

North Yorkshire Council

Community Development Services

Selby Ainsty Area Constituency Committee

14 June 2023

**2023/0138/OUTM – OUTLINE PLANNING APPLICATION WITH ALL MATTERS
RESERVED EXCEPT FOR MEANS OF ACCESS FOR STORAGE/DISTRIBUTION USE
(CLASS B8) WITH HGV PARKING AND ANCILLARY USES INCLUDING VEHICLE
SERVICING WORKSHOP**

Report of the Assistant Director - Planning – Community Development Services

1.0 Purpose of the Report

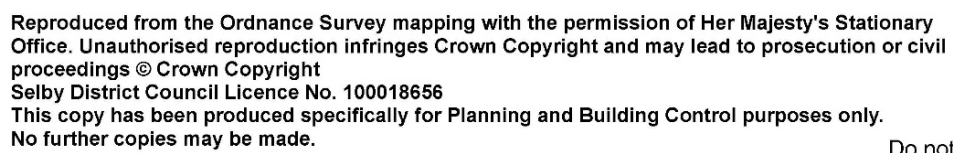
- 1.1 To determine an outline planning application including access, with all other matters reserved for a storage and distribution use (Class B8) with HGV parking and ancillary uses including vehicle servicing workshop at land adjacent to the A19 roundabout, Selby Bypass, Selby.
- 1.2 This application is reported to Committee because the Head of Planning considers this application to raise significant planning issues such that it is in the public interest for the application to be considered by Committee.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be REFUSED for the reasons stated below in Section 12.

- 2.1. This is an application for outline planning permission for a B8 storage and distribution centre, with HGV parking and ancillary uses, including a vehicle servicing workshop. Means of access from the A63 bypass is being sought, with all other matters being reserved i.e. siting, appearance and landscaping. The site layout plan shows the main access from the bypass, leading to a centrally positioned warehouse building and office measuring 50,000 sq ft, with 109 HGV spaces to the east and a 5951 sq ft workshop. The north-east of the site shows a staff car park. The western part of the site is left undeveloped and landscaping is shown, albeit its outside the boundary of the site on the southern boundary. The site is 5.17 hectares (ha) in area and rectangular in shape. It is within the countryside to the south of the development limit of Designated Service Village of Brayton. The site is relatively flat and is an undeveloped agricultural field, with established landscaping to the west and north-west where the site meets the A19 and the roundabout on the A63. The site lies immediately north of the Selby canal, which has a particularly open aspect and is a popular recreation route. A drain lined by trees runs through the north-east corner of the site, through the proposed access road. The site is highly visible from the A63 travelling west due to the elevated nature of the road as the A63 passes over the canal.

- 2.2. The proposal is unacceptable in principle because it amounts to substantial storage and warehouse use in the countryside that is contrary to the spatial development strategy of the development plan and is not development of an appropriate scale, which would contribute toward and improve the local economy or enhance and maintain the vitality of the rural community. The proposal is considered contrary to Policies SP2 and SP13 of the Core Strategy and EMP 2 of the Local Plan.
- 2.3. The proposal would also result in the unnecessary loss of agricultural land. Furthermore, the proposal does not address potential mineral impacts contrary to the Minerals and Waste Joint Plan. The proposal would have a harmful impact on landscape character and visual amenity on account of its scale, lack of established landscaping and views from the A63 and public footpath routes to the south. Therefore, the proposal is contrary to Selby District Local Plan Policy ENV1(4), and Core Strategy Policies SP13 and SP18 and NPPF paragraph 174.
- 2.4. The Flood Risk Assessment submitted with the application is deficient and no sequential test was submitted. This is contrary to Section 14 of the NPPF and Core Strategy SP15. The proposal does not adequately demonstrate that the highway has capacity in this location and safety implications are acceptable or that the site is sustainable. The application is therefore contrary to Selby District Local Plan Policies ENV1 and Policy T1, and section 9 of the NPPF. The proposal does not include a Noise Impact Assessment or Air Quality Assessment and therefore does not demonstrate that the noise arising from the operational use wouldn't have a negative impact on local residential amenity or that air pollution would be to acceptable levels. The application is therefore contrary to Local Plan Policy ENV 2 and section 15 of the NPPF.
- 2.5. The proposal lies adjacent to a Grade II listed Brayton Tunnel. The erection of a large workshop and HGV parking and loss of unspoilt countryside will have a detrimental impact upon the setting of the listed building. This alteration to the setting will result in harm to the significance of the designated heritage asset. The development would not conserve (as required by paragraph 200 of the NPPF) and the harm is not outweighed by public benefit (as required by paragraph 202 of the NPPF). The application is therefore contrary to SP18 which seeks to safeguard the historic environment. Finally with the absence of a geophysical survey as highlighted in the Archaeological Desk Based assessment, the archaeological potential of the site cannot be fully established. The application is therefore contrary to Local Plan Policy ENV 28, Core Strategy Policy SP18 and Section 16 of the National Planning Policy Framework.



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3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found here:- [2023/0138/OUTM | Outline planning application with all matters reserved except for means of access for storage/distribution use \(Class B8\) with HGV parking and ancillary uses including vehicle servicing workshop | Land Adjacent To A19 Roundabout Selby Bypass Selby North Yorkshire](#)
- 3.2. The application was not the subject of any pre application discussions, and no amendments to the scheme were encouraged or submitted on account of the site being unacceptable in principle.
- 3.3. There is no relevant planning history as the site has never been developed.

4.0 Site and Surroundings

- 4.1. The application site is located on land to the south side of the A63 bypass, on the corner of the roundabout on the A19/A63 south of Brayton.
- 4.2. Brayton is a designated service village as identified by the settlement hierarchy of the Selby District Core Strategy. Brayton is therefore regarded as being sustainably located with good access to the employment and services within Selby. Furthermore, growth in this settlement is considered will complement the focus on Selby in the spatial development strategy. This site is however outside the development limits and within an undeveloped field in the open countryside.
- 4.3. The application site is currently in arable agricultural use and is therefore a greenfield site measuring circa 5.17ha. The site is relatively flat and level and has a drainage ditch running through the site that is tree lined. An overhead power lines also runs through site.
- 4.4. The site is bound to the north by the A63 Selby bypass and to the west by A19 Doncaster Road. To the immediate south of the site is a small car park and footpath beyond which is Selby Canal and a series of agricultural fields. To the east of the site is agricultural land.
- 4.5. The site is accessed from the bypass by a metal gate located on the northern boundary off the A63. This access is proposing to be moved to the east. The site lies within Flood Zone 3 albeit protected by existing flood defences as is the majority of Selby Town.
- 4.6. The site is screened on its north western boundary by landscaping within the highway verge, which continues throughout the western boundary where it meets the A19. To the south is the Selby Canal, which has a tow path and small car park. This is a popular pedestrian route with clear views into the site. The application site sits to the north of the canal, however the blue line indicates the land is controlled by the applicant and where a proposed landscape buffer is shown. To the east are agricultural fields which stops where the canal meets the A63 overpass. This

elevated part of the A63 provides the clearest views into the site when travelling west along the bypass.

