proposed residential development. As such there should be no need for the 3rd access for general traffic adjacent to the college, especially as the previous design would have resulted in potential conflicts. Bawtry Road is a local distributor road and as such it is more appropriate to assign the additional development traffic onto this type of road.”

2.3 Selby College via Janet O'Neil Associates (27.1.22) - I refer to the re-consultation in relation to the above planning application as revised. I have consulted our highways expert and he has confirmed his opinion that the revised highway arrangements are acceptable and would not prejudice the interests of Selby College.

On this basis, I would like to formally withdraw the objection of Selby College to this planning application. I would request that we be consulted on the Phase 2 road safety audit.

I would like to thank the applicants and their planning agent for pursuing an alternative highway solution on the Staynor Avenue access to their housing scheme which overcomes the concerns of the College's Senior Management.

## **APPRAISAL UPDATE**

### Impact on the woodland

- 3.0 The relationship of the proposed dwellings to the woodland has raised several concerns expressed through the third-party representations, an objection from the Woodland Trust and the matter was discussed in detail at the 10<sup>th</sup> November Committee. The main concern being that whilst the majority of the dwellings sit away from the woodland edge, some development i.e., roads and a small number of dwellings sit within the 20m buffer, which is advised by the Woodland Trust. Layout Rev Q wasn't commented on by the Woodland trust for the 11<sup>th</sup> November 2021 committee, however in order to demonstrate acceptability of the scheme the applicant supplied the following information:
- Arboricultural Survey;
  - A letter (15<sup>th</sup> Nov 21 from Quants Environmental) from our Arboriculturist which responds specifically to the impact of the proposed development on the Ancient Woodland; and
  - A Tree Assessment Plan, which illustrates the extent to which the Root Protection Areas (RPA) of the trees located within the woodland would extend to. These are restricted by the presence of the drainage ditch.
- 3.1 The key conclusions outlined within the submitted documents are as follows: -
- The closest woodland group, referenced W1 in the Arboricultural survey is separated from the main site by a deep drainage ditch.
  - Trees within the woodland have adapted to the existing ground conditions resulting from the ditch construction and these ground conditions are now isolated from the main site. It is therefore considered that development of the site will not significantly affect the existing ground conditions within the woodland.
  - The ditch is of a significant depth and in places is at a higher level than that of the main site. This will present a significant constraint upon root growth.
  - All woodland edge trees are located at the top of the embankment to the ditch on the woodland side and are therefore likely to have rooted along the upper regions of the bank and back into the woodland.
  - The ditch holds water which will therefore create anaerobic conditions in the soils at the base of the ditch. The tree species located along the woodland edge are sensitive to waterlogged conditions, thus further impeding any root growth into the main site.
  - The Tree Assessment Plan shows the proposed development in relation to the woodland group of W1. The RPA shown has taken account of the existing site conditions restricting root growth in accordance with paragraph 4.6.2 and 4.6.3 of BS5837:2012.

- The Tree Assessment Plan shows that there is no development proposed within the RPA of retained woodland trees.

3.2 This new information was also sent to the Woodland Trust for comment. The Trust maintained their objection to layout Rev Q and took account of the applicant's additional arboricultural survey documents. The trust acknowledges the presence of the existing drainage ditch and the likely impacts to the ancient woodland rooting system but maintain their objection. The trusts states "The siting of a large scale housing scheme adjacent to Staynor Wood will result in a range of impacts to the ancient woodland, including noise, light and dust pollution occurring during both construction and operation of the scheme. As such, we continue to recommend a buffer zone of at least 20 metres in line with Natural England's Standing Advice:

*"For ancient woodlands, you should have a buffer zone of at least 15 metres to avoid root damage. Where assessment shows other impacts are likely to extend beyond this distance, you're likely to need a larger buffer zone. For example, the effect of air pollution from development that results in a significant increase in traffic."*

3.3 The applicants were given the opportunity to amend the design to recreate the 20m buffer however did not feel it necessary. They indicated that "no evidence has been provided to demonstrate that a buffer zone is required in association with noise, dust or light pollution. The advice requires a minimum of 15m to ensure that there will be no root damage (which we have already proven there won't be due to the location of the ditch) and in my view anything beyond the 15m is difficult to justify on account of any impact being largely immeasurable and also due to the history of how the Woodland has been dealt with on previous phases of the scheme."

3.4 The applicant also points that "this issue was taken into account as part of the outline planning application, which does not include any conditions associated with the provision of a buffer (hence why other phases back directly on). The S106 includes an obligation for the submission of a Nature Conservation Management Plan and that the Plan should provide 'objectives and a programme of habitat management operations for a 10-year period' and which should include 'the management programme and operation for the Staynor Hall Plantation'. However, as outlined within Paragraph 5.74 of the committee report this requirements of the outline planning permission has already been met as the relevant obligation has already been discharged."

3.5 The agent also states "as part of the Section 106 Agreement a Nature Conservation Plan was required to be submitted. This covered the need for POS and nature Areas, which are on earlier phases of the scheme, particularly measures covering the woodland. The Nature Conservation Plan obligation for phase 3 to the south has been discharged and will soon be implemented, as such the nature conservation issues have been considered by the existing Section 106 Agreement attached to the Outline Planning Permission."

3.6 Notwithstanding this position taken by the applicants, they recognise that this issue will potentially be discussed further by members and have supplied an updated Nature Conservation Plan (December 21 Rev 3) to respond to the issues raised. The amended Nature Conservation Plan includes the following:

- Improving the condition of the woodland – Whilst the outline application does not identify the need for a specific buffer from the woodland (and none have been provided on previous phases), the Nature Conservation Management Plan includes measures that will enhance the condition of the woodland through its appropriate management for a 10-year period (the timescale of which is set out by the outline approval). This includes targeted tree removal (sycamore) and tree planting to increase the diversity of the stock.
- Putting up screening barriers to protect woodland or ancient and veteran trees from dust and pollution – This is something that can be done as part of the Construction Management Plan condition for this phase of development, including taking specific action to suppress dust (spraying and road sweeping). With regards to long-term mitigation, we are now proposing to plant additional trees/landscaping adjacent to the woodland to provide a further protective barrier in respect of dust/pollution.
- Noise or light reduction measures – Any lighting associated with the construction or operation of the development will be located 20m from the stems of the nearest trees to the woodland.
- Protecting ancient and veteran trees by designing open space around them – This is something that was considered as part of the outline planning approval and the development of Phase 4 is in accordance with this. There are areas of greenspace/open space which will provide a buffer between the woodland and the nearest new homes.
- Identifying and protecting trees that could become ancient and veteran trees in the future – The proposals will not have any impact on the root protection areas of any trees included within the woodland or that could become part of the woodland due to the presence of the existing ditch which is located between the edge of the woodland and the proposed development. The other mitigation measures proposed will also provide a further layer of protection.
- Rerouting footpaths – This is something which cannot be achieved as part of Phase 4 of the wider development as the outline application identifies the need to connect phases of development to existing footpaths which run through and around the woodland. The existing footpaths are also located within a different phase of the wider site.
- Removing invasive species.
- Buffer Zones.

3.7 The landscape plans were also updated (Rev E) to show more depth of shrub planting and trees on the northern boundary of the woodland within the buffer zone to increase its protection.

3.8 The applicants state they are asking for balanced judgment with respect of the Woodland Trust comments.

3.9 On this basis whilst there is clearly still disagreement concerning the buffer, the Landscape Officer was content with the separation and Officer have previously supported this relationship in the November Committee. Officers are satisfied that

the development of the site will not present a risk of damage to or loss of rooting from the trees within the woodland group. The development is therefore in accordance with the guidance presented in Paragraph 180 of the Framework, as the development will not result in the loss or deterioration of an ancient woodland.

### Landscape Features

- 3.10 In terms of the wider site landscaping, on the northern edge of the site alongside the boundary with the college, the former tree lined road has been removed in favour of a cycle lane, a consequence of the highway changes. Whilst these changes are of detriment to the scheme, the road is now no longer the sites main entrance boulevard, which lessens its visual importance as the gateway to the site. The applicants are also considering increasing the tree species within the highway and tree numbers and therefore any amended plans will be reported via the update note.

### Highways:

- 3.11 The 10<sup>th</sup> November deferment was to allow the applicants to explore alternative access arrangements due to the concerns raised over the conflict of the access from Staynor Avenue and the access to Selby College. In early December the applicants wrote to the council as explained the following:
- 3.12 “As you are all aware from our previous discussions on this matter, due to technical requirements; land ownership; available space within the adopted highway; and the outline application parameters (including the red line application boundary), the option we presented to members at planning committee is the only feasible option to enable a two-way vehicular/car access to this phase of the development from Staynor Avenue. Following our further review since committee we can confirm that this position remains unchanged.
- 3.13 You will all recall that before we worked constructively together to identify and agree a suitable solution, we did present the idea of designing an access which would be for the use of pedestrians, cyclists and emergency vehicles only. You will also recall that we previously reviewed the parameters of the outline approval to ensure that this was an achievable solution. Given the issues raised by members at committee and the continued objection from local residents and the College, we are of the view that this option is the only alternative one available to us to resolve the concerns raised by members.”
- 3.14 Two plans sent in showing how this revised second option would work. These show the two crossing points retained to enhance the road safety of the area for residents/pupils and it would also enable the retention of the existing highway verge and mature trees located adjacent to the southern carriageway of Staynor Avenue. The access would be restricted by bollards which would be limited to emergency vehicles only.
- 3.15 It was also necessary to check the parameters established by the outline planning approval, to ensure the amendments were not running contrary to the outline consent. The applicants sought independent legal advice from Walker Morris Planning Solicitors that concluded that the outline permission does not require vehicular access to be provided from Staynor Avenue. The following points are pertinent: -

- Condition 2 of the outline approval references the need to provide details of the “means of access to the site from Staynor Avenue”. It doesn’t state specifically that this access point needs to be for two-way vehicular/car movements.
- Condition 15 of the outline approval references the need to provide details of “improvement works to Staynor Avenue” and “Footway/cycleway links to Abbot’s Road”. The enclosed proposal would deliver improvements to Staynor Avenue through the provision of two new formalised crossing points (enhancing the safety of the area for pupils/residents) and would deliver the required footway/cycleway links from this phase of the development to Abbot’s Road.
- The proposed approach would also deliver “access improvements to Staynor Avenue” as required by the Section 106 Agreement. No further details are outlined in the Section 106 Agreement and thus the provision of off-site pedestrian/cycle improvements would align with this obligation.
- The approved outline phasing strategy also outlined that no more than 250 homes could be accessed via Staynor Avenue/Abbot’s Road before the connection to the wider site was provided. This has obviously already been provided.

3.16 With regard to wider traffic management/distribution matters, the applicants stressed the following: -

- “The Bawtry Road junctions are now established, serving the phase 1 (northern junction), phase 2 (southern junction) and phase 3 (both junctions via internal links/loops).
- The Bawtry Road junctions were designed for higher capacity than a simple T-junction, with right-turn lanes (the original TA predicted that 85% of site traffic would be to/from the south and the A63, with 15% to/from the town centre).
- Unlike Staynor Avenue and Abbot’s Road (which are residential streets), Bawtry Road is a principal ‘A’ road (A1041), providing a more strategic connection to the A63 to the town’s bypass to the south (the A63) and the town centre to the north.
- There would be no impact on the permeability of the development for pedestrians, cyclists and emergency vehicles, as this proposed option would be retaining a link to Staynor Avenue for these modes and it has been specifically designed to not accommodate vehicles/cars.
- The removal of the Staynor Avenue vehicular access would mean that there wouldn’t need to be a change at the Staynor Avenue junctions with Abbot’s Road, which would therefore retain the existing road layout near the college, and so also wouldn’t affect the existing on-street parking for Staynor Avenue residents. It’s worth noting that the Selby College site has been fully rebuilt since the original outline planning consent, with more on-site parking than previously. There would also be pedestrian safety improvements provided on account of the two new formal crossing points proposed.



- The layout/design for Phase 4 doesn't include any bus stops, as it is located within 400m of existing bus stops in earlier phases of the development and of course bus stops located on Abbot's Road. We therefore do not believe there is a need for bus penetration from this access point. Providing bus penetration could of course also create vehicle conflict with bus operations at the College as well."

3.17 Given the Staynor Avenue link was being restricted to emergency vehicles, it was necessary to assess if the two existing junctions on Bawtry Road could cope with the increased trips and general capacity. The applicants produced a supplementary Transport Assessment (December 2021 by Local Transport Projects) which provides an assessment of the capability of the two Bawtry Road access points to accommodate the vehicle movements expected to be generated from the development without the need for a vehicular access via Staynor Avenue. The document also assesses the wider impact of the amended proposals in respect of pedestrian/cycle connectivity and responds to the previous concerns raised by local residents and the College.

3.18 The key conclusions are as follows: -

- The Bawtry Road assessment results indicate that the maximum Ratio to Flow Capacity (RFC) during the peak hours is likely to be 40% (PM peak) with the residential development in place, which is below the typical target of 85% and the 100% RFC level of full capacity. It is therefore considered that the proposed development will not have a significant impact on the operation of the Bawtry Road/Cedar Road junction.
- Pedestrian and cycle routes and travel distances/times to/from local amenities would be unaffected by the removal of the previously proposed vehicular link to Staynor Avenue.
- Emergency vehicle access would also remain unaffected, as the only vehicles permitted to enter/exit the proposed development via Staynor Avenue would be emergency vehicles.
- There are already bus stops accessible within a circa 400m walk of the majority of the proposed dwellings, via the stops within the Staynor Hall development (no additional stops were previously proposed within the Phase 4 part of the development), or via the stops on Abbot's Road (accessible via the proposed Staynor Avenue link).
- The removal of the previously proposed vehicular link to the development site via Staynor Avenue will address the safety concerns raised by Selby College, as the scheme would not generate vehicle movements within the vicinity of Staynor Avenue.
- The proposals still include improvements on Staynor Avenue and Abbot's Road within the vicinity of the pedestrian/cycle/emergency access, in the form of pedestrian crossing points.

- It is confirmed that vehicles associated with the construction of the proposed development would not utilise Staynor Avenue and would instead utilise the existing internal Staynor Hall roads.
- The removal of the previously proposed vehicular link to the development site via Staynor Avenue will address concerns raised by local residents, as the scheme would not be expected to generate through-traffic on local routes such as Abbot's Road/Parkin Avenue/Denison Road.
- The proposed new design also avoids the need for the majority of works to the existing highway verge on Staynor Avenue, and therefore avoids the need to remove trees and hard surfaced driveways.

3.19 The applicants consider these changes would overcome all of the concerns raised by members, local residents and the College at the November planning committee. The planning agent was keen to stress that "the outline planning permission never dictated that there is or would be a third vehicle access point to Staynor Avenue. This was a proposal put forward as part of the original Phase 4 reserved matters application. So, the amended proposals have not lost or removed any vehicular connectivity. The current proposals should therefore be assessed on their own merits in respect of whether accessing the site via the two access points from Bawtry Road (along with additional pedestrian/cycle/emergency connections points) is safe and appropriate."

3.20 The agent also states "in order to provide some further context/evidence to support this point, also enclosed with this email is a plan which provides the context of how the proposed layout for this phase links into the wider development and site area. This plan, when considered alongside the revised Staynor Hall access solution, identifies as follows: -

- There has always been only one possible vehicular point to this phase of the development from the wider Staynor Hall site area. This cannot be changed because of the POS, LEAP and Staynor Wood located between the two phases.
- There is no issue with regards to emergency vehicles not being able to access the site because there will be two emergency access points (Staynor Avenue and from Phase 3). In addition, the internal road layout has not changed meaning the width of roads (particularly the spine roads) are sufficient to enable passing of vehicle should there be a blockage within the site itself. So in respect of access for emergency vehicles, the amended proposals mirror that which was previously considered acceptable.
- The revised proposal will not impact on potential pedestrian/cycle connectivity as it will maintain the 5 footpaths connecting southern phases to Phase 4; 1 possible footpath connecting Phase 4 to the playing fields to the north; and the new proposed footpath/cycle connection to Staynor Avenue.
- This phase relates to 215 homes, which when considered in isolation would only need to be served by one access point, especially where a separate pedestrian/cycle/emergency access link is also to be provided.

