

**Officer Update Note
Planning Committee 20 March 2019**

Item 6.1

APPLICATION NUMBER:	2017/0219/FUL	PARISH:	Cawood Parish Council
APPLICANT:	Mr Jon Sheard	VALID DATE: EXPIRY DATE:	29th September 2017 24th November 2017
PROPOSAL:	Proposed conversion of existing residential ancillary building to separate dwelling		
LOCATION:	New House Wistowgate Cawood Selby North Yorkshire YO8 3SL		
RECOMMENDATION:	APPROVE		

- Since the Officers Report was written the applicant has provided additional information on the application. This is summarised as follows:
 - The applicant does not consider that a site visit has been under taken.
 - Four photos have been provided showing the internal use of the building. Two photos which were taken on 12th March 2019 and two photos have been taken from Rightmove dated approximately 2016. The applicant considers these images to show the use of the building as residential.
 - The applicant considers that the report should be amended at paragraph 1.4 to state that *“A site visit has not been carried out and evidence has been provided to confirm the building in question is currently being used for residential purposes.”*

In considering the additional information, it should be noted that a site visit was carried out for this application in October 2017. However, the case officer has carried out a further site visit on Monday 18th March 2019. In considering all of the above it is not considered that this would alter the assessment of the application as a rural building.

**Officer Update Note
Planning Committee 20 March 2019**

Item 6.3

APPLICATION NUMBER:	2018/0818/EIA	PARISH:	South Milford Parish Council
APPLICANT:	Harworth Group PLC	VALID DATE: EXPIRY DATE:	17 July 2018 2018 16 October 2018 Extension of time agreed through a PPA
PROPOSAL:	Outline planning application with all matters (scale, appearance and layout) except access and landscaping reserved for the demolition of existing colliery buildings and construction of up to 186,000 sq m (approx. 2,000,000 sq ft) of Class B2/B8 and associated Class B1 floor space with supporting container storage area and associated buildings, trackside facilities, access and landscaping.		
LOCATION:	Gascoigne Rail Freight Interchange Former Gascoigne Wood Mine New Lennerton Lane, Sherburn in Elmet		

Consultation Responses and Updates

A hard copy of the **Highway Authority** note 'Consideration of the cumulative impact of applications...' that has previously been circulated to members of Committee is *attached* to this update note. The Authority has confirmed that this version is the final document and Committee will see at para 5 that the Highway Authority is of the opinion that a refusal on highway grounds given by Committee cannot be sustained.

The further comments from the **County Landscape Officer** reported at 2.14 have been the subject of further discussions with the applicants. The further negotiated changes can be explained to Committee but now that these have been achieved, the Officer has confirmed that there are now no outstanding objections.

In respect of the previous representations from **Sherburn Aero Club** (paras 4.44 to 4.55 of Appendix 2), a joint statement has been agreed between the applicants and the Club and this is *attached* to this update note. It is anticipated that this withdraws the Club's objection, subject to the conclusion of the obligation whose Heads of Terms have been agreed between those parties, but the Club it is understood is registered to address Committee

**Consideration of the cumulative impact of applications
On the surrounding highway network
of Applications:**

2018/0818/EIA	Development at Gascoigne Rail Freight Interchange (RFI)
2018/0673/OUTM	Create Yorkshire development at former RAF Church Fenton site

Introduction

1. Given the concerns of Selby District Council (SDC) Members on the cumulative impact of development on the highway network in the Sherburn area, North Yorkshire County Council (NYCC) as local highway authority (LHA) have prepared the following note to inform and advise members.
2. Formal local highway authority (LHA) recommendations have been issued for both sites. In each case the LHA has issued a positive recommendation indicating the conditions and clauses for a S106 Agreement that should be attached to any permission granted.
3. In the minutes of the Planning Committee dated 5th December 2018 Members resolved in relation to application 2018/0818/EIA *“That consideration of the application be DEFERRED, with Members minded to refuse the application for the following reasons”*.
4. The reasons listed included *“The cumulative impact of housing and development on the highways network, including the numbers of potential employees for Sherburn 2 and any potential development at Gascoigne Wood from outside of the District, would cause further pressure on the surrounding roads.*
5. It is the opinion of the LHA that a refusal on such grounds cannot be sustained.