5.0 Description of Proposal

- 5.1 This is an application for outline planning permission for a B8 storage and distribution centre, with HGV parking and ancillary uses including a vehicle servicing workshop. Means of access from the A63 bypass is being sought, with all other matters being reserved i.e. siting, appearance and landscaping.
- 5.2 The illustrative site layout plan shows a new main access from the bypass, leading to a centrally positioned warehouse building and office measuring 50,000 sq ft, with 109 HGV spaces to the east and a 5951 sq ft workshop. The north east of the site shows a staff car park. The site plan shows 3 attenuation ponds and landscaping. The western part of the site is left undeveloped and landscaping is shown outside the site on the southern boundary. The site is 5.17 hectares (ha) in area and rectangular in shape. The design and access statement infers this is phase 1, meaning the land left undeveloped and within the red may be applied for in the future.
- 5.3 The site plan with the exception of the access must be regarded as illustrative only, as the siting of the buildings and car parking is not being sought. Whilst scale is a reserved matter, the design and access statement envisages a 15-20m grey clad warehouse building, with glazed office pod on the frontage, surrounded by car parking.
- 5.4 The applicants are Campeys of Selby, who are an established local haulage business that runs a fleet of 110 trucks, 200 trailers and employing 145 staff. The company have outgrown their existing headquarters at Thorpe Willoughby and are looking to consolidate their other smaller sub depots at Weeland Road Eggborough, Dennison Road Selby and Boothferry Road Howden into one purpose built, low carbon facility as they move towards an all-electric fleet.
- 5.5 The Design and Access statement explains that Campeys business has grown considerably over the last 4 years and that a site close to Selby needs to be found, as approximately 80% of all Campey business comes from within an 8 mile radius of Selby Town.
- 5.6 The submission consists of :

Plans

- Location Plan – Drawing Ref: 14646-DB3-BO1-00-DR-A-90001-Location Plan – DB3 Architecture and Design
- Proposed Site Plan – Drawing Ref: 14646-DB3-BO1-00-DR-A-90003 Rev E – DB3 Architecture and Design
- Constraints Plan – Drawing Ref: 14646-DB3-BO1-ZZ-DR-A-90006 – DB3 Architecture and Design
- Landscape Strategy Plan – Drawing Ref: P21234-00-001-GIL-0100 Rev 05
- 2D Topographical Survey – Drawing Ref: 1216-157_2D_Rev A (A0-1) – MT Surveys

- 2D Topographical Survey – Drawing Ref: 1216-157_2D_Rev A (A0-2) – MT Surveys

Supporting documents

- Planning Statement by Johnson Mowat (3.2.23)
- Design and Access Statement January 2023 – Campeys of Selby ‘Plan for the Future’ Rev C – DB3 Architecture and Design
- Transport Assessment – February 2023 – Optima Highways
- Travel Plan – February 2023 – Optima Highways
- Archaeological and Heritage Desk Based Assessment 24th January 2023 Version B – MAP Archaeological Practice Ltd
- Flood Risk Assessment 3rd February 2023 – Eastwood Consulting Engineers
- Ecological Impact Assessment (EclA) including Biodiversity Net Gain Calculations using Metric 3.1 SLR Ref: 424.064628.00001 Version 2 February 2023 – SLR Consulting
- Biodiversity Metric 3.1 Calculation Excel Spreadsheet – SLR Consulting
- Preliminary Geo-environmental Appraisal – Report No. 4537/1A January 2023 – Lithos consulting

6.0 Planning Policy and Guidance

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:
- Selby District Core Strategy Local Plan (adopted 22nd October 2013)
 - 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
 - Minerals and Waste Joint Plan (adopted 16 February 2022)

Emerging Development Plan – Material Consideration

- 6.3. The Emerging Development Plan for this site is:
- Selby District Council Local Plan publication version 2022 (Reg 19)

On 17 September 2019, Selby District Council agreed to prepare a new Local Plan. Consultation on issues and options took place early in 2020 and further consultation took place on preferred options and additional sites in 2021. The Pre-submission Publication Local Plan (under Regulation 19 of the Town and Country Planning (Local Development) (England) Regulations 2012, as amended), including supporting documents, associated evidence base and background papers, was subject to formal consultation that ended on 28th October 2022. The responses have been considered and the next stage involves the submission of the plan to the Secretary of State for Examination.

In accordance with paragraph 48 of the NPPF, given the stage of preparation following the consultation process and depending on the extent of unresolved objections to policies and their degree of consistency with the policies in the NPPF, the policies contained within the emerging Local Plan can be given weight as a material consideration in decision making.

The site forms part of 2 sites that were put forward in the call for sites and both rejected in the emerging local plan.

BRAY-AA BRATON 024 8.96 Ha

BRAY-AC BRATON 026 6.16 Ha

The Local Plans team in the site assessment methodology rejected these as the evidence from the Housing and Economic Development Needs Assessment suggests that there is a sufficient supply of employment land in the District for the Local Plan period. Apart from a few key opportunities for the redevelopment of strategic brownfield sites with unique rail infrastructure, the Local Plan is not seeking to allocate any additional sites for employment purposes.

The applicant suggests the reasons for rejection were as follows: Proposals not acceptable in principle due to location within open countryside - contrary to Core Strategy Policy SP2Ac and Policy SP13.

- Land south of the A63 was already rejected in the Preferred Options Document (BRAY-AA) due to its remoteness from the settlement.
- Objections to the creation of a new access on to the A63 due to this being a relatively fast section of the A63 and the purpose of this route being a bypass not allowing new accesses.
- No objection to the creation of new access onto the A19. Concerns in relation to use of access and level of vehicle movements and impact on the highway, character and appearance of the area and residential amenity of the occupiers of the surrounding dwellings.

Guidance - Material Considerations

6.3. Relevant guidance for this application is:

- National Planning Policy Framework 2021
- National Planning Practice Guidance
- National Design Guide 2021

7.0 Consultation Responses

7.1. The following consultation responses have been received and have been summarised below.

7.2. **Brayton Parish Council** - Object to this application.

The Parish Council believe it is out of keeping in this rural area and also a terrible addition to the 'gateway' of Brayton. The traffic will cause issues and will be an

eyesore, there is a worry of pollution and the overdevelopment of the site. It is next to the canal footpath, where this is supposed to be an area to 'improve health, wellbeing and happiness' (from the Canal and River Trust website) and will totally spoil this area.

7.3. **Conservation Officer** – Objection.

The applicants are correct in their assessment, the setting of this asset is open fields and although there is the A63 to the north, there are very few structures in the immediate area. The erection of a large workshop and loss of soft landscape/countryside will have a detrimental impact upon the setting of the listed building. This alteration to the setting will result in harm to the significance of the designated heritage asset. The development would not conserve (as required by paragraph 200 of the NPPF) and the harm is not outweighed by public benefit (as required by paragraph 202 of the NPPF).

7.4. **Canal and River Trust** – The Trust own and manage the Selby Canal located to the south of the site. The current surroundings of the canal are characterised by open countryside and fields to the north, which complement the rural character and appearance of this section of the canal. The indicative plans show HGV parking closest to the canal. There is significant risk these will be visible exposed to views from the canal, which would significantly detract from its outlook and setting.

The submitted details show a buffering strategy, through retention of existing vegetation to the south. The extent of existing vegetation is unlikely to be sufficient to soften the appearance of the development by a significant degree and would likely require strengthening to be effective. The trusts requests strengthening of the landscape buffer to the south of the site. This request is in line with NE7 'Protect and Enhance Waterways' from the publication of the Selby Local Plan.

The Canal and River trust also noted that the proposed landscape buffer was outside the application site and requested its inclusion in the red line. Failure to extend the red line boundary to this area would limit the potential for works to create a comprehensive landscape buffer.

The trust also wanted to ensure the canal was protected during construction and therefore suggested a CEMP. Finally, the FRA suggests surface water will drain into the canal. This requires consent of the Trust and full surface water drainage details would need to be agreed by condition.

7.5. **Economic Development** – Support the application.

The application will support the ambitions of the Selby District Economic Development Framework through the job creation and diversification and will allow one of the main local logistics businesses to remain and grow in the district. The applicant is a well-established, family logistics business, supporting several other local businesses located in Selby. Understands that Campeys have a need to relocate and consolidate their business as the company currently operates in four separate locations. This is not sustainable in the long term and results in additional

costs and additional mileage. As outlined by the applicant, vehicles currently drive through the Thorpe Willoughby between 100 – 120 times per day, resulting in a substantial traffic in residential areas. The relocation to a site adjacent to Selby bypass would remove the traffic from the village, and it would cut truck movements from other depots (located in Eggborough, Selby and Howden) by 7 miles per day per truck, saving 450 litres of diesel each day and over 20,000 litres per year and saving 54,000kg of carbon emission.