- As identified above, the proposals will provide more than adequate pedestrian/cycle connectivity to Abbott's Road (and beyond).
  - In respect of off-site movements, whilst pedestrian/cycle connectivity remains unchanged, the amended proposals will also enable vehicle traffic from the site to access Bawtry Road, the A63 and the Town Centre without needing to access Abbot's Road/Parkin Avenue/Denison Street first."
- 3.21 NYCC officers assessed the revised proposals being served from phase 3 via a single access. The response was that the proposals do not align with the current NYCC Design Guide for access provision to a site of this size. The Guidance, in this case, suggests 2 vehicular access points would be required, provision of a single access with emergency access for a site would only be suitable to serve up to 100 units. So as such, the LHA cannot agree to the principal of a single access with emergency access provision for 215 properties.
- 3.22 The applicants transport engineers disagreed with the County Highway response and indicated that a number of schemes across the districts of North Yorkshire approved by LPAs and at appeal with more than 100 dwellings via a single vehicular access (list of 5 schemes within North Yorkshire provided). They suggest Manual for Street (MfS) does not advocate setting specific thresholds for the number of dwellings served via a single access, instead it encourages site-by-site consideration of the implications of the road design, in terms of key factors such as pedestrian accessibility (i.e. connectivity with wider external routes), cycle accessibility, emergency vehicle access and other vehicle access. As discussed in the supplementary report, the proposals still retain pedestrian, cycle and emergency vehicle access via Staynor Avenue, therefore the proposed site layout is considered to be in accordance with the MfS requirements in these regards.
- 3.23 The applicant's highway engineers acknowledged that the omission of a vehicle link to Staynor Avenue would create a longer route to access the external road network for residents. However, this is not considered to be detrimental, because the internal (and public) roads within the wider Staynor Hall site provide a route of equivalent length to Bawtry Road, which is expected to be route that almost all traffic would utilise to access the site (including travel to/from the town centre and the A63). Development traffic is not expected to travel north on Abbot's Road or Barwic Parade, as they only serve primarily residential areas. Therefore, vehicular access is not materially improved by the provision of an access via Staynor Avenue, the route to Bawtry Road via Abbot's Road and via the internal roads of the Staynor Hall site (Bracken Way/Staynor Link/Cedar Road or Bracken Way/The Stables/Hawthorn Road) is similar, and actually it's expected to be beneficial for the internal new roads to accommodate the development traffic, rather than increased traffic past residents on Abbot's Road. It could therefore be argued that the proposed alternative route is in fact safer.
- 3.24 The applicants reaffirm that it is only guidance, "so even when it was first produced, it was not intended to be an inflexible specifications document. The applicants also point out that other neighbouring authorities do not apply such a low threshold of development from a single access. For example, Leeds and East Riding require two access points for developments over circa 200-300 dwellings, dependent on consideration of site-specific factors. There are also instances where developments of over 300 homes have been approved on the basis of one access point and an

emergency access point, on account of a site-specific assessment of the development proposals.”

- 3.22 Given the above, a meeting was held with NYCC in order that the impasse could be discussed. It was agreed that support could be offered to utilising a single access through Staynor 3 if cycle provision through the site could be encouraged and an intelligent bollard system installed. This is the only way the site would otherwise come forward utilising a single access to overcome the members and college’s concerns.
- 3.23 The plans were amended to take account of the discussions. This included:
- Proposed Residential and College access option 4 – Rev C
  - Proposed Residential and College access option 4 (google earth mapping) – Rev C
  - Revised site layout Rev S
  - Proposed layout Bus isochrone map. Rev A
  - Cycle Links Plan

#### Intelligent Bollard system

- 3.24 The applicants do not believe that an Intelligent Bollard System is appropriate in this instance. The response is as follows “In similar sites/instances where we have worked with NYCC a standard lock/key bollard system (emergency services have a universal key) has always been considered acceptable. We are also not aware of another scheme where NYCC have delivered an Intelligent Bollard System and understand that number plate recognition for all emergency vehicles does not exist. In any event, we do not believe there is an underlying need for the system since the likelihood of needing emergency access from Staynor Avenue is very low given that emergency vehicles will likely use the Bawtry Road access points on account of them being more accessible from the strategic road network (the by-pass), which is the route that would be used by emergency vehicles travelling from Selby, Goole or York hospitals or from Selby Fire Station. Furthermore, the likelihood of other vehicles seizing an opportunity to contravene the signing/bollards to gain access/egress from this location whilst the bollard is retracted is also very low for similar reasons (the strategic road network and Selby town centre are more accessible from the Bawtry Road access points). Finally, the road safety implications are also extremely low for these reasons. We therefore think that the delivery of the standard lock/ley bollard system would be proportionate.”

#### Enhanced Cycle Provision

- 3.25 The amended Planning Layout also includes an upgrading of the footpath located on the northern edge of the spine road which runs from Staynor Avenue to 3m in width to provide a cycle path which is detached from the main carriageway. The cycle path has been upgraded in width to the point where it will connect into the existing 3m cycle path that is provided within Phase 3 of the development (to the south of Plot 135 of Phase 4). From there the 3m wide cycle path will connect to the wider cycle path network of the whole development. Thus, providing an enhancement to cycle connectivity not only for Phase 4 but for the wider development too. This also links with the wider encouragement of cycling into town over the canal bridge, which is now only open for none vehicular traffic. A cycle links map was also provided to demonstrate the wide cycle network connectivity throughout the Staynor development.

## Bus Stop Accessibility

- 3.26 Finally the applicants produced an isochrone plan for bus access, which confirms that every home located in Phase 4 will be within a 5 minute walk of the bus stops located within the Staynor Hall development and on Abbot's Road. This evidence confirms that Phase 4 of the proposals does not need to accommodate a bus route. Officers are content that bus provision does not need to enter phase 4.
- 3.27 NYCC Highways noted the changes however indicated that "there should be a loop road layout from Phase 3 within Phase 4, for potential bus provision and less disruption in the future during maintenance works, a change to the layout where the emergency access joins the site carriageway, vehicle tracking for the emergency access and a request for a Road Safety Audit for the proposals affecting Staynor Avenue."
- 3.28 The applicants considered bus loop provision from phase 3 is unnecessary as all of the Phase 4 plots are located within 5min walk of a bus stop (as demonstrated on the submitted plan).
- 3.29 On account of the above officers are content to progress with the current scheme and further updates in respect of the highway matters can be provided via the officer update note. This is likely to include some changes to the conditions.

## **7 RECOMMENDATION**

This application is recommended to be Granted subject to the expiry of the publicity on the 15.02.2022 and subject to no new issues being raised. Following the expiry of the publicity the Head of Planning/Planning Development Manger be authorised to issue the Reserved matters permission.

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

Location Plan	001	Rev A
Site Layout	100	Rev S
Residential and college access Staynor Avenue	LTP 2598 T1 04 01	Rev C
Residential and college access Staynor Avenue - Google earth mapping	LTP 2598 T1 04 02	Rev C
Nature Conservation Management Plan	Dec 21	Rev 3
Full site layout Plan 100		Rev A
Phase 3 Connection	100-Ph3	Rev A
Materials Layout	101	Rev C
Enabling Plan	103	Rev -
Landscape Layout Plot	102	Rev D
Landscape Layout POS	R-1283-15E	Rev E
Acoustic Amendments	110	Rev -
Acoustic Enhancement	110-2	Rev B
Street Scene & Section	100_WD10-1	Rev B

Sheet 1		
Street Scene & Section Sheet 2	100_WD10-2	Rev B
Barton	HB-WD10	Rev E
Barton Corner	HBC-WD10	Rev D
Belmont	WS-WD10	Rev J
Carleton	ST-WD10	Rev G
Carleton Extra Window	ST-WD10-2	Rev G
Coniston	CD-WD10	Rev H
Coniston Corner Bay	CDCB-WD10	Rev H
Derwent	HT-WD10	Rev G
Derwent Corner	HTC-WD10	Rev F
Elvington	EV-WD10	Rev -
Hornsea	RS-WD10	Rev D
Hornsea Extra Window	RS-WD10-2	Rev D
Howard	HO-WD10	Rev -
Lockwood	CA-WD10	Rev D
Lockwood Extra Window	CA-WD10-2	Rev D
Lockwood Corner	CCA-WD10	Rev C
Morden	MR-WD10	Rev T
Morden Extra Window	MR-WD10-2	Rev T
Moseley	MS-WD10	Rev AA
Stafford	SF-WD10	Rev J
Stafford Extra Window	SF-WD10-2	Rev J
Single & Double Garage	SDG-6x3-WD10	Rev -
Staynor Hall Overview -	LTP 2598 T1 01 01	Rev B
Staynor Hall Refuse Vehicle sheet 1 of 2	LTP 2598 T1 01 02	Rev B
Staynor Hall Refuse Vehicle sheet 2 of 2	LTP 2598 T1 01 03	Rev B
Staynor Hall Forward Visibility sheet 1 of 2	LTP 2598 T1 01 04	Rev B
Staynor Hall Forward Visibility sheet 2 of 2	LTP 2598 T1 01 05	Rev B
Drainage Strategy Layout Option A	P20-00552-Met-M2-C-001	V2

Reason

For the avoidance of doubt.

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  $\geq 29$  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 from 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.

03. The development hereby permitted shall be carried out in accordance with the following requirements:
- 1) Finished Floor Levels (FFLs) for the development in Flood Zone 3 should be set a minimum of 600mm above whichever is the greater of existing ground levels, the highest recorded flood level (if available) or the 1 in 100 modelled level (if available), plus a further 300mm of flood proofing.
  - 2) Finished Floor Levels for development in Flood Zone 2 should be set a minimum of 300mm above whichever is the greater of existing ground levels, the highest recorded flood level (if available) or the 1 in 100 modelled level (if available), plus a further 300mm of flood proofing.

The applicant should also consider the use of flood resilient / flood proof construction techniques, some examples of which are detailed as follows:

- o Solid floor construction e.g. continuous concrete ground floor slab minimum of 150mm thick reinforced with mesh on lapped and topped 1200 gauge visqueen damp proof membrane (dpm).
- o Electricity supply cables to enter building from roof level and wired downwards; electric sockets to be positioned at least 600mm above floor level.
- o Flood sensitive equipment raised 600mm above floor level.
- o Tanking of external walls to 600mm above proposed ground floor level and continuous with floor dpm.
- o Anti flood valves on internal building drainage.
- o Water tight external door construction to minimum of 600mm above proposed floor level.
- o Ceramic tiles or lime based plaster should be used on the internal face of the external walls at ground floor level.
- o Water resilient ground floor coverings should be considered, such as clay tiles.
- o Waterproof seal between cladding and floor slab

#### Reason

This condition is imposed in order to ensure the satisfactory storage of/disposal of surface water and to reduce the impact of flooding on the proposed development and future occupants.

04. No development above slab level of the dwellings hereby approved shall commence until details of electric vehicle charging points for each dwelling have been submitted to and approved in writing by the Local Planning Authority.

Thereafter the approved charging points shall be provided prior to occupation of each dwelling and subsequently retained for that purpose.

Reason

To encourage the use of low emission vehicles, in turn reducing CO2 emissions and energy consumption levels in accordance with Plan Policy SP15.

05. No development above slab level of the dwellings hereby approved shall take place until details of measures to facilitate the provision of high speed broadband for the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to occupation of each dwelling.

Reason

In the interests of providing a sustainable form of development and economic growth and in order to ensure compliance with paragraph 112 of the National Planning Policy Framework and Plan Policy SP12.

06. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority.

The development must only be carried out in compliance with the approved engineering drawings.

Reason:

To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.

07. No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

08. No development for any phase of the development must commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. details of construction access to the site;



2. restriction on the use of the Staynor Avenue access for construction purposes during 'drop off and pick up times' of students at the start and end of the Selby College working day;
3. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
4. the parking of contractors' site operatives and visitor's vehicles;
5. areas for storage of plant and materials used in constructing the development clear of the highway;
6. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
7. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
8. protection of carriageway and footway users at all times during demolition and construction;
9. protection of contractors working adjacent to the highway;
10. details of site working hours;
11. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
12. means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
13. measures to control and monitor construction noise;
14. an undertaking that there must be no burning of materials on site at any time during construction;
15. removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
16. details of the measures to be taken for the protection of trees;
17. details of external lighting equipment;
18. a detailed method statement and programme for the building works; and
19. 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

## **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 2015/0452/EIA and associated documents.

**Contact Officer:** Gareth Stent (Principal Planning Officer)

Appendices:

Appendix 1 – Committee report 10 Nov 2021

Appendix 2 – Officer Update Note 10 Nov 2021

### Appendix 1- report from Planning Committee meeting of 10 November 2021

**Report Reference Number** 2015/0452/EIA (8/19/1011AV/PA)

**Agenda Item No:**

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**To:** Planning Committee  
**Date:** 10<sup>th</sup> November 2021  
**Author:** Gareth Stent (Principal Planning Officer)  
**Lead Officer:** Ruth Hardingham (Planning Development Manager)

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APPLICATION NUMBER:	2015/0452/EI A	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		

This application has been brought before Planning Committee as this is a significant residential development that has received 3rd party objections, which raise material planning considerations in objection to the scheme and Officers would otherwise determine the application contrary to these representations. The application is also EIA development owing to the original outline consent.

## **1. INTRODUCTION AND BACKGROUND**

### **Site and Context**

- 1.1 The site is known as Staynor Hall, which is a significant 56-hectare urban extension within development limits to the south east of the Selby town centre. Staynor Hall was granted outline planning permission in 2005 for a mixed-use development for 1,200 dwellings, employment floorspace, public open space, shopping and community facilities. The residential element of the development is divided in four main phases. Phases 1 and 2 are complete and Phase 3 is in the latter stages of completion, being built out by ten sub-phases, all of which have detailed permission. This site is known as phase 4 and lies in the north east corner of the site and would be the final phase of the development. The proposal also includes a small section previously known as 2D from the original phasing plan, adjacent to Staynor Avenue in the north western part of the site. The wider site has public open space, a central woodland (Staynor Hall Plantation), new community facilities and a new primary school within the centre of the development.
- 1.2 Access is gained via the existing estate road that runs through phase 3 leading from Bracken Way and loops through to Staynor Avenue and Abbot's Road to the west of the site adjacent to Selby College.
- 1.3 The site is L-shaped with the southern section abutting Staynor Plantation and adjoins phase 3. To the east and south east is a wooded area and beyond this is the A63 Selby bypass. To the north eastern corner of the site is the industrial complex known as VPK UK Holdings formerly known as Rigid Containers manufacturing plant. To the north is the Selby College and its playing fields beyond. The site at its western most point, adjoins the rear gardens of the established dwellings on Abbott's Road.
- 1.4 The site is currently in agricultural use and has a series of unclaimed footpath routes through and around the perimeter of the site. In landscape character terms the surrounding area is virtually flat and open with screening to the northern, eastern and southern boundaries.

### **The Proposal**

- 1.5 The proposal is a reserved matters application for 215 dwellings, following outline approval CO/2002/1185 (8/19/1011C/PA). The outline consisted of the erection of 1200 dwellings, employment, public open space, shopping and community facilities together with associated footpaths, cycleways, roads and engineering works. The matters reserved were for the siting, design and external appearance of each building, a schedule of materials used, access from Staynor Avenue, landscaping and the means of sewage and surface water disposal.
- 1.6 The outline was also accompanied by a detailed Section 106 (dated 3.6.2005) agreement that covered aspects such as the site wide open space provision, affordable housing to be calculated on a phase-by-phase basis, archaeology, community centre, drainage works, travel plans, health care facilities, landscaping, nature conservation and off site highway works.
- 1.7 The application has been amended on several occasions to develop the site layout and address issues of the issues concerning the access to the college and the

impact on neighbouring businesses to the north. This has involved reducing the dwellings from 230 to 215 and site plan Rev Q is the latest version.

- 1.8 The application is also being considered alongside a further application for 44 dwellings (2015/0455/EIA) as a standalone reserved matters application. This is on the undeveloped part of the site immediately to the rear of the Selby College that earmarked for a football pitch, which moved from phase 3 when houses were constructed on the land originally designated in the master plan for the pitch.