National Guidance on Transport Assessments

6. In assessing the impact of developments on the highway network to inform the LHA's formal recommendation the LHA is guided by the advice contained in NPPF (2019) and particularly Paragraph 109 which states *"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."*
7. Further advice on Transport Assessments in NPPG indicates *"It is important to give appropriate consideration to the cumulative impacts arising from other committed development (i.e. development that is consented or allocated where there is a reasonable degree of certainty will proceed within the next 3 years). At the decision-taking stage this may require the developer to carry out an assessment of the impact of those adopted Local Plan allocations which have the potential to impact on the same sections of transport network as well as other relevant local sites benefitting from as yet unimplemented planning approval."*

Submitted Transport Assessments

8. The Transport Assessments submitted in support of the applications have considered the impact of the traffic generated by each of the developments on the highway network.
9. In each case the 'without development' flows on the highway network have been determined by taking the recorded traffic flows to which have been added basic traffic growth and the traffic generated by committed developments. Traffic generated by the development has then been added to these base flows to give the 'with development scenario'.
10. The capacity of key junctions on the highway network has then been assessed using standard junction analysis programs in the 'with' and 'without' development situations; this is expressed as a percentage of the overall theoretical capacity of the junction. Given the level of recent developments there are locations within North Yorkshire where this 'without development' analysis will show junctions are performing beyond their theoretical capacity.
11. The difference in capacity at the junction between the 'with' and 'without' development situations provides the 'residual cumulative impact'. Should this exceed the theoretical capacity the developer will be expected to propose and deliver mitigation to bring the junction back within capacity. In situations where the 'without development' analysis show a junction is already performing beyond its theoretical capacity the mitigation provided by the development is

only required to return the junction to the 'without development' situation. There is no ability to require development to address existing junction capacity issues.

12. This approach, which is in accordance with government guidance, has resulted in neither of the two applications under consideration having to consider the other site in their Transport Assessment (since they are neither allocations nor commitments).

The additional Create Yorkshire Report

13. Following the concerns raised by the Planning Committee in assessing the Gascoigne RFI application (2018/0818/EIA) the applicants for the Create Yorkshire application have undertaken additional junction analyses to consider the impact of applications which are not yet committed including the Gascoigne RFI application. This work is contained in their Transport Note, dated 21 February 2019 (TN19-02-21).

14. TN19-02-21 considers three scenarios for the Create Yorkshire site:-

Scenario 1	2023 Design Year + Committed Development + Identified Additional Sites.
Scenario 2	2023 Design Year + Committed Development + Identified Additional Sites + Phase 1 & 2 'Create Yorkshire' Generated Traffic.
Scenario 3	2023 Design Year + Committed Development + Identified Additional Sites + Phase 1 & 2 'Create Yorkshire' Generated Traffic + Gascoigne RFI Generated Traffic.

Table 1

15. The 'identified additional sites' were provided following agreement of the sites by SDC planning officers & the LHA. The full list of sites taken into account in Scenario 1 is:

	Committed Sites	Identified Additional Sites
Church Fenton	Former RAF Base, Busk Lane (2016/1382/FUL)	West End Farm (2016/0403/OUT) Church Street (2015/0615/OUT)
Ulleskelf	Proposed Residential Development, Church Fenton Lane, Ulleskelf (2016/0926/FUL)	

Sherburn in Elmet	Proving Ground (2018/0697/OUT) Pinfold Garth (2016/1256/OUTM) Springfield Road (Sherburn-in-Elmet 2016/1409/OUTM) Factory Extension CHP Unit (2016/1456/EIA)	Low Street – Persimmon (2012/0400/EIA) 1 Hurricane Way South (2016/0113/COU) British Gypsum Fenton Lane (2017/0554/FUL) Lincoln Way (2017/0505/FUL and 2017/0404/FUL)
Thorpe Willoughby		Leeds Road (East) (2014/1028/OUT)
Selby		Hempbridge Farm and land at Flaxley Road (2015/0341/OUT)
Hambleton		Main Road (2015/0105/OUT)