Understand that the business currently creates 140 jobs. While there will be additional jobs created during the construction process, the expansion of business will result in a creation of 60 new, permanent jobs, including a new HGV technician job opportunities and apprenticeships associated with the company's new HGV vehicle servicing and in house maintenance. Expects these positions to be well paid and further diversify employment opportunities available in Selby District.

Additional socio-economic benefits of this proposal include indirect employment and increase local expenditure by the staff. Campeys work with a variety of local employers, including Greencore, VPK, Sedamyl, Whitworth Bros, Saint Gobain and others. Expansion of the business will support other businesses to grow locally and remain in the area, creating sustainable conditions for wider economic development.

The Selby area economy is characterised by four main sectors: manufacturing, distribution, construction and power generation which contributes £1.5billion (gross) to the economy of the district. While other locations in the former Selby District, such as Sherburn in Elmet, include significant growth in the distribution sector, Selby remains the main centre for manufacturing, with the food manufacturing being especially important for the local economy. There is a strong relationship between manufacturing and time sensitive distribution, with Campeys being the main distribution partner for several businesses.

It is hoped that the strategic importance of this business for the economic wellbeing of Selby would be considered as part of the very special circumstances and to be afforded a significant weight in the determination of this application, in line with Policy SP2 of the Selby District Core Strategy (2013).

The proposed development enables future growth of the district and mitigates an existing impact on local communities. We also welcome the applicant's commitment to sustainability, including photovoltaics on the roof of the main building, green roofs on office and workshop buildings, rain gardens and a potential wind turbine. Campeys plans also include all electric/biofuel HGVs in the next 10 years, which will require significant number of charging points.

7.6. Environmental Health – Objection, more information required.

Given the size and location of the proposed site, there is the possibility that noise during the operational phase of this site will negatively impact upon the closest residents to the north along Doncaster Road, Mill Lane and Mayfield Drive. In order to determine what impact may be present I would recommend the applicant complete a Noise Impact Assessment for this application to identify potential issues associated

with operational noise and what mitigation would be required or necessary to reduce this impact. Reason: To protect residential amenity of existing/prospective residents and to comply with the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE) and Selby District Council's Policy's SP19 and ENV2.

Another potential issue with this proposed application is impact on air quality in the local area. Traffic along the A19 and A63 can be very busy. The addition of a hub for a large number of HGV vehicles congregated in one area directly beside the junction for these two roads would have the potential to further adversely affect air quality at this junction. In order to ascertain what potential impact to air quality this site would pose, The EHO recommends an Air Quality Assessment be carried out.

Should this site be approved, the construction phase would also have the potential to adversely impact on the nearest residents by way of dust, dirt, noise and vibration. Conditions covering the need for a scheme to minimise the impact of noise, vibration, dust and dirt on residential property in close proximity to the site is suggested, along with hours of work conditions and control over piling.

7.7. Environment Agency – Objection.

OBJECTION 1 – FLOOD RISK

Our Flood Map for Planning shows the site lies within Flood Zone 3, with a high probability of flooding from rivers and/or the sea. The application is for storage and distribution use, which is considered to be a 'less vulnerable' land use in Annex 3 of the National Planning Policy Framework. It is therefore necessary for the application to pass the Sequential Test and to be supported by a site-specific flood risk assessment (FRA), which can demonstrate that the 'development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall'.

Flood Risk Assessment - An FRA by Eastwood Consulting Engineers, referenced 47188-001 and dated 3 February 2023, has been submitted in support of the application.

Environment Agency position - In the absence of an acceptable Flood Risk Assessment (FRA) object to this application and recommend that planning permission is refused. Reasons - The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess the flood risks posed by the development.

In particular, the FRA fails to:

- Consider the risk to others due to the development
- Compensatory storage

Notes that if the LPA is minded to approve this application for major development contrary to the Agency's flood risk objection, further discussion is undertaken and/or

representations from the Agency in line with the Town and Country Planning (Consultation) (England) Direction 2021.

This statutory instrument prevents the LPA from issuing planning permission without first referring the application to the Secretary of State for Housing, Communities and Local Government (via the National Planning Casework Unit) to give them the opportunity to call-in the application for their own determination. This process must be followed unless the Agency's objection is withdrawn in writing. A failure to follow this statutory process could render any decision unlawful, and the resultant permission vulnerable to legal challenge.

Sequential Test - No sequential test submitted.

OBJECTION 2 - NON-MAINS DRAINAGE

Environment Agency position - Object to the application as submitted because the applicant has not supplied adequate information to demonstrate that the risks of pollution posed to surface water quality can be safely managed. Refusal recommended. Reasons - Use of non-mains foul drainage system.

The Planning Practice Guidance to the NPPF and the approved Document H (Drainage and Disposal) providing practical guidance with respect to the requirements of Schedule 1 and regulation 7 of the Building Regulations 2010 (SI 2010/2214) for England and Wales, set out a foul drainage hierarchy which aims to prioritise foul drainage to main sewage systems.

Private sewage treatment facilities should only be used where it is not reasonable for a development to be connected to a public sewer, because of the greater risk of failures leading to pollution of the water environment posed by private sewage systems compared to public sewage systems. Only where, having taken into account the cost and/or practicability, it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered.

In this instance, the applicant has not provided a justification for non-connection to the public sewerage system.

Insufficient information to demonstrate that the risks posed to surface water and/or groundwater can be safely managed.

Paragraph 174 of the National Planning Policy Framework states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of water pollution. Sewage and trade effluent discharges but also surface water run-off from construction works may cause aforesaid pollution. Such discharges may also constitute an offence under Environmental Permitting Regulation 2016 (reg. 12 and reg. 38, Sch.21). The applicant has not provided sufficient information to allow us to assess the risk to the environment.

The applicant has failed to clearly indicate the means of disposal of foul water, particularly in regard to anticipated discharge volumes and treatment specifications. If the applicant provides strong evidence and proper justification for non-connection to the mains sewerage network, they must show that the proposed discharge is otherwise environmentally acceptable. The applicant has not provided clear and adequate information to allow us to make such determination.

Although information on wastewater treatment has been provided (Installation of a package treatment plant, discharging to surface water) with the planning application, there is no information on the specifications of the treatment system.

To overcome the objection:

1. The applicant should thoroughly investigate the possibility of connecting to the public foul sewer by liaising with the water company and either revise their application to propose a mains connection or submit evidence in the form of a cost-benefit analysis that demonstrates that this is not feasible. Lack of capacity or plans to improve capacity in the sewer is not a valid reason for a development to install a private sewage system. In such cases the developer should explore how a lack of capacity may be overcome so that their development can be connected to a public foul sewer.
2. Provided that the applicant clearly demonstrates that connection to the main sewer is not feasible, they will have to:
 - a. Confirm the total maximum discharge expected from the site, by reference to the British Water's 'Flows and loads'.
 - b. Provide information on the treatment system type, design and specifications and clearly demonstrate that it is capable of treating the maximum volume to a high standard. They would also have to provide a drainage plan that indicates the location of the treatment system and the discharge point.
3. The applicant should provide a method statement setting out appropriate measures to minimise the risk of pollution during the construction phase. Such a statement should address issues such as silt and oil pollution.

7.8. **NYC Archaeology** – Holding objection.

The application includes an archaeological desk-based assessment prepared by MAP Archaeological Consultancy. The desk-based assessment sets out the known archaeological resource of the area which is rich in later prehistoric and Roman settlements and burial monuments. The desk-based assessment recommends that further work is required to properly assess the impact of the proposal on the archaeological potential of the site and that a geophysical survey should take place in the first instance. This recommendation is supported and would add that any anomalies identified may require further investigation through trial trenching to assess the impact of the proposal on their significance.

In accordance with the historic environment policies within Section 16 of the National Planning Policy Framework, Section 16, 2021 (paragraph 194), this evaluation should be undertaken prior to determination of the planning application. This will enable an informed and reasonable planning decision to be taken as to whether the

development should be permitted in its proposed form (paragraph 203). If so, the above information will assist in identifying mitigation options for minimising, avoiding damage to, and/or recording any archaeological remains (paragraph 205).