### **Relevant Planning History**

- 1.9 Due to the sheer size of the site lots of history exists, which includes the first 3 phases, several deeds of variation, applications for the community centre, school extensions. Therefore, the relevant history is confined to this land along, the most relevant being the 2002 outline.
- CO/2002/1185: Outline application 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 works and landscaping on 56 hectares of land (Details provided for Phase 1 comprising of 236 houses): Staynor Hall, Abbots Road, Selby, North Yorkshire, YO8 8EE: PER, 06-JUN-05.
  - 2007/0106/REM - Approval of reserved matters Phase 2 for the erection of 60no dwellings and associated works. Approved 26.3.2007.
  - 2009/0957/DPC: Discharge of conditions 33 (lopping/felling of trees) and 34 (archaeological investigation) in relation to approval 8/19/1011C/PA (CO/2002/1185) for 1200 dwellings: Staynor Hall, Abbots Road, Selby, YO8 8EE: COND, 21-JUL-11
  - 2009/0213/REM: Reserved matters application of outline 8/19/1011C/PA for the erection of 467 No. dwellings and a community hall: Staynor Hall Development, Bawtry Road, Selby, North Yorkshire: PER, 24-FEB-10
  - 2011/0066/DPC: Discharge of conditions 9, 13, 21, 22, 23, 25 & 32 of outline approval 8/19/1011C/PA (CO/2002/1185) for the erection of 1200 dwellings and associated works: Staynor Hall Development, Bawtry Road, Selby: COND, 26-OCT-11.
  - 2011/0076/DPC: Discharge of condition 3 (landscape management) of approval 2009/0213/REM (8/19/1011Y/PA) for reserved matters for the erection of 467 dwellings and a community hall: Staynor Hall Development, Bawtry Road, Selby: COND, 21-JUL-11
  - 2011/0507/MAN: Non material amendment to revise public open spaces on site to eliminate any conflict with easements and new road layout as well as revised play equipment and surfacing within LEAPS on site from approval 2009/0213/REM: Staynor Hall Development, Bawtry Road, Selby: PER, 27-MAY-11

- 2014/1186/COD: Request for written confirmation of conditions of planning approval 8/19/1011C/PA (CO/2002/1185) (ref 7 Jesse Close): Staynor Hall, Abbots Road, Selby: COD, 07-JAN-15
- NY/2014/0253/FUL: Erection of a new primary school with associated pitches, hardstanding, car parking, perimeter fencing and landscaping: Staynor Hall, Abbots Road, Selby: PER 13-JAN-15
- NY/2015/0149/A27: Application for the approval of details reserved by condition No's 3, 4, 7, 9, 10, 11, 12, 13, 14, 15, 16, 21, 24 & 27 of Planning Permission Ref. No. C8/2014/0835/CPO which relates to construction work details, cycle parking facilities, archaeological field investigations, foul and surface water drainage, roof-mounted photo-voltaic or solar panels, ecological mitigation and enhancement measures, CCTV system, general and security lighting, measures for the prevention of discharge of surface water onto the public highway, highway improvement works and a Travel Plan: Staynor Hall, Abbots Road, Selby: PER 20-APR-16
- 2015/0556/CPO: Consultation on discharge of conditions application NY/2015/0149/A27 for approval of details reserved by condition No's 3, 4, 7, 9-16, 21, 24 & 27 of approval 2014/0835/CPO (NY/2014/0253/FUL) which relate to construction details, cycle parking facilities, archaeology, drainage, solar panels, ecology, CCTV, lighting, surface water, highway improvements and a travel plan: Staynor Hall Development, Bawtry Road, Selby: PER, 20-APR-16
- 2015/0579/REM: Reserved matters application for the erection of 150 dwellings following outline approval CO/2002/1185 APPROVED 28.10.2015
- 2015/0580/EIA: Reserved matters application for the erection of No.44 dwellings, community facilities and retail units following outline approval 8/19/1011C/PA (CO/2002/1185), Address: Staynor Hall, Abbots Road, Selby: PER, 21-OCT-16
- 2015/0455/EIA - Reserved matters application for the erection of 44 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 2000 sqm of shops) together with associated footpaths, cycleway roads, engineering at Phase 4a. Pending Consideration.
- 2016/1077/FULM - Erection of 37 residential dwellings with associated highways infrastructure (Phase 3F). PER 7.12.2018.
- 2018/0931/EIA: Section 73 application to vary condition 14 (drawings) of approval 2015/0580/EIA for reserved matters application for the erection of 44 dwellings, community facilities and retail units following outline approval 8/19/1011C/PA (CO/2002/1185): Staynor Hall, Abbots Road, Selby: Pending consideration
- 2019/0811/COD: Confirmation of discharge of conditions for approval 2009/0213/REM reserved matters application of outline 8/19/1011C/PA for the erection of 467 No. dwellings and a community hall: Staynor Hall Development, Bawtry Road, Selby: COD, 17-DEC-19

## 2. CONSULTATION AND PUBLICITY

2.1 Selby Town Council – No response received.

2.2 NYCC Highways

02.11.2021 - No objection to the proposals.

*On Site Proposals.* The onsite proposals are a continuation of the previous Phases of the Staynor Hall development. The current drawings, listed in the formal response, reflect the discussions that have taken place with the developer to which the LHA now have no objections.

*Off Site Proposals.* The principal of using Staynor Avenue to access the Staynor Hall development has already been established at Outline Planning stage. The off site element of this application was to assess the form of the access into the Staynor Hall development, from Abbots Road, along Staynor Avenue.

The LHA has been in dialogue with Selby College, being a major user of Staynor Avenue, discussing the proposals and listening to the concerns raised by the College. Information provided by the College has been used in achieving the final proposals. The LHA would like to point out that in addition to the already completed Stage 1 Road Safety Audit, taken at the completion of the preliminary design, a Stage 2 Road Safety Audit will be undertaken. The Stage 2 Road Safety Audit will be carried out at the completion of the detailed design process, any issues highlighted with the proposals will need to be addressed, to the satisfaction of the LHA, prior to the LHA allowing the developer to start the works to alter Abbots Road and Staynor Avenue. The proposals have been discussed and scrutinised at length by various LHA Officers and are now at a point where the LHA now have no objections.

### *Conclusion*

The LHA raises no Highway related objections to the proposal if the development is carried out broadly in accordance with the drawings in the formal response. On this basis the LHA would ask that the requested conditions are attached to any planning permission that may be granted

2.3 13.5.2015 - Comments on the proposed site layout plan are as follows:

1. The 'Shared Space' roads should be laid out in accordance with the attached detail.
2. Is it possible for the footway/cycleway in the Staynor Hall Plantation to extend through to the access road as shown in pink on the attached plan.
3. Traffic calming in the form of raised tables should be provided at the locations shown in orange on the attached plan.
4. Plots 25 - 28 and 196 - 198 are three bedroom dwellings and as such two parking spaces for each dwelling are required.
5. Visitor parking spaces should be provided adjacent to the Shared Space roads.

2.4 3.6.2015 - Refer to previous response dated 13 May 2015 which dealt with the internal layout proposals. Following a recent site visit it was concluded that the proposed access arrangements from Staynor Avenue shown on drawing number YO7.2471.010D are unsatisfactory. The plan shows a slight re-alignment of

Staynor Avenue to provide a straight link through into the development site. However, it is not clear if the Applicant controls the land necessary to enable this work to be undertaken or to be offered for adoption as publicly maintained highway.

Access into Selby College has not been adequately considered. The drawing shows a simple spur off from the re-aligned section of Staynor Avenue. This is unsatisfactory as those vehicles which need to exit the college at this point will have difficulty seeing development traffic approaching from the east. The cross-roads arrangement which would be created is also unacceptable in terms of highway safety. The Applicant should discuss with the college and the Local Highway Authority an appropriate design which will provide a suitable access arrangement to both sites. A form of staggered crossroads might be the appropriate solution.

The Applicant should also consider the buses which presently park along Staynor Avenue at the start and end of the College day and the impact this will have on development traffic entering and leaving the site.

- 2.5 27.7.2016 - The Chapter refers to Larch Road on a number of occasions. It is presumed that the Transport Consultant actually means to refer to Hawthorn Road which is the northern main access road onto Bawtry Road. In section F5.1, no information has been provided as to how the trip rates were calculated. In section F5.2, no information has been provided as to how the trip rates for the Commercial Development have been calculated.
- 2.6 8.12.2020 - Holding response provided.
- 2.7 21.1.2021 – Transport Assessment & Travel Plan needs to be submitted. The proposals to alter Staynor Avenue need to be submitted. Regarding Site Layout, dwg no 100 Rev E, a meeting is welcomed with the Planning Officer and the Developer to discuss these proposals further.
- 2.8 18.5.2021 - Regarding the above 'LTP 2598 T3 01 01 Kerbside Space Comparison' drawing, the comparison does illustrate the space available for drop offs / pick ups to the west of the 'cut through', probably less than is available now due to the specific location for turning movements, but still useable. What the applicant has not shown is the vehicle tracking for coaches using the 'cut through' from either a north to south or south to north direction whilst dropping off / picking up. If this can be produced and shown to be acceptable then the LHA can be comfortable with the proposals and reply to the planning application accordingly.
- 2.9 18.6.21 – Comments on site plan Rev K. Can an indication of the carriageway, footway, verge & cycleway footway widths be shown throughout the development. Roads 1-5 need adjustment, forward visibility splay required, turning head extending, speed reducing features required. Parking assessment needs attention, additional spaces required, garages made larger across several plots.

Off site Element – No objections to the details supplied i.e.

Proposed Residential and College Access, Staynor Avenue – Option 3, Dwg. No. LTP/2598/T1/03.01 Revision E

Swept Path Analysis Bus (Coach) Link Road Connection, Dwg. No. LTP/2598/T2/01.07 Revision A

Swept Path Analysis Bus (Coach) Link Road Connection South to North Movement,  
Dwg. No. LTP/2598/T2/01.08 Revision -

Proposed Staynor Avenue Access Design – Kerbside Space Comparison,  
Dwg. No. LTP/2598/T3/01.01 Revision –

- 2.10 7.7.21 – Bin collection points need showing. Further amendments to the visibility splays required. Roads need to be designed to 20 mph speed limits. Parking changes still required.
- 2.11 3.8.21 – Site plan needs more annotation. Changes required to traffic calming. Parking spaces to front of garages need increasing.
- 2.12 26.8.21 – Minor annotations outstanding, parking adjustment required.
- 2.13 14.9.21 – Highways no objections, all remaining issues addressed.
- 2.14 SuDS And Development Control Officer – (17<sup>th</sup> June 2015) With reference to the above application for the approval of reserved matters, as the same documents were submitted for application refs. 2015/0452/REM, 2015/0455/REM and 2015/0580/REM, comments are the same as those for responses to the other applications in that:
1. The original decision notice requires details to be provided for the means of sewage and surface water disposal. The application documents include a drainage statement which proposes the disposal of foul water to sewer and surface water to watercourse. This is satisfactory in principle but the required detail to assess the propriety of surface water management proposals is not present.
  2. Section 3.7 of the Drainage Statement states that the development will add further volumes of water to the general network, furthermore it is stated that SuDS will be utilised. SuDS principles require that proposed surface water runoff will not be greater than that from the undeveloped or greenfield site so the Drainage Statement needs to reflect the fact that there will not be further volumes of water added to the general network. In the same document, 4.27 later states: “The outlet control will be designed to reflect the natural run-off to the existing watercourses and therefore the rate of discharge will not exacerbate flood conditions in the downstream reaches”. However, section 3.10 states “The outlet control will be designed to the satisfaction of the Selby Area Internal Drainage Board and Yorkshire Water Services to reflect the agreed rate of discharge of 400 litres per second from the Staynor Hall Housing development, and this is a rate catered for in the design of the pump station that will not exacerbate flood conditions in the downstream reaches”. It is not likely that greenfield runoff from the undeveloped site is 400 litres per second and as such the discharge rate proposed in section 3.10 of the Drainage Statement is excessive and not in accordance with the rates described within sections 3.7 and 4.27.
- 2.15 Development Policy – No objection. The proposal is inside the Development Limits of the Principal Town and is therefore compliant with the adopted Selby District Local Plan. Provided there are no other adverse impacts identified by the case officer the Policy and Strategy team raise no objections to the scheme.



2.16 Environmental Health – No objection.

2.17 6<sup>th</sup> Sept 2015 - Further to your consultation dated 11th August 2015 concerning the above proposals. Environmental Noise Solutions (ENS) has submitted a noise impact assessment, reference NIA/5926/15/5822, on behalf of the applicant, the assessment concludes that the ambient noise climate across the application site is primarily associated with road traffic noise. The assessment states that providing the recommendations contained within the assessment are implemented the ambient noise climate does not constitute a constraint to the residential development of the site in terms of the National Planning Policy Guidance (NPPF). In view of the above it is recommended that the recommendations contained within the assessment are fully implemented in order to protect the residential development from noise from road traffic.

Additional information has been submitted in relation to this application from and on behalf of a nearby industrial / commercial operation, namely Rigid Containers Ltd. Rigid Containers Ltd have expressed concerns that the noise impact assessment does not adequately assess the likely impact of the industrial / commercial operation of their site on the residential amenity of the proposed development. While it is not intended to address every point made by Rigid Paper Ltd in relation to noise and the noise impact assessment comment as follows: Paragraph 123 of the National Planning Policy Guidance (NPPF) states that "existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established".

Furthermore, Selby Council's Core Strategy SP19 states that development should not be put at unacceptable risk from being adversely affected from unacceptable levels of noise pollution. The noise impact assessment does not specifically assess the potential impact on residential amenity of the development from the industrial / commercial operation nearby. Monitoring was undertaken near to the industrial / commercial site at monitoring location MP3 where "No significant noise emissions audible from the industrial units" was noted. The monitoring was undertaken on 13th April 2015 for two periods of fifteen minutes each. Since the monitoring was undertaken at a time when no noise emissions were noted from the industrial / commercial site it is not possible to assess whether or not the noise from the industrial / commercial site would give rise to an adverse impact on the residential amenity of the development.

In view of the above it is recommended that the applicant is required to assess the likely impact of the industrial / commercial site on the residential amenity of the development due to noise together with any mitigation that may be required in order to protect the residential amenity of the development and the continued operation of the industrial / commercial site. The noise impact assessment submitted by the applicant considers various guidance, including WHO guidelines and British Standard BS8233: 2014. It is agreed that this guidance is applicable to the development site in this case in terms of absolute noise levels but would advise that British Standard BS4142: 2014 provides further guidance specific to this scenario.

2.18 3.8.2016 - Noise: Having considered the noise sections of the Supplementary Environmental Statement and the ENS Noise Impact Assessment and have a number of areas, as outlined below, where clarification is required or further information requested.

Significance Criteria: The Supplementary Environmental Statement in Section D3.3 of the noise chapter advises that significance of the noise levels will be determined according to the scale given in that section. It is asked that the applicant clarifies why this criteria has been used and not that provided in the Planning Practice Guidance on Noise.

Background Noise Levels: The ENS June 16 Noise Impact Assessment did not establish background noise levels during times when the factory does not operate and the Supplementary Environmental Statement in Paragraph D4.0 refers to baseline monitoring undertaken as part of the original outline Environmental Statement in October 2002 where it states that monitoring sites at the rear of 191 Abbot's Road and the boundary with Selby college are relevant to Phase 4/4A. However it should be realised that the noise environment will have changed in the intervening years especially due to the opening of the bypass and hence in order to establish the background levels in the vicinity of the factory when the factory is not operating further noise monitoring should be undertaken at monitoring point 3 and 3A. This information is required to input into the BS4142:2014 assessment (see below).

Comments made that the Supplementary Environmental Statement states in paragraph D4.11 that ambient noise levels at the development site were determined during the noise monitoring undertaken on the 13 and 14 April 2015. However, the comments in the Noise Impact Assessment where these results are reported in Table 3.1 mention that construction noise was audible.