Table 2

16. The results of the analyses of the chosen junctions in the three scenarios are:

Junction	Scenario 1	Scenario 2 Scenario 1 + Create Yorkshire Site	Scenario 3 Scenario 2 + Gascoigne Wood
B1222/Fenton Lane roundabout	Maximum RFC= 0.63	Maximum RFC= 0.70	Maximum RFC= 0.85
A162/B1222 roundabout	Maximum RFC= 0.87	Maximum RFC= 0.97	Maximum RFC= 1.16
Main Street/Station Road/Fenton Lane mini-roundabout	Maximum RFC= 0.20	Maximum RFC= 0.39	Maximum RFC= 0.39
A162/B1223 Raw Lane priority junction	Maximum RFC= 0.81	Maximum RFC= 0.88	Maximum RFC= 0.88
Busk Lane/Bracken Hill priority junction	Maximum RFC= 0.10	Maximum RFC= 0.25	Maximum RFC= 0.25
Boggart Lane/Church Fenton	Maximum RFC= 0.20	Maximum RFC= 0.21	Maximum RFC= 0.21

Lane/Busk Lane priority junction			
A63/A162 roundabout existing layout	Maximum RFC= 0.95	Maximum RFC= 1.05	Maximum RFC= 1.36
A63/A162 roundabout with improvement scheme	Maximum RFC= 0.81	Maximum RFC= 0.94	Maximum RFC= 1.22

Table 3

17. Table 3 shows that all junctions, except the A63/A162 roundabout, and the A162/B1222 roundabout perform within their theoretical capacity (RFC = Ratio of Flow to Capacity, a value of less than 1.00 means the junction still has capacity) in Scenario 3. That is, all junctions except the A63/A162 roundabout and A162/B1222 roundabout are capable of accommodating existing traffic with natural growth in 2023 plus all the sites listed above plus the Create Yorkshire site and the Gascoigne RFI site.
18. It is thus clear that mitigation at the A63/ A162 roundabout is consequent upon both developments.
19. Table 3 also shows that the A162/ B1222 roundabout performs just within its theoretical capacity when only the Create Yorkshire application generated traffic is added to the Scenario 1 'without development' flows. However when both the Create Yorkshire and Gascoigne RFI sites are added to the 'without development' flows the junction is seen to be over capacity and thus requiring mitigation.

Delivering the required Mitigation at the A162/ B1222 Roundabout

20. It could thus be assumed that it is the joint impact of the two sites that is requiring mitigation to be provided at the A162/ B1222. However the TA for the Gascoigne RFI ,site which does not consider any impact from the Create Yorkshire site, indicates that when only the traffic generated by Gascoigne RFI site is added to the 'without development scenario' the junction is shown to operate above its theoretical capacity.
21. It is thus reasonable that the provision of highway improvements to mitigate the impact of development at the A162/ B1222 roundabout should fall to the Gascoigne RFI site and this is a part of the previously recommended conditions. The impact of Create Yorkshire requires additional clarity which is the intention of Sherburn Wider Transport Study.

Delivering the required Mitigation at the A63/ A162 Junction

22. The impact of the developments at the A63/ A162 is such that both sites in isolation would be required to provide highway improvements to mitigate their impact and that with the cumulative impact of both sites, committed sites and the identified sites additional improvement works are required.
23. The Create Yorkshire TN19-02-21 proposes a mechanism to deliver the full mitigation for both sites at this A63/ A162 roundabout based on the percentage of traffic each site generates to pass through the junction. This is considered to be a reasonable mechanism to fairly apportion the delivery of the development which could be secured through a Section 106 Agreement.
24. However it should also be noted other existing permissions already require the delivery of some mitigation at this roundabout.
25. The delivery of this committed mitigation will only provide a short term fix to the overall capacity of the roundabout. It is considered preferable to provide the overarching mitigation identified in the TN19-02-21 report.