7.9. **NYC Ecology – No objection.**

The application which has been supported by a thorough Ecological Impact Assessment and Biodiversity Net Gain assessment. The ecologist is satisfied that the survey and assessment work has been undertaken to industry standard and at this stage no further surveys are needed to support the application. Conditions are suggested including the need for a CEMP which should include recommendations for timing and avoidance measures as set out within section 5 of the EclA.

In terms of Biodiversity Net Gain, the ecologist notes the outline Landscape Masterplan is capable of delivering circa 26% net gain for area based habitats and 46% net gain for water course units. This is very positive and well in excess of current policy and guidance. Should landscape plan change at the detailed design/reserved matters stage, there will be a need to repeat the BNG metric. A condition will be needed to secure a BEMP to set out how habitats will be created, enhanced, managed and monitored. Current guidance is that this should be secured for 30 years and cover both on-site and off-site habitat areas. A section 106 agreement may be needed to secure the off-site aspects of habitat creation and management.

7.10. **Landscape Officer – Objection**

Landscape character - The proposed application site is located within open countryside. The site does not relate to any existing distribution centres, or industrial/business parks, of which there are a number within the Selby District (for example alongside the A1041 connecting with the A63 to the northeast). The landscape character of the site and the surrounding area is informed predominantly by arable fields of various sizes - mostly a regular pattern of medium-sized fields, to larger irregular-shaped fields. The fields are bordered in part by hedgerows of varying quality and completeness, and trees, and ditches/drains.

On leaving Selby and Brayton, the A63 and A19 respectively, pass through this open landscape. The proposed site is located to the southeast of the A19/ A63 roundabout junction. There is no existing built development associated with the roundabout. The junction disrupts the existing field pattern by way of its land-take, along with the planting associated with it, but essentially the integrity of the fields and the open countryside around this junction remain intact, and the road network sits within it. The highways do not dominate the overarching landscape character.

The proposed development would have a substantially harmful impact on the landscape character of the site by way of the introduction of a built form of a sizeable scale, along with a large area of hardstanding for access, car and lorry parking and servicing (with the potential to expand), lighting, signage and regular vehicle movements, into an otherwise simple open arable landscape, bordered with hedgerows and trees.

In turn, this would cause significant harm to the immediate surrounding landscape character by way of its disruption to the swathe of open countryside along the outer edge of the bypass that defines the context of Selby and Brayton and separates them from the community of Burn.

The proposed development would also have the effect of extending the urban characteristic associated with the developed area of Selby town into the open countryside by way of the location, character, and scale of the development, and the short intervals between sequential views along the A63.

Thus, the development poses a threat to the integrity of the expanse of open countryside on the outskirts of Selby and Brayton, particularly as perceived from the main road network.

Impact on views from the road network - A63 (east-west) and A19 (north-south)

The A63 and A19 are busy roads, with traffic travelling at some speed, however due to the series of junctions on both roads, the traffic speed is regularly and periodically reduced.

The Selby bypass essentially travels through an open rural landscape. Recent development on the outer extent of Selby (within the by-pass) are apparent along some lengths, in particular between the river Ouse and the A1041. At times, existing views out are restricted in a cutting or by roadside vegetation. The views outwards (southwards) from the A63 are predominantly of a agricultural rural landscape. It is this landscape that informs the inherent landscape context of the urban and suburban settlements.

The proposed planting along the north and west boundaries of the site would soften the development proposal and provide a degree of partial screening, however due to the scale of the proposed development, it would still be significantly visible from the main roads, in particular the A63 by way of proximity.

Impact on views from canal towpath – The proposed landscape treatment along the southern boundary would result in a change of landscape character alongside the canal.

The proposed earthworks and planting would result in a significant change to views from the canal path. Though slightly atypical for the locality, the planting itself would not be significantly harmful. However, the proposed raised earthworks would be an artificial introduction into the landscape; this would be out of character with the otherwise flat terrain.

The Indicative development would have significant impact on views from the footpath along the north side of the Selby canal which borders the southern perimeter of the application site. Views from here are currently of open rural countryside.

The proposed bunding would truncate the canal from the surrounding, rural landscape through which it travels.

The proposed landscape would lessen/soften the visual impact of the development, but it represents a change that is incongruous within the context of the wider landscape character and type; and the proposed development is of such a scale that its presence would still be felt.

Proposed landscape mitigation / strategy plan

Although within the same ownership, It is unclear as to why the proposed earthworks and tree planting along the southern boundary are outside of the red line, since it is integral to the development proposal.

The proposed site plan has landscape merits by way of the retention of existing trees and field boundaries, supplemented with additional planting, and the introduction of new features such as the balancing ponds, all of which, as landscape features associated with the roadside and field perimeters, have beneficial merits.

The proposed, essentially native, tree and shrub planting reinforces existing trees cover and provides suitable, native roadside vegetation. The proposed attenuation basins have the potential to add beneficial landscape features. The proposed development includes staff amenity space; and trees within the car park.

The large expanse of hard surfacing across the lorry park should include some climate change mitigation measures such as significant tree planting to create shade and 'slow the flow', were this site to come forward.

Summary - The proposed development is unlikely to be supported in respect of its harmful impact on landscape character, visual amenity, and views of the open countryside and the rural context of Selby, Brayton and Burn.

7.11. **NYC Highways** – Holding objection. (The full response is 13 pages and is therefore summarised below).

There are several issues which need addressing and additional surveys, amendments to the way data have been collated and analysed need submitting, as detailed above. This information is required to give a realistic representation of the potential impacts the proposal could have upon the highway.

Given the end user is known, real data should be obtained to provide robust evidence across the assessment. That evidence should be comprehensive to allow a full picture of the operation in practice.

The design of the site should consider the needs of those traveling to the site by non-car modes with safe and convenient access routes and facilities on site to support their use. The development should demonstrate that it has been designed in accordance with the NPPF, Planning Practice Guide (PPG) and any Local Policies.

Given the proposed access location, a Road Safety Audit Stage 1 and 2 should accompany the application. For information, it will be unlikely that such an access with significant HGV usage would be acceptable to the Highway Authority at this location and alternative options such as left in left out, or a one-way design with left out at the proposed access only and left in off the A19, should be explored.

7.12. **Gas Asset Protection** - No National Gas Transmission assets affected in this area.

7.13. **North Yorkshire Fire and rescue** - No objection.

7.14. **North Yorkshire Police** – No objection.

The indicative vehicular access onto the site and the separation of car parking from the HGV parking and delivery activities is a rational solution to movement and is to be commended.

In terms of security, the objective of lighting at the site is to improve the chances of detecting an intruder and to enhance such an intruder's fear of detection. The lighting scheme should be sufficient to cater for lawful after dark activity around the site. It is important to ensure that there is not too great a contrast between lit and unlit areas. It should evenly distribute the light creating no dark shadows, provide good colour rendition, not cause glare or light pollution and should support both formal and informal surveillance of the site. It is recommended that it complies with BS5489:2020.

The indicative site layout plan appears to show only gates on the access road to the site and no fencing. It may be necessary for fencing on either side of the access road gates to tie in the natural topography to the gates so that they can't be circumnavigated.

The gates and locking system must be of a standard to be effective at delaying or deterring intrusion. It is recommended that the gates are SR1 security rated. For industrial buildings of this nature, particularly if it is storing items of value, doors, windows, shutters and roof lights fitted should be to a good security standard. For example, the doors and windows should as a minimum comply with PAS24:2020, roof lights and roller shutters should also ideally comply with LPS1175 Issue 8 Security Rating 3, or to the same standard of a similar rating scheme.

It is recommended that the any glazed curtain walling and entrance sidelights incorporate laminated glass to a minimum thickness of 6.4mm or glass successfully tested to BS EN 356:2000 Glass in building - Security glazing - resistance to manual attack to category P1A. This is because ordinary toughened glass offers no security resistance, and the modus operandi for burglary in the area is to smash glass to gain entry.