BS4142:2014: Neither the Supplementary Environmental Statement or the Noise Impact Assessment carried out a BS4142 assessment in respect to the impact of the noise from the adjacent factory as requested in the memorandum consultation response of the 6 September 2015 which is referred to in Paragraph D3.4 of the Supplementary Environmental Statement. It is requested that a BS4142:2014 assessment on the noise from the factory is provided which includes all aspects of the noise from the factory at the various times of day compared to the current levels when the factory is not in operation. The assessment should also give specific consideration to the Pelleter noise (see below).

CRTN: The Supplementary Environmental Statement discusses in the Policy Context and Baseline Noise Level sections the impact of road traffic noise from the Selby bypass and how it should be assessed and gives an indication of the expected noise level at the boundary of the site at Monitoring Point 4/4A but does not discuss the impact on the residential receptors of the impact of the acoustic barrier on the map in Appendix 2. Also, the basis of the mitigation required has been determined by an undocumented method of determining the noise levels from the Selby bypass as shown in Sections D4.17 to D4.22 of the statement. It is suggested that it would be more appropriate, as the bypass is already in operation, to determine the actual noise levels due to traffic by monitoring. The results of this monitoring can then be used to determine the level of mitigation required to meet the levels in habitable rooms and the garden area.

Pelleter: It is noted that the mention of the air release from the Pelleter which occurs every two minutes with a mid to high frequency noise emission and is assumed to be a short term event although this is not specified. Even with the bund that it currently present this will result in a noise level in residential gardens of up to 60 dBA. It is the opinion of the EHO that this type of noise is likely to lead to complaints from the residents of the proposed properties in this vicinity and could result in

statutory nuisance action against the factory. It is therefore, requested that additional information on the noise itself including the frequency spectrum, operational hours, it is accessed as part of a BS4142 assessment and consideration given to the property layout in this area. It is noted that the exact layout would not seem to have been finalised as the Non-Technical Summary contains Test Layout Options 1 and 2 (drawing numbers YOR.2471.010D and YOR.2471.009E).

Mitigation: In section D6 of the Environmental Supplementary Statement various mitigation measures are discussed.

- During Construction: do these measures form part of a CEMP. It is recommended that this is conditioned if permission is to be given to this application.
- Viability of Existing Industrial Uses: in order to protect the proposed residential dwellings the Statement seems to be suggesting that it should entail acoustic bunding and glazing/ventilation and concludes in Section D7.4 that the proposed development is not an unreasonable restriction on the existing industrial uses. EHO is not of the opinion that this has been demonstrated and would also point out that the initial point of the NPPF relates to good design so that mitigation is not necessary. It is not felt that consideration has been given to the possible development of the business in the vicinity and any permission given will be reliant on the noise levels from the business not increasing which would place an unreasonable restriction on the development of the existing business.
- The mitigation section does not detail the provision of a bund in the southeast corner of the site to protect those properties from traffic noise from the bypass. Once this information has been provided, it is requested re-consulted occurs on this application.

2.19 28.6.2018 – Further to the memorandums of the 3 August 2016 and 7 September 2016 having reviewed the additional noise data provided in the ENS letter of the 18 April 2018 (Ref: NIA/6644/18/7787v1.0) comments are as follows:

Background Noise Levels: The revised assessment still does not establish background levels during times when the factory does not operate but calculates a night time level using monitoring undertaken in 2018. The monitoring was carried out over a period including a Monday and Tuesday. This is potentially not the lowest background levels that occur in this area as that would be at a weekend when there is no construction work on the Staynor Hall site, reduced industrial noise from the factories on East Common Lane and reduced traffic levels. This potentially elevated background noise level has an impact on the BS4142:2014 assessment below.

BS4142:2014: The revised assessment has conducted a BS4142:2014 assessment as requested but only for the night time period and considers character adjustments only the noise from the Pelleter. The assessment is based on a night time hour rather than an event specific noise of the Pelleter, which is discussed further below. Other noises that have been audible from the Rigid Containers Ltd site include FLT and HGV movements which would attract a penalty of 3dB as being distinctive against the residual acoustic environment. The assessment concludes that there is an indication of an adverse impact, depending on the context and includes the mitigation due to the 4m bund.

However, if the background level during the weekend nights is lower and an additional penalty added for the movement of FLT and HGV's the assessment would indicate a significant adverse impact.

Pelleter: it has been noted that the noise from the Pelleter has been included in the BS4142:2014 assessment as a penalty has been added for this noise source. However, the assessment has not considered the maximum level of the Pelleter noise in isolation from other noises from the Rigid Containers site to establish if this source alone would still be an issue to residents in the proposed dwellings. It was previously requested that the frequency spectrum and operational hours of this equipment is provided but it has not been. It is anticipated that where the Pelleter can be heard it will lead to complaints and this should be considered at the quietest time when the Pelleter is operational. The Pelleter has previously been quoted as having a level of up to 60 dB LAFmax on the development site despite mitigation due to the existing bund and the level of top of the bund being up to 69 dB LAFmax. , therefore, still do not have sufficient information to establish if the Pelleter will cause a loss of amenity to the residents of the new properties or not and request that this additional information is provided including a BS4142:2014 assessment on the Pelleter noise and has reference to Annex E of this document.

Traffic Noise from A63: the assessment has considered the impact of traffic on properties and private garden space and has concluded that internal design criteria can be achieved using standard thermal double glazing and trickle vents. Also, that garden area criteria of 50-55 dbLAeq (07:00 to 23:00) could be achieved with no specific attenuation measures. It is pointed out that the required level in private garden space is < 50dbLAeq (07:00 to 23:00) and hence some mitigation will be required to some of the site plots. The following conditions are therefore, recommended for this area of the site:

Private garden space to the proposed residential properties shall be protected from noise from the traffic on the A63 either by the residential property or by a barrier that shall be constructed of either timber and or concrete to a height of 2m above the surrounding ground level. The panels shall have a surface mass of not less than 17kgm<sup>2</sup> and shall be free from gaps and cracks. All joints to post to be effectively sealed as shall the joint between the lower edge of the panels and the soil. The barrier shall be maintained throughout the life of the development.

Double glazing with trickle vents shall be provided to all habitable rooms with a direct sight line to the A63.

Conclusion: Noted that the design of the site assessed in NIA/6644/18/7787v1.0 has considered the impact of noise from the A63 and the Rigid Containers site leading to the 4m bund and football pitch being provided in the north east corner of the site. It is also envisaged that the residential properties would be orientated to ensure that private garden space is protected from noise from these sources. Conditions relating to the A63 are given above and no further information is required in this respect.

It is also noted that besides the 4 m bund, enhanced double glazing and mechanical ventilation are recommended for habitable rooms on the elevations of properties facing the football pitch or Rigid Containers, which there are no objections to, however as stated above there is not sufficient information to establish if the Pelleter will cause a loss of amenity to the residents of the new properties and additional information is requested.

2.20 9.11.2018 - Further to previous memorandums including the 28 June 2018 it is advised that EHO have now received an email from Thomas Crabb of ENS on the 2

November 2018 (see attached). As concluded in previous memorandum the outstanding issue was in relation to the Pelleter noise and how this would impact on residential receptors. Having considered the information provided as above and the previous noise assessments provided with this application and would advise that concerns remain that noise from the pelleter will give rise to complaints from residents in the proposed residential properties to be located adjacent to the proposed football pitch.

The method used to establish the impact in the above document averages out the noise from the pelleter over a 15 min period which does not give a true indication of what would be heard outside or inside the proposed properties. It is suggested that the most effective way of alleviating this issue would be to mitigate at source and that this may be discussed with management representatives of Rigid Containers Selby Plant.

It should be noted that having previously recommended conditions be applied to limit the noise level in private garden spaces and in respect to glazing and ventilation to habitable rooms facing the A63. Also, that the provision of the 4m bund and design of the site with the football pitch location being closest to the Rigid Paper site and private garden spaces being shielded by the residential properties are part of the mitigation measures required to protect residents.

- 2.21 13.3.2020 - Having considered the information provided in the revised Noise Impact Assessment NIA/8699/19/8772/v2/Staynor Hall Phase 4/4A and new layouts proposed in Drawings No 100 and No 100 Rev A and would comment as follows: Considering the information provided the noise from the Pelleter is unlikely to cause sleep disturbance if the enhanced double glazing rated at >29dB Rw+Ctr and the mechanical ventilation system as referred to in paragraph 5.19 is installed to the facades of the properties shown on drawings in Appendix 3 of the Noise Impact Assessment.

In respect to the private garden space the noise from the Pelleter will be mitigated by the 4m acoustic bund and the residential properties but is likely to still be audible. As previously referred to the method used to establish the impact in the above document averages out the noise from the Pelleter over a 15 min period which does not give a true indication of what would be heard outside the proposed properties. Have also previously suggested that the most effective way of alleviating this issue would be to mitigate at source and that this may be discussed with management representatives of Rigid Containers Selby Plant.

Putting aside the possibility of mitigation at source, as the applicant has advised this is not a viable option, the impact on the residential receptors in the private garden space remains a vague area in that it cannot be determined if this noise would be upheld as a statutory noise nuisance by a Magistrate, however, it is accepted that there is little more mitigation can be put in place unless it is at source.

- 2.21 10.12.2020 - Further to consultation dated 1st December 2020 concerning the above proposals. Having considered the information provided by the applicant and would make the following comments:

It is noted the amended plans for the site including the revised layout. There are no additional comments to make to in the communication of the 13 March 2020.

2.22 11.6.2021 - Having now reviewed the revised acoustic assessment NIA/8699/19/8772/v3/Staynor Hall Phase 4 the following is recommended:

- i) That the enhanced double glazing to habitable rooms facing the Rigid site be conditioned to the specification given in paragraph 5.18 of the above assessment. This should be applied to Plots 56 to 65 inclusive.
- ii) That a mechanical ventilation strategy is provided too Plots 56 to 65 inclusive in line with paragraph 5.19 of the above assessment.
- iii) That the glazing/ventilation configuration provides at least 31 DB(A) sound inclusion from external to internal in line with paragraph 5.20 of the above assessment.

2.23 Yorkshire Water Services Ltd – (26<sup>th</sup> May 2015) - The Drainage Statement (prepared by MET Consulting Engineers - Report ATK/11644/5002 dated January 2009) is acceptable. The site layout submitted on drawing YOR.2471.010D dated March 2015 that has been prepared by Pegasus are NOT acceptable to Yorkshire Water. The following points should be addressed.

- 1) the submitted drawing appears to show a building proposed to be built-over the line of public sewer crossing the site, contrary to our request
- 2) the submitted drawing should show the site-surveyed position of the public sewer crossing the site
- 3) the submitted drawing should show the required building stand-off from public sewer or an agreed alternative scheme
- 4) the submitted drawing should show foul and surface water drainage proposals both on and off site
- 5) no trees to be planted within 5m of the public sewer

2.24 2<sup>nd</sup> Response: 16<sup>th</sup> August 2016

The content of 'Volume 1' Environmental Statement Non-technical Summary (prepared by Persimmon- Report 11610217v1 dated June 2016) is noted. The report indicates;

- i) Foul water will discharge to a public combined water sewer in East Common Lane, via a sewer requisitions.
- ii) Surface water is to discharge to watercourse - connection subject to Environment Agency / Local Land Drainage Authority / Internal Drainage Board requirements.

Note: There is no site layout included in the above report. According to the Statutory Sewer Map, there is a 300 mm, 450 mm, 750 mm and 1000 mm diameter public sewer and a 225 mm rising main recorded to cross the site or near the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. In this instance: a stand-off distance of 3 (three) metres is required at each side of the 225 mm diameter rising main and the 300 mm diameter public sewer centre-line a stand-off distance of 3.5 (three and a half) metres is required at each side of the 450 mm diameter public sewer centre-line a stand-off distance of 4

(four) metres is required at each side of the 750 mm diameter public sewer centre-line a stand-off distance of 5 (five) metres is required at each side of the 1000 mm diameter public sewer centre-line There are surface water outfalls to watercourse, under the control of Yorkshire Water, located near to the site. Vehicular access, including with large tankers, could be required at any time.

2.25 3<sup>rd</sup> Response - 18<sup>th</sup> December 2020.

Yorkshire Water has no objection to the discharge of the reserved matters. Yorkshire Water has no objection to the proposed building stand-off distances from public sewer centre-lines as submitted on drawing 100 (revision E) dated 26/10/2020 prepared by Persimmon Homes Yorkshire. The submitted drawing does not show any foul water or surface water drainage proposals.

2.26 4<sup>th</sup> response – awaited – reconsulted Yorkshire Water on site plan Q. Members will be updated at Planning Committee.

2.27 Environment Agency – No objection. (5.5.2015) - According to our records, the EA were not consulted on the original outline application for this development. The EA did however give a response to a previous Reserved Matters application. Previous response dated 31 October 2013 Ref RA/2013/126547 (2013/0983/REM).

2.28 11.8.2015 – Reiterated that the EA has no further comments to make on the Reserved Matters application.

2.29 9.8.2016 – Reiterated that the EA have no further comments to add regarding this Reserved Matters application.

2.30 Selby Area Internal Drainage Board – (1.12.2020) No objections subject to standard conditions.

2.31 HER Officer – (20<sup>th</sup> May 2015) can confirm that no archaeological recording is required during this phase. However, as archaeological recording and excavation is still required in subsequent phases of development.

2.32 Designing Out Crime Officer – (11.5.2015) No objections but suggested some design changes. - The Layout drawing indicates a development where properties have been sited to maximise natural surveillance. In the majority of cases, rear gardens have been plotted against other rear gardens. This minimises the risk of possible unwanted access. Front doors would be clearly visible and not hidden in deep recesses or behind building lines. Parking spaces are being provided within the curtilage of dwellings through a drive and/or garage or a secure space to the front of the property. These parking spaces will be directly overlooked by the residents that they are designed to serve. Rear parking courts have been avoided. Proposed roads and footpath links within the development are positioned to ensure good levels of natural surveillance. The proposed Local Equipped Area of Play is sited a) where it will achieve good surveillance opportunities and b) is located far enough away from properties to ensure that residents do not suffer from loss of amenity as a result of noise, nuisance or other anti-social behaviour.

Recommendations - The application documents contain no details to show how the applicant has considered crime prevention and how it will be incorporated into their proposal. The layout drawing contains very little detail in respect of boundary

treatments and landscaping. Recommendations on both boundary treatments and landscaping were made.

The layout drawing indicates an area of ambiguous space located between the rear of plots 123 to 130 and Selby College. This area will not be directly overlooked by any properties in proximity to the space. The space could therefore provide a venue for anti-social behaviour and loitering as well as providing the criminal with hidden access to rear gardens. This space should be 'designed out'. It lacks obvious purpose or ownership and does not relate to structures/spaces around it.

- 2.33 22.7.21 - The documents submitted would appear to be an updated Environmental Impact Assessment. It is now generally accepted that the commission of crime and anti-social behaviour has a carbon footprint and therefore any new development has the potential to have a negative impact on the environment if designing out of crime and disorder is not considered and implemented. Therefore, reference is made to previous report dated 11th May 2015 (221-2/2015/JS), which was in response to consultation request for the reserved matters application for this development.
- 2.34 11.12.2020 – The response was revised due to the National Planning Policy Framework (NPPF) has been revised since the submission of previous reports in 2015.

**Design and Layout** - The overall design & layout continues to provide a scheme with many positive aspects in terms of Designing Out Crime.

**Tenure** - The current Site Layout identifies that affordable housing will be spatially integrated to ensure that tenure is blind, which will promote a cohesive community. This conforms to the guidance contained within the document Building for a Healthy Life 20191 (BHL).

**Access & Movement** - The proposed vehicular access onto the site and movement within it are suitable as it keeps permeability at an appropriate level. Internal routes are well overlooked and will provide road users and pedestrians with a sense of safety and security.

**Site Layout** (Drawing No 100 Rev E), that there appears to be four footpath links on the Southern boundary providing access to open space outside the limits of 1 The industry standard, endorsed by government, for well-designed homes and neighbourhoods the site area. And a further two links on the Eastern boundary, which in my opinion creates excessive permeability.

Whilst it is acknowledged that residents require access to local amenities, excessive permeability can undermine the security of a development by providing offenders with multiple accesses and escape routes and therefore careful consideration needs to take place when considering the amount and positioning of pedestrian/cycle routes to provide connectivity to the wider area.