Wider Sherburn Transport Study

26. The 'Better Together' led wider Sherburn transport study is to consider the wider impact of development in the Sherburn area on the highway network taking into account not only identified planning application sites but also those sites which Economic Development colleagues regard as key to economic growth in the area. This study will yet again consider the need for mitigation at the junctions identified above particularly the key A63/ A162 and A162/ B1222 junctions.
27. It is anticipated that the Study will identify additional highway improvements at these junctions to mitigate the impact of the overall development aspirations and also to address existing capacity issues and bring the junction operation back below 85% of its theoretical capacity.
28. The timescales for the Study are such that the results will not be available to inform Members in making their decisions on the applications under consideration.
29. This could result in highway improvements to deliver necessary mitigation being delivered on more than one occasion with the consequent disruption to road users; this is not desirable. It is thus appropriate to consider viable delivery mechanisms for the wider mitigation thus minimising the overall

disruption to road users caused by traffic management associated with successive road works.

Proposed solution

30. Identify if there is a level of development which can be delivered at both sites without the need for highway improvements to be delivered at the A63/ A162 roundabout. This matter could be secured in a Section 106 Agreement. This would allow some initial development at each site in advance of the conclusions of the Wider Sherburn Transport Study.
31. Identify the cost of delivering the identified comprehensive highway works to mitigate any cumulative impacts of the Gascoigne RFI and Create Yorkshire sites plus all committed sites and those other identified sites in Scenario 3 of TN19-02-21. Apportion the cost of these works between the sites required to provide mitigation at each junction. Secure contributions for the value of these works through Section 106 Agreements.
32. Establish the highway works needed to deliver the Wider Sherburn Transport Study growth and cost these works.
33. Delay delivery of the mitigation identified in para 31 whilst endeavours are made to secure external match funding to deliver the wider highway improvements identified by the Wider Sherburn Transport Study. This may result in some short term network stress, if delivery of mitigation is delayed by a short period, which will be outweighed by the benefits of delivering an overarching scheme which provides additional capacity at the junctions whilst reducing cumulative disruption caused by traffic management for successive individual improvements delivered in isolation.
34. Should match funding not be forthcoming then it will be necessary to deliver the previously agreed highway improvements, again this can be secured by Section 106 Agreements.

Proposal

35. It is thus proposed that that any permission granted secures through Section 106 Agreements:
 - Delivery of an initial phase of development on the Create Yorkshire and Gascoigne RFI sites without highway improvements at the A63/ A162 and A162/ B1222 roundabouts

- Identified contribution in lieu of delivery of cumulative mitigation for the Create Yorkshire and Gascoigne sites at the A63/ A162 and A162/ B1222 roundabouts
- Date at which the decision to make the identified financial contribution or require works to be delivered is established to follow the delivery of the Wider Sherburn Transport Study and conclusion of endeavours to secure external funding to deliver a wider improvement scheme.

Conclusions

36. The LHA considers that the residual cumulative impact of both the Create Yorkshire and Gascoigne RFI developments is not severe and thus has issued positive recommendations for both sites to the local planning authority including recommended conditions and matters to be secured by Section 106 Agreements to be attached to any permission(s) should Members be minded to grant and refer the applications to the Minister.
37. Mechanisms can be identified to enable development to commence in advance of the Wider Sherburn Transport Study being concluded and to facilitate the delivery of comprehensive and wider, long term mitigation without the disruption associated with numerous individual highway improvement schemes.

Pam Johnson
February 2019

Gascoigne Wood, Application Reference 2018/0818/EIA

Joint Position Statement between Harworth Group Plc and Sherburn Aeroclub

This Position Statement sets out the agreed position between Harworth Group Plc and Sherburn Aeroclub.

A 'Flight Path Area' has been agreed between Harworth Group Plc and Sherburn Aeroclub, which is shown on Plan 11921-115 attached to this Statement.

It is agreed that any development within the defined 'Flight Path Area' will trigger defined mitigation. The requirements for mitigation (where defined development is triggered) will be formalised within a section 106 agreement. Harworth Group Plc agree to the below being included within the section 106 agreement should the outline planning application be determined favourably at planning committee.

Whilst the wording within the section 106 agreement will need to be legally drafted, the following heads of terms are agreed:

1. The applicants agree that there will be no development in the defined Flight Path Area as shown on Plan 11921-115 and until:
 - (i) Such development has been specifically approved as part of any reserved matters approval; and
 - (ii) A specification of mitigation including the timescale for implementation has been agreed with the Local Planning Authority.
2. The parties will engage in pre-application consultation prior to the submission of any proposals for development in the Flight Path Area and the specification of mitigation with the parties acting reasonably through the consideration of any subsequent full or reserved matters application(s) relating to development in the Flight Path Area.