7.15. **Selby Civic Society** – Objects to the outline planning application.

The site is located outside the settlements of Selby and its nearby villages, and is close to the Grade II listed Brayton Tunnel of the Selby Canal. The green-field

location comprises a large plot of rural farmland beside a scenic part of the Selby Canal and will be a detriment to all the walkers and boaters accessing green space in this important corridor.

The Civic Society feels that this industrial proposal is totally out of character in this rural area, and would be better located nearer other industrial premises, preferably re-using a brown-field site.

7.16. Selby Internal Drainage Board - No objection subject to conditions concerning flow restriction. The following documents are noted:

☐ Flood Risk Assessment, Eastwood Consulting Engineers, Reference 47188-001, Revision 2, Dated 03/02/2023.

1. Flood Risk

The site lies mainly within Flood Zone 3 and is in an area that benefits from Flood defences, this appears to be attributed to the River Ouse and the adjacent Canal. Flood mitigation has been proposed by raising Finished Flood Levels to 7.08mAOD, which is agreeable and an assessment for the change in floodplain volume should be undertaken and consultation with the Environment Agency is required.

2. Runoff Destinations

Runoff will be controlled to the greenfield runoff rate of 10.9l/s to the onsite drainage ditch, this is acceptable to the LLFA.

3. Volume Control

Micro Drainage calculations are requested to confirm the required Surface water attenuation volume. The proposed SuDS attenuation features should be able to provide the 1 in 100 year design flood event plus with an allowance for climate change and for urban creep. This should be incorporated into the detail drainage design.

4. Pollution Control

Pollution from surface water runoff from the development from parking areas and hardstanding areas should be mitigated against by the use of oil interceptors, road side gullies, reedbeds or alternative treatment systems.

5. Designing for Exceedance

An exceedance plan is required to show overland flow during an extreme flood event, exceeding the capacity of the proposed drainage system. Mitigation measures should be proposed to minimise the risk of flooding to these properties. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.

6. Climate Change and Urban Creep

An allowance of at least 30% must be made in SuDS design for increased amounts of rainfall as a result of Climate Change.

7. Construction

Temporary flood risk measures during the construction phase should be submitted to the Local Planning Authority to mitigate the impact of flooding during the construction of the site.

8. Maintenance

Arrangements for the maintenance of the proposed SuDS surface water runoff attenuation features should be submitted to the Local Planning Authority for approval, this may be subject to a Section 38 agreement with the NYCC Highways department and additionally a Section 104 agreement with Yorkshire Water.

Recommendation to the Local Planning Authority:

The submitted documents demonstrate a reasonable approach to the management of surface water on the site. Conditions are suggested covering the need for full surface water and foul drainage details, SuDs maintenance, Treatment of surface water from surfaced areas, exceedance flow routes

7.17. **Yorkshire Water** – No objection.

Water supply – A water supply can be supplied to the site. There is the 600mm Selby ring main that is in the middle of the proposed development area a.) There should be no construction within 6 metres either side of this public water main. b.) There should be no new tree planting within 5 metres of the public water main.

The landscaping details submitted on drawing 'Proposed site Plan' 14646-DB3-B01-00-DR-A-90003 (revision E) dated 03/02/23 that has been prepared by DB3 require amendments, but if planning permission is granted, the matter can be dealt with via condition.

The following point(s) should be addressed:

- a.) the submitted drawing appears to show new tree planting within 5 metres of the public watermain
- b.) the submitted drawing should show the site-surveyed position of the public water main crossing the site
- c.) there should be no new tree planting within 5 metres of this public sewer. 3.) A supply could be made but as this is an outline application, we don't have any requested flow data.

Waste Water

- 1.) The submitted 'Flood Risk Assessment' 47188 (issue 2) prepared by Eastwood, dated 03/02/23 requires amendments, but if planning permission is granted, the matter can be dealt with via condition. In summary, the report states that a.) Foul water will discharge to private treatment works and ultimately watercourse. b.) A watercourse exists near to the site - connection subject to Environment Agency /

Local Land Drainage Authority / Internal c.) Drainage Board requirements - surface water will discharge to this.

2.) The landscaping details submitted on drawing 'Proposed site Plan' 14646-DB3-B01-00- DR-A-90003 (revision E) dated 03/02/23 that has been prepared by DB3 require amendments, but if planning permission is granted, the matter can be dealt with via condition.

The following point(s) should be addressed: a.) the submitted drawing appears to show new tree planting within 5 metres of the public sewer network

b.) the submitted drawing should show the site-surveyed position of the public sewer crossing the site

c.) there should be no new tree planting within 5 metres of this public sewer. 3.) On the Statutory Sewer Map, there is a 150-450mm diameter public surface water sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme.

a.) It may not be acceptable to raise or lower ground levels over the sewer and we will not accept any inspection chambers on the sewer to be built over.

b.) In this instance, Yorkshire Water would look for this matter to be controlled (by Requirement H4 of the Building Regulations 2010).

c.) In this instance, a stand-off distance of 3.5 (three) metres is required at each side of the sewer centre-line and it may not be acceptable to raise or lower ground levels over the sewer, nor to restrict access to the manholes on the sewer.

d.) In this instance, it would appear that the public sewer is unlikely to be affected by building-over proposals.

e.) There should be no new tree planting within 5 metres of the public sewer network.

f.) A proposal by the developer to alter/divert a public sewer will be subject to Yorkshire Water's requirements and formal procedure in accordance with Section 185 Water Industry Act 1991.

g.) There is a outfall 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.

Local Representations

7.18. The application was advertised via site notice and in the Selby Times dated 9th March 2023.

7.19. Local representations have been received of which 7 are in support and 32 are objecting. A summary of the comments is provided below, however, please see website for full comments.

7.20. Support: 5 no. for logistic managers of local companies and 2 general letters from a local residents:

- i. CGS Stores - support the application. Campeys of Selby handle pallet deliveries for the company as well as store products on their behalf. As CGS Stores is a growing and sustainable business, the increased storage services

their new site will create, and sustainability initiatives will go hand in hand with the business and the new site will benefit business growth as they have done over the past three years.

- ii. VPK - Transport Manager for VPK Pkg (Was Rigid Paper Products) in Selby on East common Lane supports the scheme. Campeys are ones of the Contractors they use. VPK have used the services of Campeys of Selby for about 18 years to deliver VPK product from both the old site on Dennison Road and (from 2005) the current site on East Common Lane. Comment on their very professional service. VPK Pkg are conscious of the impact of global warming and look at ways to reduce our carbon footprint both in the UK and abroad, with the investment that Campeys make in their equipment they are one of “preferred Haulage Contractors”. Having looked at the plans and spoken with Campeys regarding various aspects of it VPK can only see this new investment been a good thing for the Selby area because of the potential for the company to; Achieve Net Carbon Zero status by 2030. Potential jobs it creates for the Selby area. An external storage solution right on doorstep for VPK (plus others) – VPK currently have to use our other sites in Leeds and Scunthorpe for storage which isn’t ideal because they have to put more vehicles on the roads for longer periods of time.
- iii. Stones4Homes – Riccall Airfield. Support the application. Stones4homes employs 12 staff. In 2022 Prestige aggregates group acquired Stones4homes to assist with the strategic growth in the surrounding area, including additional operating locations, increased workforce and support local communities. Campeys are a strategic partner in this growth plan and with the additional capacity available from the facility, this growth can be accelerated. Stones4homes will aim to increase throughout utilising the facility and location to further enhance its national presence through the pallet network operated by Campeys of Selby Ltd. As a key service provider and partner company Stones4homes fully support this application from the benefits it will bring to the local community in terms of jobs and reduced carbon footprint.
- iv. Greencore – Support the application. This new site would bring much needed resource within the Selby Area. Greencore currently use Campeys of Selby predominately for transport. If this new warehouse is built it would give the potential to use their storage facilities and therefore store more of goods within the Selby area as well as using them for transport. As well as keeping further business within the district, it would also reduce road miles for any goods that are currently kept a further distance away. The building plans show a real focus on sustainability and the environment and would showcase the current sustainable ways of working.
- v. Sedamyl - Support the application. As a manufacturing company based in Selby and who use Campeys of Selby for transport needs of packed product, have worked closely together for over 10 years, seeing both companies grow considerably over that time. More recently use Campeys of Selby for storage purposes for some of bagged products at both their Thorpe and Wakefield

sites. At present Campeys do not have adequate storage facilities to accommodate all bagged products, therefore are very excited at the prospect of them opening a bigger warehouse so close to Sedamyl site – this would mean could store all requirements under one roof. Also very excited about Campeys plans for their company to become Net carbon zero and offer more employment to local people.