**Public Open Space** - The drawings submitted with this current application do not identify any areas of Public Open Space (POS), within the site, however, there is an area in the North-East corner of the scheme that was previously identified as being a football pitch.



However, the route to it is well overlooked from surrounding dwellings, which will make it more difficult to move around unobserved. The area itself is also provided with good levels of overlooking, which provides a sense of guardianship that can deter criminal and anti-social behaviour.

Children's Play Area - It is also noted that the drawings submitted with this current application do not show the inclusion of a children's play area, but as can be seen from the previous Site Plan, there was a Local Equipped Area of Play (LEAP) in the North-East corner of the site.

Ambiguous Space - There are some examples of this type of feature that can be found to the sides of Plots 22 and 23, and also between Plots 29 & 30.

In his report Mr. Shanks identified an area between Selby College and the rear of what were Plots 123 and 130 (now Plots 124 and 125), as ambiguous space. It is noted that this area is now described as a "10m wide Landscape Buffer" and the submitted drawings show that this is to be planted. There is no information to indicate the reason for this "buffer", but it is assumed that there is some rationale for it being incorporated. This area originally lacked overlooking and would have provided an offender with an area of concealment in which to operate. The amended drawings show this area as being capable of being overlooked from some nearby dwellings and there is the opportunity for passive surveillance from the road.

Defensible space & Boundary Treatments - It is pleasing to see that each property has a buffer zone to the front between the dwelling and the public realm. However, for this to become defensible space, unless the area immediately to the front of the property is providing vehicle parking, when a symbolic barrier, such as a change in road surface colour and/or material is appropriate; then some form of physical demarcation, such as a wall or fence to a maximum height of 1m or robust planting, should be provided.

Although it is acknowledged that the Landscape Plan (Drawing No 102) shows the inclusion of planting to the front of properties, this is generally shown as being immediately to the front of the dwelling and not where the private frontage meets the public realm. Defensible space also requires the clear demarcation of private spaces between house frontages, as failure to provide this can lead to neighbour disputes over ownership or maintenance. This demarcation is lacking on a number of plots.

Careful consideration needs to be taken when using physical boundaries at the front of properties to define defensible space, not to create climbing aids at the same time that would assist potential offenders to overcome the boundary protection to the rear garden. There are a number of locations where a climbing aid has been created, where the 450mm knee rail abuts the boundary treatment to the rear garden.

The submitted drawings show rear boundary and sub-divisional treatments to a height of 1.8m, which is appropriate and will provide a good level of security. As already referred to, there are a number of properties where the boundary treatments have been supplemented with hedging on the outer face and this will enhance the security of these dwellings.

Car Parking - In general the proposed parking provision is to be commended as it complies with best practice by either providing a garage, having in curtilage parking

or parking in front of the property where it can be seen by the owner and avoiding the excessive use of rear parking courts.

It is noted that the amended layout has introduced a small number of parking courts. The number of dwellings served by these parking courts is small in number and conforms to guidance. It is pleasing to see that visitor parking has been provided as this reduces the likelihood of neighbour disputes caused by indiscriminate parking.

Landscaping - The proposed landscaping details are appropriate and raise no concerns in relation to designing out crime.

Planning Condition suggested requiring that prior to the commencement of any works that the applicant provides full written details of how the issues raised by the Police Designing Out Crime Officer are to be addressed.

2.35 North Yorkshire Fire & Rescue Service - The consultation appears satisfactory, and meets the access requirements concerning fire service appliances, to the proposed development. It is assumed that water supplies for fire hydrants will meet the requirements set out in National guidance document on the provision of water for fire-fighting, Appendix 5.

2.36 The Woodland Trust - The Trust objects to planning application 2015/0452/EIA on the basis of damage to Staynor Wood a Plantation on Ancient Woodland Site designated on Natural England's Ancient Woodland Inventory.

Ancient Woodland - Natural England and the Forestry Commission defines ancient woodland "as an irreplaceable habitat [which] is important for its: wildlife (which include rare and threatened species); soils; recreational value; cultural, historical and landscape value [which] has been wooded continuously since at least 1600AD.

"It includes: "Ancient semi-natural woodland [ASNW] mainly made up of trees and shrubs native to the site, usually arising from natural regeneration Plantations on ancient woodland sites - [PAWS] replanted with conifer or broadleaved trees that retain ancient woodland features, such as undisturbed soil, ground flora and fungi"

Both ASNW and PAWS woodland are given equal protection in government's National Planning Policy Framework (NPPF) regardless of the woodland's condition, size or features. Loss of or damage to Ancient Woodland

National Planning Policy Framework, paragraph 180 states: "When determining planning applications, local planning authorities should apply the following principles: development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists;

#### Impacts to Ancient Woodland

Natural England has identified the impacts of development on ancient woodland or veteran trees within their standing advice. This guidance should be considered as Natural England's position with regards to development impacting ancient woodland.

## Indirect impacts

"Nearby development can also have an indirect impact on ancient woodland or veteran trees and the species they support. These can include:

- breaking up or destroying connections between woodlands and veteran trees
- reducing the amount of semi-natural habitats next to ancient woodland and other habitats
- increasing the amount of pollution, including dust
- increasing disturbance to wildlife from additional traffic and visitors
- increasing light pollution
- increasing damaging activities like fly-tipping and the impact of domestic pets
- changing the landscape character of the area"

When land use is intensified such as in this situation, plant and animal populations are exposed to environmental impacts from the outside of a woodland. In particular, the habitats become more vulnerable to the outside influences, or edge effects, that result from the adjacent land's change of use. These can impact cumulatively on ancient woodland - this is much more damaging than individual effects and significantly threatens the resilience of the ecosystem over time.

The Trust are specifically concerned about the following impacts to the ancient woodland:

- Intensification of the recreational activity of humans and their pets can result in disturbance to breeding birds, vegetation damage, trampling and litter.
- Fragmentation as a result of the separation of adjacent semi-natural habitats, such as small wooded areas, grasslands, hedgerows, individual trees and wetland habitats.
- Noise, light and dust pollution occurring from adjacent development, during both construction and operational phases.
- Where the wood edge overhangs areas in active use, trees can become safety issues and be indiscriminately lopped/felled, resulting in a reduction of the woodland canopy and threatening the long-term retention of such trees.
- Adverse hydrological impacts can occur where the introduction or expansion of hardstanding areas and water run-offs affect the quality and quantity of surface and groundwater. This can result in the introduction of harmful pollutants/contaminants into the woodland.
- Introduction of non-native and/or invasive plant species into gardens by residents can aid their colonisation of the woodland;
- Where gardens abut woodland or the site is readily accessible to nearby housing, it gives the opportunity for garden waste to be dumped in woodland and for adjacent landowners to extend garden areas into the woodland. It can also create pressure to fell boundary trees because of shade and leaf fall and interference with TV reception. It also forces boundary trees to be put into tree safety inspection zones resulting costs for neighbours and increasingly comprehensive felling.
- Any effect of development can impact cumulatively on ancient woodland - this is much more damaging than individual effects.

Of particular concern in this case are the positions of plots 23-42 as depicted on the layout plan (dated 26/11/20); these dwellings appear to have gardens facing directly onto Staynor wood, with no indication of a buffer zone.

Given the presence of trees directly adjacent to the site, the Trust are also concerned that an up-to date arboricultural survey does not appear to have been submitted with this application. It is requested that until such time as a report is submitted that the application is delayed due to lack of information.

### Mitigation

Detrimental edge effects have been shown to penetrate woodland causing changes in ancient woodland characteristics that extend up to three times the canopy height in from the forest edges. As such, it is necessary for mitigation to be considered to alleviate such impacts.

### Buffering

This development should allow for a buffer zone of at least 20 metres to avoid root damage and to allow for the effect of pollution from the development. The Council should ensure that the width of the proposed buffer is adequate to protect the adjacent ancient woodland. The buffer should be planted before construction commences on site. HERAS fencing fitted with acoustic and dust screening measures should also be put in place during construction to ensure that the buffer zone does not suffer from encroachment of construction vehicles/stockpiles, and to limit the effects of other indirect impacts.

Conclusion - The Trust objects to this planning application unless the applicant commits to providing a 20m buffer between any development and Staynor Wood.

Note the Trust has been reconsulted on the revised plan and the response is awaited.

- 2.37 Low Carbon Project officer – It would be good if the Council could encourage some further tree planting to extend the woodland, as it is classed as ancient woodland. This might be challenging so perhaps an option once the development is complete and the open green spaces are handed over to the council for maintenance.

Looking at the plan, the planting proposes Callery Pear, native to China and European Hornbeam. It would be nice if the planting options included only native species, and perhaps more than just 2 tree species to ensure a bit more biodiversity. However, there isn't a description of the three types of landscape beds so these might also include some more planting.

### **Publicity**

- 2.38 The application was widely advertised since 2015, with the application appearing in the Selby Times 14.5.2015 & 28.7.2016. Several rounds of neighbour notification has occurred direct by post and site notices have been erected on Staynor Avenue, Abbots Road, East Common Lane and Far Moss Drive within the Phase 3 connection from Staynor Link. The latest notices were posted 21.10.21, which expire 16.11.21. The latest neighbour notification letter expires 12.11.21.
- 2.39 Selby College 18.12.20

There has been significant concern registered from Selby College through numerous emails and representation letters, which for the purposes of this report

are consolidated into 1 objection: These were presented by Janet O'Neil with assistance from highway consultants WSP. These are very detailed representations stemming from the proposed new access adjacent to the entrance of Selby College.

The concerns are listed in a letter from Selby College Principal.

College Entrance/ Road Safety / Traffic Management

The entrance onto the College campus is via Staynor Avenue. At various times of the day the entrance is very busy with College traffic – cars, bikes, buses, minibuses and contractors' vans. Many hundreds of pedestrians who are mainly students and staff gain access to our site from Staynor Avenue.

It's unclear from the plans how construction and residential traffic would gain access and egress to and from the development before, during and after the building phase. The plans do not appear to show any access from Staynor Avenue. Vehicular access onto/off the proposed estate from Staynor Avenue, either during construction or afterwards, would we believe represent a significant danger to anyone entering the College.

The College needs clarification and assurance that this will not be the case.

It is understood that in 2015 Persimmon offered to let the College have their detailed proposal showing how site access would work. The College has received no plans since and can't see how a safe working junction can be created without adversely affecting the existing College access.

1. Can the College have a copy of the detailed Site Access Proposal from Persimmon, if they are still planning to employ it? If Persimmon Homes are planning to access the site for vehicles from Staynor Avenue during construction or thereafter, the College strongly oppose this. If so:
2. Can the College have sight of any Traffic Management Plans for the development – before, during and after construction?
3. Has consideration been given to heavy plant accessing and egressing the site during the building phase?
4. How would heavy goods vehicles be directed on and off the building site?
5. What route would they take?
6. Would a banksman be deployed?
7. If there was an intention for the two entrances to exist side-by-side then how would this be done safely?
8. If there were to be an increase in traffic volume on Staynor Avenue around the College entrance, what safety measures have been considered to ensure there's no increased risk to pedestrians (students/staff/contractors/visitors) coming on and off the campus?
9. Can assurances be given that construction traffic will not be permitted access onto the development via Staynor Avenue at peak student arrival and departure times?
10. Has consideration been given to the buses pick-up, drop-off and waiting points outside the College gates which could conflict with traffic going on and off the housing estate?
11. What are the long-term plans for allowing residential traffic onto the Staynor Hall development?

## Environmental Considerations

Concerned about site noise damaging the learning and physical environment of the College:

- 12) What procedures will be in place to ensure that noise levels during the building phase will not affect teaching?
- 13) Have maximum noise levels been set? How will this be monitored? It is requested to have sight of the Noise Management Plan.
- 14) How will risks of building dust blowing into the campus be dealt with?
- 15) What is the proposed timescale for the development?
- 16) What are the proposed hours of working?
- 17) How will the section of Staynor Avenue directly outside the College gates be kept clean and tidy if allowed to be used? What plans would there be for clearing up mud deposited on surrounding roads by construction vehicles?
- 18) How will the site hoardings be decorated?
- 19) Will they detract from the overall appearance of the College?
- 20) Is there potential for the developers to wrap the hoardings in College branding (at their expense) during the construction phase to compensate for any negative visual impact of the building site?

## Security

It is anticipated that there will be an increased security risk to College during the development, as trespassers on the building site may be tempted onto College grounds.

- 21) What security measures will be deployed by the developers?
- 22) Will this cover College too e.g., overnight patrols / extra CCTV?

## Community Benefits

- 23) The College would be happy to engage with relevant parties to explore how the local area could benefit from any potential investment in community facilities and infrastructure e.g. improved signage directing visitors to College / investment in the highway / enhanced street lighting / traffic calming measures / pedestrian crossing etc.
- 24) Is there potential for contractors to provide work placements for students e.g. construction / engineering / electrical / joinery etc.?
- 25) What short, medium and long-term employment opportunities will be created?
- 26) Is there potential for contractors to access training provided by Selby College?

## Ongoing Communication

It is worth noting that to date, the College has had limited meaningful discussion with Persimmon Homes during the planning phase of the development. Important information requested has not been provided.

As a major local stakeholder, this is bitterly disappointing. From the questions above, it is shown that the College have had no contact from the contractor about the reactivation of the site near the College.

The College would welcome the opportunity to actively engage in meaningful consultation and dialogue with partners throughout the process with a view to minimising disruption and facilitating the best possible outcomes for all parties.

Having assessed the highway documents and consultation responses the College maintain the view below:

- (Selby college) have made the case consistently that the applicants must take account of the movements of the College for the safety of the students and staff.
- This is not least in relation the 400 students who every weekday arrive and leave by 6 contract buses, which currently lay up in Staynor Avenue, a cul-de-sac.
- The road becoming a thorough route creates a number of hazards, such as lack of safe waiting space for the 400 students, and absence of adequate laying up provision for the buses.
- The road safety audit prepared by the applicant's highway consultants is basically flawed, as assessed in detail by WSP, consultants for the College.
- The audit takes no account of the movements of over 1000 people on the site on weekdays, not least the range of buses that manoeuvre twice a day in what is currently a cul-de-sac, and where 400 students gathering to await the buses are currently safe. Creation of a through road for a 1200 unit housing scheme radically changes this situation.
- The College have submitted details of a video recording of these movements at the end of a typical day, showing students and buses.
- The application's highway design is therefore inappropriate and unsafe.

The College were reconsulted 22.10.21 once all the latest documentation was uploaded and the response is awaited.

#### 2.40 Rigid Containers/now VPK UK Holdings

Similar to the above, the application has received numerous representations from the manufacturing plant to the north of the site once known as Rigid Containers and now know as VPK UK Holdings. The representation have been presented through Buckles Solicitors and more recently Berry's planning consultants.

The concerns are as follows:

June 2015 –

- Rigid Papers occupy the site at East Common Lane, where they relocated to in 2005 from the former Paper Mill site at Denison Road. This was on the back of storing advice from the council that reinvestment of the Denison Road site for continued employment purposes was unacceptable, due to the conflict with residential uses.
- The current scheme places residential dwellings very close to the existing rigid site. No objection in principle, but object to the current layout as it takes homes very close to the boundary between the two site without any consideration of the noise impacts on the residential amenity of these units, or any screening/buffers that may be required as mitigation.
- No Noise assessment work has been undertaken. Note that Environmental health requested an assessment to take into account the impacts of noise

from the college and this should be extended to consider noise from all adjoining land uses to ensure no conflicts exist.

- Suggest repositioning the sports pitch within the site to run parallel with the northern boundary to act as a buffer.
- The proposal as it stands is contrary to NPPF which requires that noise impacts on health and quality of life are taken into account when taking planning decisions. Also contrary to CS19 (Design Quality) of the Core Strategy which requires new development should not “contribute to or be put at an unacceptable risk from, or be adversely affected by unacceptable levels of soil, air, water, light or noise pollution or land instability.”