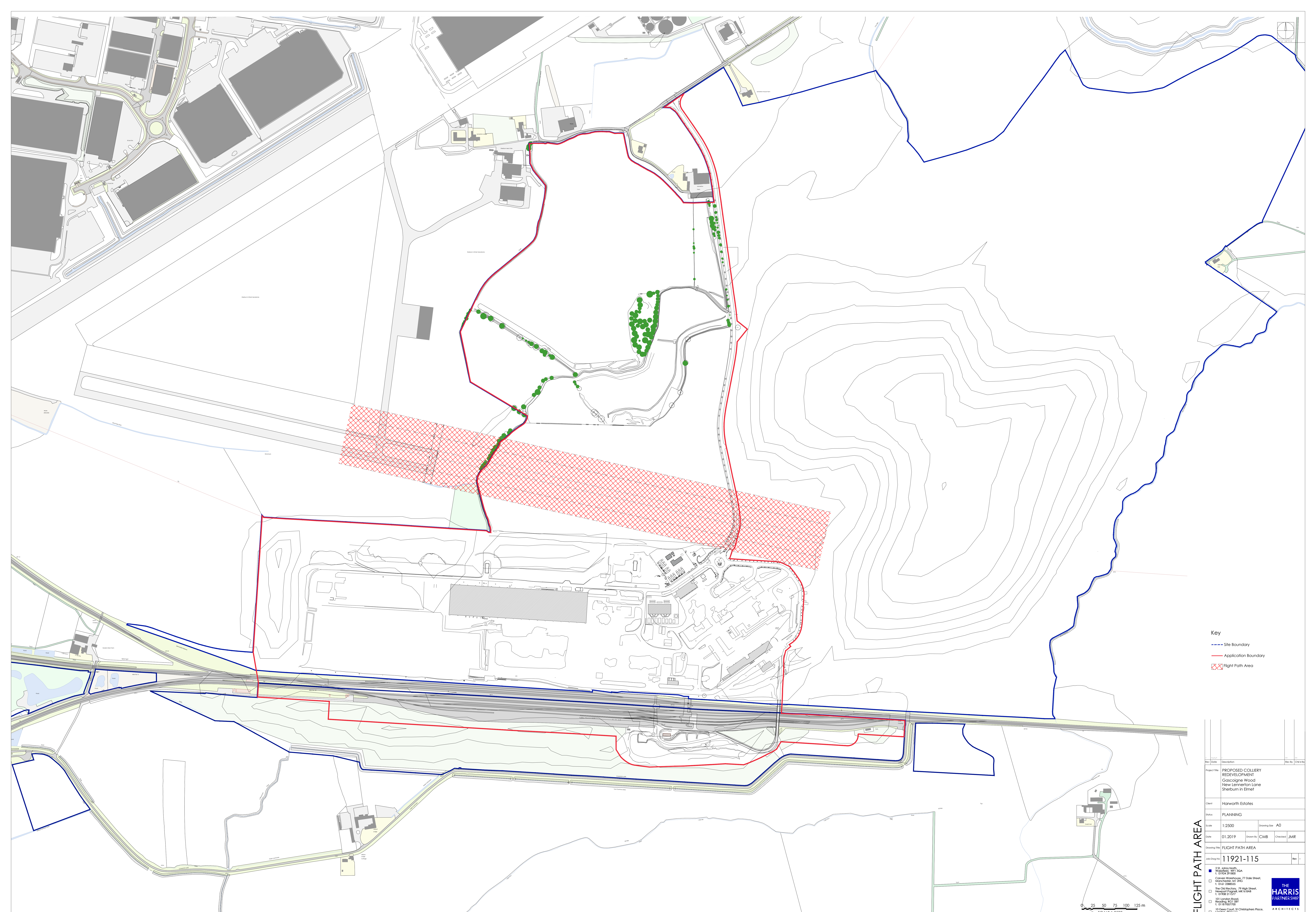
The following definitions will then be included:

"Development" – The construction of buildings or any new infrastructure;

"Flight Path Area" – Direct flight path and run-off area from runways 10/28 and 10G/28G, as shown on drawing number 11921-115;

"Mitigation" – Upgrade to replace existing grass runway 06/24 to a hard runway meeting a specification equal to if not better than the existing hard runway 28/10 to include taxiways and lighting. The specifications for the 06/24 hard runway to meet the operational requirements of Sherburn Aero Club and compliant with CAA standards. This would give the Aeroclub more options to ensure safe passage of aircraft and people by reducing risk through increased options being available. This to be agreed with Sherburn Aeroclub and Selby District Council.