- vi. Local residents - It will prevent lorries constantly going through Thorpe Willoughby, which, in is great for the local community.
- vii. This will bring new jobs to the area and promote growth too.

7.21 Objection: 32 letters of objection have been received on following grounds:

- viii. The proposal is an open, rural area with a beautiful canal and open fields. This is not the place for a large commercial HGV area. This is contrary to the Selby Core Strategy given it's a greenfield site.
- ix. If this proposal was allowed, this would open the floodgates for further development outside of the A63 bypass.
- x. The A63 itself was designed as a bypass to allow free movement of traffic, without any interruptions from access points. Putting an industrial access onto this road would introduce risks that were meant not to be there.
- xi. The site provides a buffer between the canal and the bypass. The canal path is a lovely area for people to get out for walks, bike rides, fishing and obviously use by canal boats. The development will destroy this peaceful tranquil area and develop a green corridor.
- xii. The development will harm the canal which is a tourist attraction for the town (Selby Horseshoe walk).
- xiii. The development will cause pollution to the waterway.
- xiv. If permitted, it should be fully landscaped as well as adding something for the local community to be created next to it.
- xv. The development will cause harm to the countryside and residential amenity from commercial noise and disturb the peace.
- xvi. Living on Mill Lane with rear of houses facing the site and bypass, the noise from operations at the site will be intrusive and a nuisance - presumably also through the night.
- xvii. Traffic increase and air pollution from acceleration/deceleration of additional lorry movements.
- xviii. Loss of valuable agricultural land.
- xix. This has not been considered from a traffic perspective in conjunction with other housing developments within the area including proposals by the applicant for Mill Lane (200 houses).
- xx. The development will have a detrimental impact on wildlife.
- xxi. The development will cause congestion on the A19 due to lorries continually pulling in and out of the entrance. It's close proximity to the roundabout will cause holdups. It will also make crossing the bypass more difficult.
- xxii. A brownfield site must be better suited e.g BOCM Dennison Road or Eggborough power station.
- xxiii. As an entry way to the town, a lorry park would act as an eyesore, as the Barlby road entry into the town already does.

- xxiv. This development is not creating jobs but relocating them from elsewhere in the district.
- xxv. The current roads are not equipped to take further large vehicles and there is no access for them to join the road. The slip road detailed on the plans would not be sufficient for numerous HGVs to be joining a 60mph road.
- xxvi. close to a roundabout and would be dangerous to other road users.
- xxvii. The development will cause a highway safety concern over the new access.
- xxviii. The planning documents state that this would be a 'Phase 1' implying that the developers would be coming back in the future for further permission. This would further add to the traffic hazards and impact on the area.
- xxix. The Selby Bypass is a busy & fast road and slow turning HGVs accessing a fully operational HGV service & storage site will create tailbacks being situated so close to the roundabout where there are 3 lanes for drivers to exit the roundabout. Last minute lane swapping will create safety risks.
- xxx. The development adds no economic value to the area.
- xxxi. The IDB report confirms that the site is not suitable for soakaway drainage and the ability for local drainage to cope was raised. Local drainage is already overflowing due to housebuilding in the area & further flow risks flash flooding to roads.
- xxxii. The noise from the Bypass is already unacceptable for Brayton residents, a 24/7 yard and 150 trucks will compound this.
- xxxiii. The villages of Burn and Brayton already suffer from high traffic of HGVs from the motorway and surely this would cause more traffic heading to the M62.

8.0 Environment Impact Assessment (EIA)

- 8.1. The development falls within Schedule 2 Category 10(a) Industrial estate projects of The Environmental Impact Assessment Regulations 2017 (as amended) and exceeds threshold (iii) due to the site being over 0.5ha. As such the Council as Local Planning Authority have screened the development and found that it is not EIA development, and no Environmental Statement is required to be submitted with the application.

9.0 Main Issues

- 9.1. The key considerations in the assessment of this application are:

- Principle of development
- Loss of agricultural land
- Minerals
- Impact on landscape character
- Flood risk, drainage and climate change
- Access and highway safety
- Impact upon nature conservation.
- Contaminated land and ground conditions
- Residential amenity
- Noise and air pollution
- Impact on Heritage assets

10.0 **ASSESSMENT**

Principle of Development

- 10.1. The Core Strategy sets out the Vision for the District which includes a diverse economy with a wide range of job opportunities to assist in reducing the dependency on surrounding towns and cities. One of the objectives stemming from the Vision is the promotion of the efficient use of previously developed land for appropriate uses giving preference to land of lesser environmental value. The vision also welcomes new development in sustainable locations, areas of low flood risk, developing the economy by capitalising on local strengths, whilst promoting high quality design and protecting the character of the area.
- 10.2. 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.
- 10.3. The application site lies within the open countryside and is not allocated for development. The site lies immediately south of Brayton approximately 1.8 miles south of Selby town centre and is positioned adjacent to the A63 bypass and A19. The site has poor public transport connections but good road connections to the south via the A19 and M62 (M62 5 miles south) and west to the A1M. The site is currently in agricultural use and is therefore regarded as greenfield.
- 10.4. Policy SP2 of the Core Strategy sets out the spatial development strategy for the district and states that the majority of new development will be directed towards the district's towns and more sustainable villages depending on their future role as employment, retail and service centres, the level of local housing need, and particular environmental, flood risk and infrastructure constraints.
- 10.5. Selby is identified as the Principal Town, which will be the focus for new housing, employment, retail, commercial and leisure facilities. Sherburn in Elmet and Tadcaster are designated as Local Service Centres where further housing, employment, retail, commercial and leisure growth will take place appropriate to the size and role of each settlement.
- 10.6. The countryside is defined as areas outside of Development Limits. Part A(c) of SP 2 limits development in the countryside to the replacement or extension of existing buildings, the re-use of buildings and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13 of the Core Strategy, or meet rural affordable housing need or other special circumstances.
- 10.7. The application site covers approximately 5.17 hectares, with perhaps only a third of the site shown for buildings or hard standing on the indicative site plan. This proposed new commercial storage and distribution facility clearly goes beyond what might be anticipated by the strand of SP2 referring to "well designed new buildings of

an appropriate scale” aimed at improving the local economy. The development is significant in scale being a 50,000 sq ft warehouse and 109 HGV spaces and is clearly considered more widely than the economy of the immediate area. Also, the design of the building is a reserved matter, however the indicative plans and information within the design and access statement detail the likely appearance. The submission details that applicants do serve many local businesses in the Selby area. Also, the company already have their main headquarters in Thorpe Willoughby and wish to remain local. However, given countryside location, the proposal is in conflict with SP 2 in that the scheme is not a well-designed new building of an appropriate scale to the area, and whilst it may bring some new employment opportunities and improvement to the wider economy, due to its scale it will not maintain or enhance the vitality of rural communities like SP 2 envisages. Such uses play key strategic roles in the wider economy and should therefore be located on allocated or brownfield sites.

10.8. Core Strategy Policy SP13 provides policy guidance with regards to the scale and distribution of economic growth. Part C states that in rural areas, sustainable development (on both greenfield and previously developed land) which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported, including for example:

- The re-use of existing buildings and infrastructure and the development of well-designed new buildings
- The redevelopment of existing and former employment sites and commercial premises
- The diversification of agriculture and other land based rural businesses
- Rural tourism and leisure developments, small scale rural offices or other small scale rural development
- The retention of local services and supporting development and expansion of local services and facilities in accordance with Policy SP14.