#### 2.41 25.8.2015

- Concerns over the adequacy of the applicant’s noise report. The ENS noise report is very limited, no noise mitigation has been identified for the site boundary and the report fails to meet the requirements of BS 8233. The report fails to explain how the required internal noise limits are met through insulation/glazing. Therefore, there are unresolved questions over the adequacy and accuracy of the assessment. Unless this is satisfactorily dealt with before permission is issued, Rigid Paper will be left with no choice but to challenge any such permission by Judicial Review. Failure to consider whether the ENS report is adequate and provide adequate assessment of the necessary mitigation measures would amount to failure to take into account material considerations in the decision-making process.
- Rigid Papers objective is limited to requiring adequate consideration of noise impacts on future residential occupiers and securing mitigation measures, so that all parties can co exist in harmony, its seems much more sensible for the council to require the applicants to address this issue property now rather than going down more contentious routes.

#### 17.12.2020 – Representation from Berrys Planning Consultants on behalf of VPK UK Holdings (formally Rigid Containers)

- VPK have operated at the site for 15 years and it is imperative to them that any development within the surrounding area does not impact upon the commercial operations at the East Common Lane site.
- Concerns have been raised by VPK since application ref: 2015/0452/EIA was first submitted in 2015 specifically in regard to how potential noise concerns from the conflicting land uses would be mitigated against by the applicant. It is feared that without adequate noise mitigation strategies on site that once residential occupants move onto the site that VPK could begin receiving noise complaints due to the proximity to the VPK site impacting upon their residential amenity.
- Objections have been previously been submitted behalf of VPK in June 2015 regarding the 2015/0452/EIA application. With regard to revised noise assessment this isn’t uploaded onto the website so VPK maintain the objection. In summary we object on behalf of our clients to application ref: 2015/0452/EIA in its current format for the following reasons:



- Lack of clarity as to the location and extend of the proposed acoustic bund we propose that the layout plan is amended to provide this information.
- Currently unable to fully assess the proposal and how noise impact will be mitigated against as the revised noise assessment has not been submitted as a publicly accessible document.

2.42 VPK were reconsulted on the 22.10.21 and any further representations will be provided within the update.

#### 2.43 Representations from Residents.

There has been 9 letters of objection:

- As a local resident directly affected by the new plans, object to the inconvenience of the noise and lack of privacy from the building site, of which is usually a tranquil setting, also the air pollution from the building dust, causing dirty windows, conservatory and house which is rendered and cream, also won't be able to have windows open or hang washing out.
- Object to the above application that is proposing to use the road on Staynor Avenue as an access road to Staynor Hall estate. This road is already very well used by the college with cars and buses using it at all times of the day and in the evening.
- No construction traffic should enter via Staynor Avenue due to the 7.5t weight limit.
- It will also be hazardous for elderly and disabled persons trying to cross the road to get to the local shops and the bus stop. In the past this road has subsided due to the weight of the traffic using it so an increase in traffic could exacerbate this problem.
- Increase traffic flow will inhibit access to property.
- The new houses are proposed to be built on land that is proven to be affected by regular flooding by the year 2030.
- Have ongoing issues with the drains outside houses due to the weight of the said busses, although the bus companies refute they are the cause of this problem. The use of heavy plant machinery and implied use of Lorries using this as an access route will further impinge this effect see number 2 for further issues of heavy plant machinery and increase of Lorries and potential affect.
- Have concerns relating to potential structural damage to our property relating to any piledriving which may have to be undertaken whilst digging the footings for proposed properties. These properties on Staynor Avenue have already been subjected to these practices from the new estate being built further away from us on land subjected to flooding.
- The proposed site of the new development in the field directly behind Staynor Avenue shows signs of water-logging and may therefore suggest that pile-

driving may be required to stabilise the properties proposed prior to building upwards. Resident's home has and is subject to the effects of vibration whilst this practice is being done further on the new estate being built. Would therefore anticipate provision of an independent structural engineer, paid for by either the Council or the developers, to ascertain any damage incurred to resident's properties will be as a direct result of these buildings being built. Furthermore, would expect any potential damage/repairs to be made good by a third party at no cost to residents.

- Would further ask that the boundary line (dwellings on Abbots Road) is left accessible to allow maintenance of the property. Whilst it is appreciated that residents have no right to loss of view over land which they do not own, it would be appreciated that the newly developed properties do not directly face onto existing houses, as residents do have a right to privacy which residents currently have and would be reluctant to lose. The properties built further up on the Abbots Road estate have been built with little or no regard or consideration of this in mind to their occupants.
- The development is an over crowding of the woodland driving all the wildlife away. The abundance of natural bluebells within the wooded area suggests that the wood can be considered as ancient woodland. Living within the said area are (to name but a few) are badgers, foxes, visiting and established herd of roe deer, owls, woodpeckers, nesting red kites, have any considerations even made towards the maintenance of the woodland area, or will this be 'developed' too?
- The site plan shows a footpath going through the middle of this which should not be allowed due to this being ancient woodland. The effect on the woodland due to reducing habitats next to the woodland and the connections between them. Increasing the amount of air and light pollution. Changing the water table around the woodland.
- Housing will see a loss of wildlife, an alternative should be park for children as this would still attract wildlife from the woods.

### **3 SITE CONSTRAINTS**

#### **Constraints**

- 3.1 The site lies within the development limits of Selby, is a major residential site by virtue of the outline consent and is within Flood zone 3.

### **4 POLICY CONSIDERATIONS**

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction

of the Secretary of State and which have not been superseded by the Core Strategy.

- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. Consultation on preferred options took place in early 2021. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The National Planning Policy Framework (July 2021) (NPPF) replaced the February 2019 NPPF, first published in March 2012. The NPPF does not change the status of an up-to-date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2021 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

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

### **Selby District Core Strategy Local Plan**

- 4.6 The relevant Core Strategy Policies are:
- SP1: Presumption in Favour of Sustainable Development;
  - SP2: Spatial Development Strategy;
  - SP8: Housing Mix
  - SP9: Affordable housing;
  - SP15: Sustainable Development and Climate Change
  - SP18: Protecting and Enhancing the Environment;
  - SP19: Design Quality

### **Selby District Local Plan**

- 4.7 The relevant Selby District Local Plan Policies are:
- ENV1 - Control of Development.
  - ENV 10 - General Nature Conservation Considerations
  - ENV 20 - Landscaping Requirements
  - ENV 21 - Landscaping Requirements
  - T1 - Development in Relation to the Highway.
  - T2 - Access to Roads.
  - RT2 – Open Space Requirements
  - SEL/2 - Land for housing development between Abbots Road/Selby Bypass, Selby.

## 4.8 Other Policies and Guidance

Affordable Housing Supplementary Planning Document  
NYCC Interim Parking Standards 2015

## 5 APPRAISAL:

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

Principle of development  
Layout, Scale and Design  
Affordable housing  
Access, highway layout and parking  
Flood Risk and Drainage  
Impact on residential amenity and the noise environment  
Archaeology  
Recreational Open Space  
Landscape features  
Contamination  
Climate change and Broadband

### Principle of development

- 5.2 The Core Strategy sets out the Vision for the District, which includes the need to provide a suitable level of new homes for the district. Selby is the main focus of growth given its the principal town. The Core strategy notes that there has been significant investment in Selby's infrastructure to allow for this, which includes the bypass which skirts the site to the east, modern flood defences, wastewater treatment works and upgrading of its transportation connections. Selby is the most self-contained settlement within the District and the most suitable location for further growth.
- 5.3 Core Strategy Policy SP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework and will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible.
- 5.4 CS Policy SP2 ('Spatial Development Strategy') sets out that development will be directed to the towns within the District, including Selby as Principal Town Centre which will be the focus for new housing, employment, retail, commercial and leisure facilities.
- 5.5 The site is within the development limits of Selby and is allocated for development by Local Plan policy SEL/2 and has an extant permission, a product of the 2005 outline planning permission for the allocation as a whole. The principle of proposed development of 215 no. dwellings therefore accords with the policies of the Development Plan and has also been established through the granting of Outline Planning Permission. The proposal will also help maintain the Council's 5 year housing land supply. The proposal is also considered to constitute sustainable development in accordance with Policy SP1 and the NPPF due to the location of the site.

- 5.6 In terms of the approved master plan, the use of the site for residential purposes is consistent with the master plan, which showed the land to be used for medium and low-density development at 30-35 dwellings per hectare. The master plan always showed a link through to Abbots Road via Staynor Avenue.

Layout, Scale, Design and Housing mix.

- 5.7 SDLP Policy ENV1 requires the effect of new development on the character of the area and the standard of design in relation to the site and its surroundings to be taken into account when considering proposals for new development. Similarly, CS Policy SP19 expects new development to have regard to the local character, identity and context of its surroundings.
- 5.8 Paragraph 130 of the NPPF states that planning decisions should ensure that developments; are visually attractive as a result of layout and landscaping; sympathetic to local character, while not preventing change, and establish a sense of place.
- 5.9 CS Policy SP8 seeks the creation of mixed communities by ensuring that the types and sizes of dwellings provided in housing developments reflect the demand and profile of households evidenced from the most recent strategic housing market assessment and robust housing needs surveys whilst having regard to the existing mix of housing in the locality.
- 5.10 The outline consent and accompanying master plan set out the design parameters in relation, to accessibility and permeability and the nature of the land use. The master plan showed an access from phase 3 looping through to Staynor Avenue. It is therefore necessary that this reserved matters submission makes the best and most efficient use of land, without comprising local distinctiveness, character and form. Also, that the layout positively contributes to an area's identity and minimise risk of crime or fear of crime, particularly through active frontages and natural surveillance. It is also necessary to ensure the woodland is afforded the relevant protection.
- 5.11 The layout provides for a mixture of detached, semi-detached and terraced properties arranged around a series of estate roads and cul-de-sacs predetermined at the Outline Planning Stage. These properties are a mixture of 1 (Maisonettes), 2 and 2 & a half dwellings designed in a similar manner to those already approved on previous phases of the development as a whole. The density is 42dph, which is slightly above what the master plan envisaged. Car parking provision accords with NYCC standards and this is considered to achieve an appropriate balance between providing adequate provision and car parking not dominating the street scene. The layout of the scheme provides for a mix of 1 (16), 2 (45) 3 (113) & 4 (41) bedroomed dwellings.
- 5.12 The design and layout of the proposed scheme has been amended on several occasions in response to the consultation responses in particular highways, designing out crime officer to ensure a layout that is safer, allows sufficient off-street parking and respects the plantation to the south of the site.
- 5.13 The layout generally provides for the main elevations of dwellings facing the street scene, with open green frontages or boundary treatment set back with planting in front to soften the impact of hard boundary treatment. It is noted that some dwellings have been designed to consist of double frontages or windows inserted to create

more active frontages. The larger 4 bed dwellings have been placed on key vistas to define corners and street frontages. When this is not the case the design and layout has ensured that suitable boundary treatment and landscaping is utilised.

- 5.14 The design and layout has largely been welcomed by the Designing Out Crime officer who notes that parking is generally overlooking and active frontages to provide natural surveillance to the vacant areas.
- 5.15 Policy ENV1 (1) of the Local Plan states that in the determination of planning applications, the local planning authority will give consideration to the impact proposals would have on the amenity of neighbouring occupiers.
- 5.16 The site is largely self-contained with the only dwellings immediately affected are the dwellings in the northwest corner of the site on Abbots Road. Plots 215-205 have a separation distance of over 27m in terms of direct elevation to elevation distances. Plot 205 is also 23m away from No.16 Staynor Avenue. In terms of the internal distances plot to plot, these are generally acceptable. There are instances where distances are slightly below standards that would normally be expected but it is considered that they are sufficiently mitigated against with the position of boundary treatment, side gables and windows etc.
- 5.17 In terms of the impact on Staynor Plantation, the proposal has received an objection from the Woodland Trust, who wanted a greater buffer between the dwellings and the wood. The amended layout takes account of some of these concerns by removing gardens from the woodland to avoid shading and to also 'front on' from a good design point of view.
- 5.18 The dwellings are generally set away from the wood with only a small number being within 15m of the edge of the wood and only plot 136 being within 7m but it has its side gable facing the wood. Similarly, plot 137 has its main aspect and garden facing away from the wood. The redesign of the layout generally reflects the character and form of the masterplan and provides sufficient space between the wood and the new occupiers to ensure no harm is created.
- 5.19 On balance and taking account of the above, it is considered that the layout has achieved a balance between minimising crime through layout considerations, providing a visually pleasing street scene, functions correctly and maintains the interest of the historic woodland. In this context the Layout, Scale and Design of the proposed development is considered as far as reasonable in the context of an amended reserved matters proposal acceptable in accordance with Policy ENV 1 (4) of the Local Plan and Policies SP8 & SP19 of the Core Strategy.

#### Affordable Housing

- 5.20 CS Policy SP9 seeks to achieve a 40/60% affordable/general market housing ratio within overall housing delivery. In pursuit of this aim, the Council normally negotiates for on-site provision of affordable housing up to a maximum of 40% of the total new dwellings on all market housing sites at or above the threshold of 10 dwellings or more.
- 5.21 In terms of affordable housing, the Section 106 agreement within the outline submission concluded that the level of affordable housing within the development was to be agreed on a phase-by-phase basis. This was to be via a scheme prior to development of each phase commencing. Therefore, whilst Affordable Housing is

not a reserved matter defined by Condition 2 of the outline consent, it is appropriate for it to be considered within this application as it ties in with the terms of the outline consent. This phased approach allows the current market conditions to be taken account of, as and when the particular phase comes forward. This is particularly important given the outline was granted in 2005, some 16 years ago.

- 5.22 The level of affordable housing contribution has been the subject of significant debate in recent months between the applicants and the Local Planning Authority. In order to assess the amount of affordable housing necessary the applicants commissioned a Financial Viability Assessment, by Allsops dated May 2021. This notes that previous phases of development on Staynor Hall have delivered between 14% and 28% affordable housing, with an average of 20% across all phases. This is below the target policy level of 40%. The assessment delivers a negative residual land value of around – (minus) £123,000. The report by Allsops concludes that, to make the scheme viable, the proportion of affordable housing needs to be reduced to 12%.
- 5.23 This was assessed by the Local Planning Authority's Independent Viability experts CPV, who use the ARGUS Developer toolkit. This is an industry approved cash-flow model, designed specifically for residual appraisals. The assessor also engaged a third-party independent quantity surveyor (RCS Construction Ltd) to undertake a review of the costs put forward in Allsops' appraisal.
- 5.24 In summary, CPV's modelling demonstrates that an onsite affordable housing provision of between 68 and 86 dwellings can be provided (31.63% to 40%). They therefore disagree with Allsop's findings and consider the offer of 12% affordable housing to be significantly below expectations. CPV conclude that the Council is justified in seeking to retain its policy ask for affordable housing (i.e. 40%).
- 5.25 Allsop's provided a rebuttal based on the CPV's initial assessment. They maintained their view on adopted revenues and abnormal costs, however did revise their profit levels of 20% to 19%, and accept a revised BLV position. Allsop's concluded that a revised affordable housing provision of 18% is acceptable, but a figure in excess will be unviable.
- 5.26 CPV reassessed the Viability report in response to Allsop's rebuttal. This shows the scheme is viable with 60 affordable units (34 social rent and 26 intermediate) which is 27.91%. CPV stressed that this is the bottom end of what they consider to be viable (if the RCS abnormal costs are applied the level of affordable units increases closer to 40%). The Local Planning Authority's assessor suggested the affordable housing offer by the applicants of 18% is therefore too low and should be refused. 27.91% is the minimum that is deemed to be viable.
- 5.27 The Applicants wrote to the Local Planning Authority on the 24<sup>th</sup> September 2021 outlining that the applicants final offer was to deliver 20% affordable homes at the site. The letter states "whilst Persimmon Homes stand by the evidence submitted on their behalf and are being advised by their experts to maintain the current identified offer of 18%, they are seeking to make this offer in order to move the application forward."
- 5.28 The Agent explained that the offer was made on the basis of the Council's emerging planning policy position in respect of affordable housing (and its supporting evidence) and the historical level of affordable housing delivery at the Staynor Hall site. Both of which identify that the provision of 20% affordable homes at the site is

justifiable. The Agent stressed that anything in excess of this may lead the scheme to be unviable.