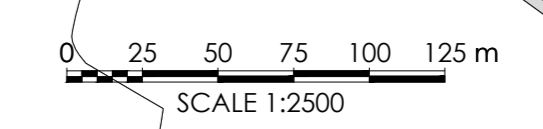
On the basis of this position, it is agreed that the Aeroclub no-longer object to the planning application.



- Key**
- Site Boundary
 - Application Boundary
 - ▣ Flight Path Area

Rev	Date	Description	Rev	Date	Description
Project Title		PROPOSED COLLIERY REDEVELOPMENT Gascoigne Wood New Lennerton Lane Sherburn in Elmet			
Client		Harworth Estates			
Status		PLANNING			
Scale		1:2500		Drawing Size A0	
Date		01.2019		Drawn by CMB Checked JMR	
Drawing Title		FLIGHT PATH AREA			
Job/Proj No.		11921-115			
3rd Party Reference		<ul style="list-style-type: none"> 330 James South, Wakefield WF1 3QA ☐ 01924 25100 Conveyance, 77 Duke Street, Manchester M1 2DG ☐ 0161 2386555 The Old Rectory, 79 High Street, Ripponden, Bradford WF16 6AB ☐ 01924 21577 101 London Road, Bradford BD1 1AP ☐ 0114 2627700 100 Great Court St, Christopher Place, London, W1G 1LJ ☐ 0207 489 814 			

FLIGHT PATH AREA



**Officer Update Note
Planning Committee 20 March 2019**

Item 6.4

APPLICATION NUMBER:	2018/0898/EIA	PARISH:	Sherburn In Elmet Parish Council
APPLICANT:	Kingspan Insulation Ltd	VALID DATE: EXPIRY DATE:	24th August 2018 23rd November 2018
PROPOSAL:	Section 73 application to vary condition 02 of approval 2016/1456/EIA Proposed Installation of a Refused Derived Fuel (RDF) fired Combined Heat and Power (CHP) plant with 8000m2 Factory Extension and Associated Infrastructure		
LOCATION:	Kingspan Insulation Ltd Enterprise Way Sherburn In Elmet North Yorkshire LS25 6NE		
RECOMMENDATION:	APPROVE		

Amendment to wording of the recommendation

That Authority to approve the application be delegated to the Development Manager subject to the expiry of the advertisement on 30 March 2019 and subject to no new issues arising from the expiry of the advertisement and subject to the following conditions;

**Officer Update Note
Planning Committee – 20th March 2019**

Item 6.5

APPLICATION NUMBER:	2018/1108/FUL	PARISH:	Riccall Parish Council
APPLICANT:	Mrs C Northern	VALID DATE: EXPIRY DATE:	5th October 2018 30th November 2018
PROPOSAL:	Proposed erection of amenity block following demolition of existing stables		
LOCATION:	Land To Rear Of The Lodge 23 Selby Road Riccall York North Yorkshire		
RECOMMENDATION:	APPROVAL		

Following completion of the Officer's Report, an amended red line boundary was submitted by the applicant, alongside additional information to clarify that the applicant owned the land and the correct ownership certificate had been submitted. Following receipt of the amended red line boundary, the neighbours were re-consulted.

On the morning of Committee (20/03/2019) an objection was received which disputed the land ownership. The objection included land registry evidence to show that the amended red line boundary was incorrect. Subsequently, officers carried out a land registry search which also raised doubt regarding the amended red line boundary.

Discussions were undertaken with the applicant's agent resulting in a further amendment to the red line which accords with the evidence submitted by the objector and is included in the officer presentation. The amended red line boundary has been reduced slightly and is not considered to be a significant change.

In considering all of the above it is not considered that this alters the assessment of the application.