10.9. Policy SP13D states that in all cases development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity. As stated above the proposals are to provide for a new purpose built B8 storage facility does not represent small-scale rural development envisaged by Policy SP13. Therefore, in view of the site’s location in the open countryside and being greenfield, the overall scale of development proposed is not considered to be in accordance with Policy SP13.

10.10. Furthermore, Selby District Local Plan Policy EMP2 sets out the provision for the location of future economic development across the district. The policy states that encouragement will be given to proposals for small-scale development in villages and rural areas in support of the rural economy. The scheme cannot be regarded as small scale and, on this basis, the proposal is not specifically supported by Policy EMP2.

10.11. Given the above, the location, scale and intended use of this site is not related to the present rural economy and Officers consider that it is not the intention of CS Policies SP2 and SP13 and SDLP Policy EMP2 to allow major new commercial floor space in the open countryside. On this basis it cannot be concluded that the application is in accordance with the Development Plan.

- 10.12. Section 38(6) of the Planning and Compulsory Purchase Act states that any determination shall be in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF does however state that local planning authorities may take decisions that depart from an up-to-date development plan if material considerations in a particular case indicate that the plan should not be followed. The material considerations that the applicant promotes in favour of the proposal are considered below.

Economic and Sustainability Benefits

- 10.13. The NPPF places significant weight on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development and requires there to be sufficient flexibility to accommodate needs not anticipated in the plan.
- 10.14. The Design and Access Statement details that Campeys are a local company currently located in Thorpe Willoughby and established from 1940. The family haulage business run a fleet of more than 110 trucks, 200 trailers and employ 145. In the last 4 years the business has double in size and is continuing to expand and are considered as the main haulage company in Selby. Since Covid the demand for haulage and storage has increased and the future business model is to turn Campeys into a 'one stop shop' for local customers where they import freight from those local businesses, sort and store it then distribute to its end designation. The design and access statement details that there is a real local need for storage in the town area and customers are currently using out of town locations. Campeys aim to streamline and localise all movements to one central designation. The new facility is said to be needed close to Selby Town as 80% of all Campeys business comes from within an 8 mile radius of Selby town.
- 10.15. The submission states the new facility needs to be close to town, purpose built low carbon facility with solar panel roof as it moves towards and all electric fleet. The business aims to embrace the Selby District Climate Change agenda, which isn't achievable in its current location.
- 10.16. North Yorkshire County Council is committed to improving job opportunities for local residents and the application form details that the current business employs 120 staff which will rise to 180 as a result of the development, therefore 60 new jobs would be of benefit to the county and local area. This commitment aligns itself with the objectives of the NPPF, which highlights the importance of promoting development that is economically as well as socially and environmentally sustainable. Therefore, the job creation does weigh in favour of the development.

Reduction in traffic through Thorpe Willoughby.

- 10.17. The head offices and yard at Thorpe Willoughby are said to be outgrown and constrained by other buildings and the Selby dam. The current location means the vehicles go through the village between 100-120 times per day past a school, community centre bus stop and pub. The proposed facility would also remove the need for the 3 sub depots at Weeland Road, Eggborough, Dennison Road, and

Boothferry Road Howden. Having business split of 4 sites isn't sustainable, nor operationally cost efficient. The business needs to relocate but would prefer to stay local rather than relocating to another district. The new location would cut truck movements by 7 miles per day per truck, so 700 miles per day saving 450 litres of diesel, over 20,000 litres per year.

- 10.18. Finally, the submission details how Campeys have been searching since the summer of 2020 and have been in discussions with the Economic Development team at the Local Authority who support the application. The brief for finding a new site was one that was close to Selby and sufficiently large enough to accommodate all of the business needs including storage. The site also had to have low start-up costs i.e. (Greenfield) to enable investment monies to be directed towards a low carbon and energy reduction operation with energy efficient buildings and a new fleet of low carbon HGV's. Alternative sites were also considered i.e. Olympia Park, Eggborough Power Station, Sherburn in Elment and expanding Thorpe Willoughby HQ. Olympia Park was rejected as the site isn't available yet, Eggborough was rejected as the development areas and building sizes didn't match the site size and lower storage requirements of Campeys. Sherburn was rejected due to its location and increased journey time and expanding the existing HQ at Thorpe Willoughby was rejected for landscape reasons and additional trips through the village.

Summary

- 10.19. As concluded above, the application is not considered to be in accordance with the Development Plan. Officers note the need for a new site due to the business expansion and support the economic benefits stated and reduction vehicle movements through the village of Thorpe Willoughby, however this does not overcome the policy harm and is not an appropriate site for this scale of development. Also whilst there may some direct benefit to the business itself, the planning system is here to regulate the development and use of land in the public interest. Its is not to protect the private interests of one person or a group of people or business from the activities of another. The permission would run with the land and not the applicants, meaning the development has to be appropriate in land use planning terms and not be dependent on the needs of the developer/owners. This means that unless the company entered into a section 106 agreement, then the site would be uncontrolled in terms of its occupiers.
- 10.20. Officers do not consider that alternative sites have been fully examined and the development will be harmful to the open countryside, local amenity and the character of the area (addressed below in this report). The scheme would not be consistent with the broad aims of the NPPF and its presumption in favour of sustainable development. For the reasons above, it is not considered that the material considerations are of sufficient weight in the planning balance to enable the Council to depart from the Development Plan subject to there being no identified harm when considering other material considerations as discussed below.

Section 149 of The Equality Act 2010

- 10.21. Under Section 148 of the Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination,

harassment and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

- 10.22. The development of the site for commercial purposes would not result in a negative effect on any persons or on persons with The Equality Act 2010 protected characteristics.

Loss of Agricultural land.

- 10.23. The site is used for arable agricultural purposes. Policy SP18 of the Core Strategy seeks to sustain the natural environment by steering development to areas of least agricultural quality.
- 10.24. NPPF paragraph 174 states that decisions should contribute to and enhance the natural and local environment by b) 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. Policy SP18 is consistent with the NPPF and is given significant weight.
- 10.25. Agricultural land is classified using grades 1, 2, 3a, 3b, 4 and 5. Best and most versatile agricultural land is defined as land in grades 1, 2 and 3a of the Agricultural Land Classification. The Yorkshire and Humber Agricultural Land Classification indicates the site is entirely grade 3 ‘good to moderate’ agricultural land. It does not differentiate between grades 3a and 3b. The application does not include an agricultural land quality assessment. The site is assumed to be BMV. The site area means Natural England is not a statutory consultee for the loss of agricultural land. The conflict with the spatial development strategy means the loss of best and most versatile agricultural land would be unnecessary. Such loss would result in minor harm to the agricultural economy in the area as well as food self-sufficiency. The loss of agricultural land is contrary to Core Strategy Policy SP18 and NPPF paragraph 174 b).

Minerals

- 10.26. The site is within brick clay and sand and gravel safeguarding area designated by policy S01 of the Minerals and Waste Joint Plan. Policy S02 requires a minerals assessment for non-exempt development such as this. The proposal does not include a minerals assessment and does not demonstrate mineral impacts are acceptable, contrary to Policies S01 and S02 of the Minerals and Waste Joint Plan.
- 10.27. The site is identified on the Coal Authority interactive map as lying within a low-risk area for which the standing advice is to impose an informative to draw this risk to the developer’s attention.