- 5.29 The letter also highlighted the recent discussions with the Council's Housing Officers to identify the Council's aspirations in respect of the mix and tenure of the affordable housing to be delivered within the scheme. The letter also alluded to the Applicant's agreement in principle to the prospect of the Council purchasing the Affordable Rent Units which would be provided.
- 5.30 Finally, the Agent indicated that the percentage of affordable housing for the initial phase of the development was agreed at 23%. On the latter phases it was then agreed at 20% (phase 3). Furthermore, the abnormal/build costs of the latest phase 4 are worse due to the need for piled foundations. Whereas there was no piling required to date on either of the two earlier phases.
- 5.31 In light of the above, whilst 20% which equates to 43 units is below what the Council's viability expert considered obtainable, it does reflect a similar percentage of what has been delivered across the wider site. To move the application forward, Officers consider that the 20% offer is a reasonable compromise. Members are therefore invited to support this figure, alternatively if Members wish to hold out for the 27.9% suggested by the viability experts, then a refusal of planning permission or a deferral may be necessary.
- 5.32 In terms of the affordable housing mix, this would be 22 units affordable rent and 21 shared ownership and these are evenly distributed throughout the layout. The proposal therefore will provide for a mixed and diverse housing offer and provide a reasonable level of affordable housing in line with Core Strategy Policies SP8 and SP9.

#### Access, highway layout and parking

- 5.33 Policies ENV1 (2), T1 and T2 of the Selby District Local Plan require development to ensure that there is no detrimental impact on the existing highway network or parking arrangements. Policy T2 specifically states that development resulting in the intensification of the use of an existing access will be supported provided there would be no detriment to highway safety. The NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.34 The Outline Planning Permission permitted two principal accesses from Bawtry Road, with a third off Abbot's Road. The junctions onto Bawtry Road have been constructed and now serve the completed phases of the development.
- 5.35 It is proposed that the site will be accessed via the existing Phase 3 linking through Staynor Hall in the southern tip of the site and then heading north west to be accessed via Staynor Avenue. Various highway improvement works are shown at the Staynor Avenue entrance, with access to the college being separated from the residential access.
- 5.36 This access through Staynor Avenue has generated considerable concerns from the adjoining Selby College (detailed in the representations section of this report), who initially considered that the scheme failed to take account of the movements of the College for the safety of the students and staff. This is in relation the 400



students who every weekday arrive and leave by contract buses, which currently lay up in Staynor Avenue cul-de-sac.

- 5.37 The College considers the road becoming a through route creates a number of hazards, such as lack of safe waiting space for the students that use the bus to access college, and absence of adequate laying up provision for the 12 ( 6 morning + 6 evening) buses that visit the site between 08:40-9:10 and 16:15-16:45. The college made representations through WSP Highway consultants to advise and considered the Road Safety Audit submitted as being inadequate. WSP produced an Access Review document (22.2.2021), which was considered by the applicants and NYCC highways.
- 5.38 The WSP report considers “the design of the access has been developed to utilise public highway which has led to a compromised highway design. The scheme is vehicle-orientated and does not take into account the bus movements in this area. The duplication of roads also provides additional conflict points for pedestrians and cyclists.”
- 5.39 A further Road Safety Audit was also undertaken, but needed to be revisited to be surveyed in the correct period i.e. when buses arrive and leave Staynor Avenue. The report concludes by encouraging Persimmon to work with the College to enable a suitable design to be developed for access to both the College and residential development.
- 5.40 The transport consultants LTP working on behalf of Persimmon produced a kerbside space comparison assessment to show that the reconfigured highway design would not reduce available kerbside space for buses. NYCC Highways stated that the Kerbside Comparison’ drawing, does illustrate the space available for drop offs / pick ups to the west of the ‘cut through’, probably less than is available now due to the specific location for turning movements, but still useable. The applicants were asked to show the vehicle tracking for coaches using the ‘cut through’ from either a north to south or south to north direction whilst dropping off / picking up.
- 5.41 The College then provided details of the numbers of students (450-500) that use the buses and the times and numbers of buses. A plan of the bus waiting areas was supplied as well as a Video Footage review by WSP. The college maintained the view that the arrangements for the transport of the students is an existing situation that would result in significant highway safety risks if not taken into account in the consideration of this planning application. The safety of the students is of paramount importance to the Principal and Governors of the College.
- 5.42 The applicant’s highway consultant (LTP) supplied the revised swept path analysis for bus/coaches link road connection. This shows this movement for 4 buses laying up with both the existing and proposed layouts, which demonstrates that there is no material difference in the manoeuvring space/ability for these vehicles.
- 5.43 The LPT also noted that the representations by the college show that Staynor Avenue is utilised by four buses, all of which use the road layout in a clockwise direction (i.e. north to south), as other vehicles that travel north on Abbot’s Road after boarding/alighting pupils are not required to park/turn on Staynor Avenue (and therefore remain on Abbot’s Road). LTP did not shown the anti-clockwise movement (i.e. south to north) however this was later supplied.

5.44 The applicants via LTP considered the representation submitted on behalf of Selby College and do not consider that there is anything that changes the requirements for the proposed works to Staynor Avenue. LTP noted that all of the services are public buses, not dedicated private services, and that the use of Staynor Avenue (rather than Abbot's Road) by the buses is more related to turning/waiting preferences, given that there are no formal bus stops on Staynor Avenue. They therefore consider that the vehicle tracking provides the appropriate information required to facilitate confirmed acceptance of the Staynor Avenue access design. The college still maintain the view that 11 buses use the visit the college and at least 3 are double decked. The applicants responded by stating:

- *The kerbside space available for bus parking (whether single or double decker) will marginally increase by 3m. So it is effectively the same.*
- *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.*
- *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 wont 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.*
- *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.*

5.45 In terms of parking and the wider estate layout, the plans were then amended on multiple occasion throughout recent months to address technical inadequacies concerning parking, garage spaces, refuse collection, forward visibility and the connection to phase 3. NYCC Highways have been consulted and following requests for revisions have no objections subject to various planning conditions being attached to any permission. It is considered therefore that the proposal is acceptable and in accordance with SDLP Policies T1, T2 and also national policy contained in the NPPF.

#### Flood Risk and Drainage

5.46 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 3 (High risk) as identified by the Government Flood Maps for Planning and as such it is necessary to consider the flooding implications of the proposal. The submission was supported by a Drainage Statement and Flood Risk Assessment. Drainage was

a reserved matter within condition 2 (iv) of the outline. The overall drainage strategy therefore needs agreement.

- 5.47 Despite the whole site being located within Flood Zone 3, the principle of development has already been established by the outline consent, so there is no need to apply the sequential and exception tests.
- 5.48 The Environment Agency did not provide any detailed comments on the reserved matters as they state they were not consulted on the outline application. They instead said the comments previously provided for phase 3 under application 2013/0983/REM were applicable. Within this 2013 response, they stressed the importance of the site being within flood zone 3 and provided suggested conditions to ensure floor levels were set a minimum of 300mm above whichever is the greater of existing ground levels, the highest recorded flood level (if available) or the 1 in 100 modelled level (if available), plus a further 300mm of flood proofing. These conditions are therefore carried forward to this current application.
- 5.49 Yorkshire Water were initially concerned with the original layout in terms of the dwelling's proximity to a water main that crosses the site, however subsequent plan revisions have overcome this concern. This was based on site plan revision E, which has once again evolved into revision Q, so Yorkshire Water have been reconsulted. Officers do not expect there to be any new issues based on the revised design. Yorkshire Water also noted the lack of surface water and foul drainage detail.
- 5.50 Similarly, the LLFA considered the drainage statement which proposes the disposal of foul water to sewer and surface water to watercourse as being satisfactory in principle, but the required detail to assess the propriety of surface water management proposals is not present within the submission. The LLFA also raised issues with the potential SuDS arrangements. SuDS principles require that proposed surface water runoff will not be greater than that from the undeveloped or greenfield site so the Drainage Statement needs to reflect the fact that there will not be further volumes of water added to the general network. Concern was also raised over the discharge rates suggested in the drainage statement.
- 5.51 The applicant revised the drainage strategy for the amended layout and points out that the wider scheme needs only to be agreed in principle, which the documents within the submission comprehensively do. This is because full details are caught by Condition 25 of the outline approval. This is a pre-commencement condition, which specifically requires full details which the developer will need to discharge before commencing Phase 4 in due course. The condition states as follows: -
- No development shall be commenced on any phase of the development until schemes for the disposal of foul and surface water drainage for the said phase including details of any balancing works and off site works has been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved schemes have been fully implemented. The works detailed in the approved schemes shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.*
- 5.52 So all that needs to be 'approved' in the Reserved Matters scheme is the principle and a number of documents have previously been submitted to demonstrate this. The outline also includes various other drainage conditions similar to those

suggested by the IDB within their consultation response. Taking into account the aforementioned policies the proposal is considered to be acceptable in terms of flooding and drainage and subject to new updated details being supplied via the outline conditions this will ensure that the detailed technical designs can be approved prior to commencement of this reserved matters submission.

Impact on residential amenity and the noise environment.

- 5.53 SDLP Policy ENV1 requires a good standard of layout and design and that the effect of new development upon the amenity of adjoining occupiers to be taken into account. Paragraph 130 of the NPPF similarly seeks to ensure that developments; are attractive and welcoming places to live as a result of layout, building types and landscaping.
- 5.54 SDLP Policy ENV2 states development which would give rise to or would be affected by unacceptable levels of noise nuisance will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme.
- 5.55 The application site lies to the south west of an allocated employment site, which is occupied by VPK UK Limited (formally Rigid Containers Limited - cardboard packaging), located off East Common Lane. The application has received a representation from VPK Limited, who explain how they relocated to the current site in 2005 on the advice from Selby District Council due to the future expansion concerns of the Denison Road site due to neighboring residential uses. The current site was said to have been chosen due to its remoteness from residential dwellings.
- 5.56 The representation points out that whilst the company has no objection in principle to the residential development, they objected to the initial layout as it took residential homes right up to their boundary without any consideration of noise impacts on the residential amenity of these units or any appropriate screening/buffers that may be required as mitigation. No noise assessment was initially supplied within the 2015 submission. The 2015 objection letter details how the sports pitch that's shown in the north western corner should be relocated and run parallel with the northern boundary to provide a buffer.
- 5.57 A noise report was commissioned by the applicants dated 9<sup>th</sup> June 2015 by ENS limited. This considered potential noise from the college, adjacent A63 and the adjoining industrial premises. This noted that the industrial units were 110m beyond the north eastern site boundary. During the course of the noise survey, distant road traffic (including the A63 Selby Bypass) was noted to be the main noise source across the site, with no significant noise emissions noted from Selby College or the industrial unit either during the daytime or night time monitoring periods.
- 5.58 The report concluded that sound attenuation measures could ensure satisfactory living environments are created. In terms of glazing and ventilation as the development footprint is set back at least 100 metres from the A63 Selby Bypass, the internal design criteria can be achieved across the development using standard thermal double glazing and window frame trickle vents.
- 5.59 In terms of garden areas, based on the measured noise levels, the guideline design criteria of 50 - 55 dB LAeq(0700-2300) in gardens can be achieved across the majority of the development without any specific attenuation measures. For the southernmost plots, in closest proximity to the A63, it is recommended that a 1.8

metre high reflective acoustic barrier is installed along the site boundary in this area to provide screening to the plots from traffic noise. As a precautionary measure, it is also recommended that a 1.8 metre high reflective acoustic barrier is installed along a section of the northern site boundary to provide screening to the plots from the sports pitches.

- 5.60 Solicitors for Rigid Paper at that time commented on the Noise Assessment by ENS and raised concerns over level of assessment and the lack of mitigation on the northern boundary of the site. The Environmental Health Officer (EHO) assessed the noise report and considered the representations by Rigid Paper. The EHO recommends that the applicant is required to assess the likely impact of the industrial / commercial site on the residential amenity of the development due to noise together with any mitigation that may be required in order to protect the residential amenity of the development and the continued operation of the industrial / commercial site.
- 5.61 The Noise consultant ENS responded 21.6.2016 setting out that the LPA was aware of the allocation of the land for housing when the Rigid Paper application was applied for in 2003, therefore phase 4 is not about the principle of development adjacent to the Rigid Paper site but more about developing an appropriate noise attenuation scheme. Several email exchanges occurred over the period 2016-2020, where the noise assessment was discussed between EHO and the noise consultants ENS.
- 5.62 The plans were subsequently amended in Nov 2020 (Rev E), which reduced the number of dwellings (215) and moved the dwellings away from the northern boundary and showed an acoustic planting buffer. An acoustic enhancement plan was also provided, showing an elevated 2m acoustic fence set on a 2m high bund around the north eastern corner of the site. The location plan was also enlarged to enable this to sit within the reserved matters site and be delivered.
- 5.63 VPK UK Holdings Limited (formerly Rigid Containers Limited), once again commented on the proposals, reiterating previous concerns about the revised noise assessment not being available to view and that the 4m high acoustic bund details were not on the website. VPK Holdings support alteration to the proposed site layout, which has enabled a larger distance between the dwellings located in the north of the site and the commercial buildings at East Common Lane. They also support the use of enhanced double glazing and the orientation of private garden space to protect occupants from potential noise from the neighbouring commercial land uses.
- 5.64 The EHO officer reviewed the latest layout and Revision 3 and raised no objection to the development providing conditions were imposed ensuring that the enhanced double glazing to habitable rooms facing the former Rigid site be conditioned to the specification given in paragraph 5.18 of the Noise assessment and applied to Plots 56 to 65 inclusive. Also, that a mechanical ventilation strategy is provided in line with paragraph 5.19 of the above assessment. Finally, that the glazing/ventilation configuration provides at least 31 DB(A) sound insulation from external to internal in line with paragraph 5.20 of the above assessment.
- 5.65 The planning agent questioned the need for Plot 65 being included, and the EHO confirmed that the wording in paragraph 5.18 recommends "that habitable rooms fronting towards the Rigid site should be fitted with enhanced double glazing". Plot 65 does face the Rigid site and has a living room and bedroom on the protruding

part of the design. Both of these are habitable rooms. The agent accepted the condition in relation to mitigation inclusive of plots 56-65.

- 5.66 VPK were formally reconsulted and any response will be included as an officer update for members. Officers are however expecting no objections being raised on account of the amendments and the EHO being satisfied.
- 5.67 To conclude, the revised scheme with the dwellings pulled away from the northern boundary, together with the proposed hard landscape fence/buffer and noise mitigation requirements for the habitable rooms of the dwellings that face the employment site to the north, will ensure that future occupants can enjoy a good level of amenity. This will ensure that both the new residential dwellings and the established major employer can co-exist. The proposal is considered to be in compliance with SDLP Policies ENV 1, ENV2 and Section 12 of the NPPF.

### Archaeology

- 5.68 As part of the Section 106 Agreement attached to the Outline Planning Permission an Archaeological Scheme for the pre-determined zone of Archaeological Sensitivity (area around Staynor Hall) was required to be submitted. Also, an archaeological scheme is not a reserved matter as defined by condition 2 of the outline planning permission and therefore is not being considered as part of this reserved matter application. Furthermore phase 4 is not within the pre-determined zone of Archaeological Sensitive Area (area around Staynor Hall). Therefore, as the Archaeology consultation response has indicated phase 4 doesn't require any further assessment.

### Recreational Open Space

- 5.69 Policy RT2 of the Selby District Local Plan refers to Public Open Space and the requirements for its provision. The Master Plan illustrates how open space is to be provided across the whole site. It proposes a total of 21 hectares, which includes both formal and informal open space area together with the retention of the Staynor Hall Plantation, which sits immediately to the south of this proposed phase 4. This final phase does not provide any formal Recreational Open Space provision. Occupants will be able to use the plantation for informal recreation and the facilities and provision within the wider Staynor Hall estate for recreation. There is a Locally Equipped Area of Play (LEAP) proposed to the south of the site where the access from Staynor Hall occurs.
- 5.70 This reserved matters application also sits alongside the outstanding application for 44 dwellings (2015/0455/EIA). This is on the undeveloped part of the site immediately to the rear of the Selby College that designated for a football pitch, which moved from phase 3 when houses were constructed on the land originally designated in the master plan for a pitch. The applicant's position is that this pitch is not necessary, however the merits of this will be discussed within the determination of the relevant application. In terms of this current Reserved Matters submission, this proposal does not impinge or reduce the amount of POS originally allocated. The scheme is therefore considered to be in accordance with the provisions of the outline consent.

## Nature Conservation

- 5.71 Policy in respect of impacts on nature conservation interests and protected species is provided by Policy ENV1 (5) of the Local Plan, Policy SP18 of the Core Strategy and chapter 15 of the NPPF. The presence of a protected species is a material planning consideration as is tree loss and landscaping.
- 5.72 The Staynor Hall outline consent site was accompanied by an Environmental Statement. In 2002 the site was recorded as principally arable farmland habitat, with the land being flat with few hedgerows. The arable agricultural land was considered to be of minimal ecological value due to the intensity of management. None of the hedgerows within the site qualify as important hedgerows under the Hedgerow Regulations 1997 based upon their ecological importance. The northern boundary of the site was demarked by urban development and Selby College, with Selby Bypass to the south of the site. A drainage ditch running from Staynor Plantation across agricultural farmland to the east was recorded. There is no evidence to suggest that the land management on the site has changed significantly between 2002 to this present day. The ES (October 2002) did not identify the presence of any plant species or habitats protected by law, or considered rare in the UK within development area relevant to this document. Therefore whilst NYCC ecologist hasn't been actively involved in the phase, there is no reason to suggest the terms ecological conditions or terms of the outline have changed in order a different recommendation could be reached.
- 5.73 The development of phase 4, will however naturally enclose the Staynor Hall woodland to the south of the site, which is known to host a variety of species which include deer, fox, birds of prey specifically commented on in the letters of objection. The development has no direct impact on the woodland and the dwellings have been set away from the perimeter, however it will further enclose this habitat. This however is a product of the outline consent and cannot be revisited. The proposed scheme retains all of the existing boundary planting to the north and east and plan shows a new boundary buffer planting to the eastern rear boundary of Selby College. The scheme is also accompanied by a landscaping scheme, which will provide some planting within the residential plots and some boundary planting to improve biodiversity.
- 5.74 Also, as part of the Section 106 Agreement a Nature Conservation Plan was required to be submitted. This covered the need for POS and nature Areas, which are on earlier phases of the scheme, particularly measures covering the woodland. The Nature Conservation Plan obligation for phase 3 to the south has been discharged and will soon be implemented, as such the nature conservation issues have been considered by the existing Section 106 Agreement attached to the Outline Planning Permission. The Nature Conservation Plan is not a Reserved Matter as defined by condition no. 2 of the Outline Planning Permission and therefore is not being considered as part of this Reserved Matters scheme.

## Landscape Features

- 5.75 The National Planning Policy Framework states that planning policies and decisions should “contribute to and enhance the natural and local environment” by: “protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)” (paragraph 174.a); and “recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and

ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland” (paragraph 174.b).

- 5.76 Selby District Local Plan Policy ENV1(4) requires development to consider approaches on landscaping within the site and taking account of its surroundings. Policy SP19(e) requires that proposals look to incorporate new landscaping as an integral part of the scheme.
- 5.77 The outline consent agreed the principle of developing the site and phase 4 comprises of generally flat agricultural land that is divided into 2 agricultural fields. The site is enclosed to the north west by the college, to the south by the plantation and phase 3, and then to the east by a copse before the A63.
- 5.78 There are very few other internal natural landscape features within the site, apart from boundary planting to the college on its southern boundary. Residents of Abbots Road and phase 3 currently have uninterrupted views across the site. The site is also used for walking with access from Staynor Avenue and a number of unadopted routes exist on the land.
- 5.79 As part of the overall concept of the wider site new planting and other landscaping are incorporated with the key elements being as follows:
- Buffer planting 10 metres deep with native planting on the western boundary adjacent to the rear of the college.
  - Planting of public open space and amenity areas.
  - Local planting to the housing areas.
- 5.80 The Council's Landscape Officer has not been directly involved in this scheme given the outline already being agreed, and the internal planting proposed is relatively standard in its specification. The landscape plans were amended to include greater detail and more tree planting, which sees the main road running through the site being tree lined. Conditions (31-33) are already included within the outline covering tree protection and replacement planting. On this basis the proposed landscaping scheme will mitigate any harm caused by the residential use of the site and soften the transition between the existing built development and the current use of the site, in accordance with the aforementioned policies.

### Contamination

- 5.81 The outline application did not consider contamination to a concern, and no conditions were attached to the consent. The Environmental Statement that accompanies this application states; “There is no evidence that the site has been used for anything other than agriculture. The study did not identify any potentially contaminative activities that may have been located on the site. It is considered unlikely that the existing ground conditions at the development site pose a risk to human health or to the quality of controlled waters.”
- 5.82 The report goes onto say “The area of the former Selby Brick Works, close to the western boundary of the site is a site of potentially contaminated land. Although it is considered that the likelihood of the migration of landfill gases from the filled areas to the development site is low, a gas assessment should be carried out in the western part of the site. If necessary, gas control measures will be incorporated into the development to minimise any possible impacts.”



- 5.83 The outline also agreed the principle of developing this site for residential purposes and contamination is not a reserved matter. Any gas control measures will also be picked up by Building Regulations. Officers are therefore satisfied that the scheme accords with Policy ENV2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

#### Climate Change & Broadband

- 5.84 A condition is recommended for Electric Vehicle Charging points to be submitted to and approved in writing. Core Strategy Policy SP15 specifically deals with Sustainable Development and Climate Change consideration is given to key design principles and environmental requirements. In particular this policy requires that new development should deliver high standards of sustainable design. Opportunities to minimise the adverse impacts arising from pollution runs through the Core Strategy document with all development encouraged to minimise impacts on air quality. The use of electric vehicles is a key measure in reducing emissions locally and therefore the provision of infrastructure to facilitate and stimulate this change is essential. Growth in the uptake of plug in vehicles is also growing significantly and therefore it is important that developers recognise and respond to this change. In turn provision should be made within new developments to facilitate this. This doesn't have to be onerous, more the provision of an outside socket on the external wall or garage of the dwellings proposed. Such provision will make for a scheme that complies with Core Strategy Policy SP15.
- 5.85 In respect of broadband, this is now a vital component of infrastructure in today's world. It is key to growing a sustainable local economy, vital for education and home working and an increasingly central part of community cohesion and resilience, particularly in rural areas. In addition, Local Authorities are increasingly reliant on digital infrastructure to provide services and interact with their customers.
- 5.86 As key place shapers at the centre of their communities Local Planning Authorities have a pivotal role to play in encouraging developers to 'future-proof' their developments by installing high speed broadband infrastructure. The NPPF in Paragraphs 114 to 118 Supports high quality communications infrastructure. Paragraph 114 states "Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments"
- 5.87 A condition is recommended to resonate with this requesting details of measures the developer will take for to facilitate the provision of high speed broadband for the dwellings. Such works will then be required to be carried out in accordance with the approved details prior to occupation of each dwelling.

In terms of the remaining proposed planning conditions, this submission address much of the outstanding detail and where necessary the applicants will have to make a separate discharge of condition request to tie up any outstanding matters from the outline consent.

## 6 CONCLUSION

- 6.1 The application seeks reserved matters permission for the erection of 215 dwellings following outline consent granted for 1200 dwellings, employment, open space and community uses on the 6.6.2005. The site is the final phase (4), with phases 1,2 and 3 being completed. The outline consent and accompanying master plan set out the parameters for the wider development which involved a link through to Staynor Avenue. Phase 4 has always ever been the residential part of the scheme.
- 6.2 A number of issues are not for consideration within this application as they are governed by the original outline and accompanying Section 106 agreement. These include for example ecology, archaeology and affordable housing, however this is explained within the report as to how the 20% contribution is reached.
- 6.3 The proposal has seen a reduction in dwelling numbers and mitigation measures to safeguard new occupiers from any amenity concerns from the industrial developments to the north. The layout and design of the scheme has also been amended on numerous occasions to address concerns that have arisen from consultations responses, particularly highways, designing out crime officers and to lessen the impact on the adjacent woodland. There also remains strong opposition from the adjacent Selby College over the access arrangements, however NYCC Highways are consent with the submissions. The site lies within Flood Zone 3 however has previously been found to be acceptable and flood mitigation measures are included. A new drainage design will be necessary and will be dealt with through the outline conditions. The impacts on residential amenity are considered to be acceptable.
- 6.4 The Reserved Matter scheme is therefore considered to comply with the provisions of the Development Plan and those of the Core Strategy. There are no other material considerations that are considered to be of sufficient weight to warrant refusal of this reserved matters scheme. The Reserved Matters is therefore recommended for approval subject to conditions.

## 7 RECOMMENDATION

This application is recommended to be Granted subject to the expiry of the publicity on the 16.11.2021 and subject to no new issues being raised. Following the expiry of the publicity the Head of Planning/Planning Development Manger be authorised to issue the Reserved matters permission.

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

Location Plan	001	Rev A
Site Layout	100	Rev Q
Phase 3 Connection	100-Ph3	Rev A
Materials Layout	101	Rev B
Enabling Plan	103	Rev -
Landscape Layout Plot	102	Rev B
Landscape Layout POS	R-1283-15A	Rev A
Acoustic Amendments	110	Rev -
Acoustic Enhancement	110-2	Rev B
Street Scene & Section	100_WD10-1	Rev B

Sheet 1		
Street Scene & Section Sheet 2	100_WD10-2	Rev B
Barton	HB-WD10	Rev E
Barton Corner	HBC-WD10	Rev D
Belmont	WS-WD10	Rev J
Carleton	ST-WD10	Rev G
Carleton Extra Window	ST-WD10-2	Rev G
Coniston	CD-WD10	Rev H
Coniston Corner Bay	CDCB-WD10	Rev H
Derwent	HT-WD10	Rev G
Derwent Corner	HTC-WD10	Rev F
Elvington	EV-WD10	Rev -
Hornsea	RS-WD10	Rev D
Hornsea Extra Window	RS-WD10-2	Rev D
Howard	HO-WD10	Rev -
Lockwood	CA-WD10	Rev D
Lockwood Extra Window	CA-WD10-2	Rev D
Lockwood Corner	CCA-WD10	Rev C
Morden	MR-WD10	Rev T
Morden Extra Window	MR-WD10-2	Rev T
Moseley	MS-WD10	Rev AA
Stafford	SF-WD10	Rev J
Stafford Extra Window	SF-WD10-2	Rev J
Single & Double Garage	SDG-6x3-WD10	Rev –
Staynor Hall Overview -	LTP 2598 T1 01 01	Rev B
Staynor Hall Refuse Vehicle sheet 1 of 2	LTP 2598 T1 01 02	Rev B
Staynor Hall Refuse Vehicle sheet 2 of 2	LTP 2598 T1 01 03	Rev B
Staynor Hall Forward Visibility sheet 1 of 2	LTP 2598 T1 01 04	Rev B
Staynor Hall Forward Visibility sheet 2 of 2	LTP 2598 T1 01 05	Rev B
Drainage Strategy Layout Option A	P20-00552-Met-M2-C-001	V2

Reason

For the avoidance of doubt.

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  $\geq 29$  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 from external to internal in line with paragraph 5.20 of the above assessment.

Reason

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

03. The development hereby permitted shall be carried out in accordance with the following requirements:

- 1) Finished Floor Levels (FFLs) for the development in Flood Zone 3 should be set a minimum of 600mm above whichever is the greater of existing ground levels, the highest recorded flood level (if available) or the 1 in 100 modelled level (if available), plus a further 300mm of flood proofing.
- 2) Finished Floor Levels for development in Flood Zone 2 should be set a minimum of 300mm above whichever is the greater of existing ground levels, the highest recorded flood level (if available) or the 1 in 100 modelled level (if available), plus a further 300mm of flood proofing.

The applicant should also consider the use of flood resilient / flood proof construction techniques, some examples of which are detailed as follows:

- o Solid floor construction e.g. continuous concrete ground floor slab minimum of 150mm thick reinforced with mesh on lapped and topped 1200 gauge visqueen damp proof membrane (dpm).
- o Electricity supply cables to enter building from roof level and wired downwards; electric sockets to be positioned at least 600mm above floor level.
- o Flood sensitive equipment raised 600mm above floor level.
- o Tanking of external walls to 600mm above proposed ground floor level and continuous with floor dpm.
- o Anti flood valves on internal building drainage.
- o Water tight external door construction to minimum of 600mm above proposed floor level.
- o Ceramic tiles or lime based plaster should be used on the internal face of the external walls at ground floor level.
- o Water resilient ground floor coverings should be considered, such as clay tiles.
- o Waterproof seal between cladding and floor slab

Reason

This condition is imposed in order to ensure the satisfactory storage of/disposal of surface water and to reduce the impact of flooding on the proposed development and future occupants.

04. All tree planting, landscaping, seeding or turfing comprised in the approved Detailed Landscape Plan Rev B shall be carried out in the first planting seasons following the first occupation of the dwellings or the substantial completion of the development, whichever is the sooner.

Reason

In order to ensure for the preservation and planting of trees and landscaping in accordance with s.197 of the Act and in order to comply with saved Policy ENV1 of the Selby District Local Plan.

05. Before the development is first occupied or brought into use a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved.

Reason

In the interests of amenity and in order to comply with Plan Policy ENV1.

06. No development above slab level of the dwellings hereby approved shall commence until details of electric vehicle charging points for each dwelling have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved charging points shall be provided prior to occupation of each dwelling and subsequently retained for that purpose.

Reason

To encourage the use of low emission vehicles, in turn reducing CO2 emissions and energy consumption levels in accordance with Plan Policy SP15.

07. No development above slab level of the dwellings hereby approved shall take place until details of measures to facilitate the provision of high speed broadband for the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to occupation of each dwelling.

Reason

In the interests of providing a sustainable form of development and economic growth and in order to ensure compliance with paragraph 112 of the National Planning Policy Framework and Plan Policy SP12.

08. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority.

The development must only be carried out in compliance with the approved engineering drawings.

Reason:

To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.

09. No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation. The completion of all road works, including any phasing,

must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

Reason:

To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

10. The development must not be brought into use until the access to the site at Staynor Avenue has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:

The access must be formed broadly in accordance with: Proposed Residential and College Access, Staynor Avenue – Option 3, Dwg. No. LTP/2598/T1/03.01 Revision E and that part of the access road extending 30 metres into the site must be constructed in accordance with Staynor Hall, Phase 4, Selby, Site Layout, drawing number 100 Rev Q.

All works must accord with the approved details.

Reason:

To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

11. No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

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

- agreed targets to promote sustainable travel and reduce vehicle trips and emissions within specified timescales and a programme for delivery;
- a programme for the delivery of any proposed physical works;
- effective measures for the on-going monitoring and review of the travel plan;
- a commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development, and;
- effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers of the development.

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

Reason:

To establish measures to encourage more sustainable non-car modes of transport.

13. No development for any phase of the development must commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. details of construction access to the site;
2. restriction on the use of the Staynor Avenue access for construction purposes during 'drop off and pick up times' of students at the start and end of the Selby College working day;
3. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
4. the parking of contractors' site operatives and visitor's vehicles;
5. areas for storage of plant and materials used in constructing the development clear of the highway;
6. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
7. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
8. protection of carriageway and footway users at all times during demolition and construction;
9. protection of contractors working adjacent to the highway;
10. details of site working hours;
11. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
12. means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
13. measures to control and monitor construction noise;
14. an undertaking that there must be no burning of materials on site at any time during construction;
15. removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
16. details of the measures to be taken for the protection of trees;
17. details of external lighting equipment;
18. a detailed method statement and programme for the building works; and
19. 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

## 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 2015/0452/EIA and associated documents.

**Contact Officer:** Gareth Stent (Principal Planning Officer)

Appendices: None

## **Appendix 2 - Officer Update Note 10th November 2021**

The following update was presented to Members at committee:

### **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 letter 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 space<sup>1</sup>”. 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”<sup>2</sup>.

### 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  $\geq 29$  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.