Impact on landscape character

- 10.28. 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 177.4b).
- 10.29. 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. Policy SP13 states that in all cases economic growth should be sustainable and appropriate in scale and type to its location, not harm the character of the area and seek a good standard of amenity.
- 10.30. The site lies with Natural England’s profile area No. 39 being the Humber Levels. This is flat, low lying large scale agricultural landscape. No Landscape Visual Assessment was submitted with the application.
- 10.31. The impact on the landscape is particularly important in this proposal, as the proposed development will introduce a new warehouse and large area of hard surfacing on a site that is greenfield and unspoilt. This will inevitably change the character of the area, from one that is agricultural to a commercial site with significant vehicle movements and outside storage of vehicles. The new proposed buildings and hard surface parking areas will be visible within the landscape. The proposal has raised significant concerns from local residents and users of the canal tow path to the south of the site. This is a popular recreational route and it is hard to see how any amount of landscaping would not cause harm to this route and the general character of the area. This was also the view of the Canal and River Trust as detailed in the consultation response. The Trust considered that there is significant risk that the development will be visible exposed to views from the canal, which would significantly detract from its outlook and setting.
- 10.32. The application was accompanied by a landscape strategy plan showing a 50m buffering strategy to the south, however this is excluded from the application site. If permitted then this would take many years to develop and establish and is unlikely to be sufficient to soften the appearance of the development by a significant degree. Landscaping is also proposed to the north east in an attempt to screen the most prominent views from the elevated A63 travelling west. The western edge of the site is less sensitive as screening does exist on the boundary outside the application site where it meets the A19. This is again proposing to be enhanced within the application site.
- 10.33. The Landscape Sensitivity Study Sept 2019 indicates this area as being levels farmland, predominantly low lying farmland, rectilinear fields defined by hedgerows. The area may be sensitive to relatively small changes, due to its openness and slight

elevation, with development potentially highly visible throughout the landscape. The topography of the landscape enables long ranging, open views across the landscape to the north and south, which are generally more sensitive to change.

- 10.34. The landscape officer objected to the proposal and noted that the site does not relate to any existing distribution centres, or industrial/ business parks, of which there are a number within the Selby District (for example alongside the A1041 connecting with the A63 to the northeast). This southern section of the A63 is undeveloped and the areas character is undeveloped arable fields. The highway infrastructure does not dominate the overarching landscape character.
- 10.35. The proposed development would have a substantially harmful impact on the landscape character of the site by way of the introduction of a built form of a sizeable scale, along with a large area of hardstanding for access, car and lorry parking and servicing (with the potential to expand), lighting, signage and regular vehicle movements, into an otherwise simple open arable landscape, bordered with hedgerows and trees. In turn, this would cause significant harm to the immediate surrounding landscape character by way of its disruption to the swathe of open countryside along the outer edge of the bypass that defines the context of Selby and Brayton and separates them from the community of Burn.
- 10.36. The proposed development would also have the effect of extending the urban characteristic associated with the developed area of Selby town into the open countryside by way of the location, character, and scale of the development, and the short intervals between sequential views along the A63.
- 10.37. The landscape officer noted that the A63 and A19 are busy roads, with traffic travelling at some speed, however due to the series of junctions on both roads, the traffic speed is regularly and periodically reduced. The Selby bypass essentially travels through an open rural landscape. Recent development on the outer extent of Selby (within the by-pass) are apparent along some lengths, in particular between the river Ouse and the A1041. At times, existing views out are restricted in a cutting or by roadside vegetation. The views outwards (southwards) from the A63 are predominantly of an agricultural rural landscape. It is this landscape that informs the inherent landscape context of the urban and suburban settlements.
- 10.38. The proposed planting along the north and west boundaries of the site would soften the development proposal and provide a degree of partial screening, however due to the scale of the proposed development, it would still be significantly visible from the main roads, in particular the A63 by way of proximity. The landscape officer also concurred with the concerned concerning views from the canal tow path to the south, noting that the proposed earthworks would be an artificial introduction into the landscape; this would be out of character with the otherwise flat terrain.
- 10.39. Finally, the landscape officer noted that the proposed site plan has landscape merits by way of the retention of existing trees and field boundaries, supplemented with additional planting, and the introduction of new features such as the balancing ponds, all of which, as landscape features associated with the roadside and field perimeters, have beneficial merits.

- 10.40. The proposed development therefore is considered to cause a harmful impact on landscape character, visual amenity, and views of the open countryside and the rural context of Selby, Brayton and Burn. Therefore, the proposal is contrary to Selby District Local Plan Policy ENV1(4), and Core Strategy Policies SP13 and SP18.

Flood risk, drainage and climate change

- 10.41. Relevant policies in respect of flood risk, drainage and climate change include Policy ENV1(3) of the Selby District Local Plan and Policies SP15 “Sustainable Development which seeks to apply sequential and exceptions tests, and Climate Change”, SP16 “improving Resource Efficiency” and SP19 “Design Quality” of the Core Strategy. NPPF paragraph 159 requires “Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.” Paragraph 162 states “The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.”
- 10.42. The application site is predominantly within flood zone 3 (high probability of flooding) for sea and river flooding, with small patches of the site within flood zone 2 (medium risk). The application was accompanied by a Flood Risk Assessment prepared by Eastwood Engineers. The report details that “in accordance with current Planning Practice Guidance ‘Flood Risk and Coastal Change’, the proposed ‘less vulnerable’ uses are acceptable in Flood Zones 2 and 3 and sequential testing is not required. The report also discusses raising the finished floor levels of commercial buildings to a minimum of 7.08m AOD. This is 300 mm above the 1 in 100 year plus 20% climate change river level. Surface water attenuation ponds are also discussed and show on the indicative site plan and run off would pass through a petrol interceptor. Foul effluent will discharge to an onsite package treatment plant before being discharged to the field drain.
- 10.43. The report is incorrect in that a sequential test isn’t required for the proposed use. The applicants have to demonstrate in flood zones 2 and 3 that the proposed building cannot go in a lesser flood zone. The NPPG for flood risk states:
- For individual planning applications subject to the Sequential Test, the area to apply the test will be defined by local circumstances relating to the catchment area for the type of development proposed...it may be identified from other Plan policies.
 - ‘Reasonably available sites’ are those in a suitable location for the type of development with a reasonable prospect that the site is available to be developed at the point in time envisaged for the development.
- 10.44. The existing policy that is relevant is SP13 of the Core Strategy which states:

- Supporting the more efficient use of existing employment sites and premises within defined Development Limits through modernisation of existing premises, expansion, redevelopment, re-use, and intensification.
- Safeguarding Established Employment Areas and allocated employment sites unless it can be demonstrated that there is no reasonable prospect of a site being used for that purpose.

10.45. This would point to existing safeguarded and allocated employment land in the 2005 Local Plan and 2013 Core Strategy as being the comparison sites for consideration for this type of development. Parts or all of some of these allocations still remain undeveloped.

10.46. In terms of search area, the applicants have suggested a search area of 3 miles of Selby as being a preference to ensure that they are close to their customers, however this is preferable rather than essential. Officers consider that there's no reason why a haulage company, which by its nature is a mobile operation, can't be situated further outside the town, therefore officers consider the whole of the former Selby District is a reasonable search area. Particularly as the borders of the District are rarely more than away 10 miles from the town of Selby.

10.47. To date, no sequential test has been forthcoming and therefore this forms a reason for refusal.

10.48. In terms of the consultee responses, The Environment Agency raised an objection to the application, on the basis that the Flood Risk Assessment wasn't acceptable and that the proposed no mains drainage system wasn't adequately justified. Private sewage treatment facilities should only be used where it is not reasonable for a development to be connected to a public sewer, because of the greater risk of failures leading to pollution of the water environment posed by private sewage systems compared to public sewage systems. The environment agency also noted the lack of a Sequential Test. Yorkshire Water suggest a public sewer runs through the site and highlighted that water main crosses the site. Conditions were suggested to ensure this apparatus is not damaged to ensure the water supply wasn't affected. The IDB raised no objection subject to conditions and the LLFA raised no objection to the proposed surface water management on the site subject to condition.

Access, transport and highway safety

10.49. Core Strategy Policy SP15 requires the proposal should minimise traffic growth by providing a range of sustainable travel options (including walking, cycling and public transport) through Travel Plans and Transport Assessments and facilitate advances in travel technology such as Electric Vehicle charging points; and make provision for cycle lanes and cycling facilities, safe pedestrian routes and improved public transport facilities.

10.50. Core Strategy Policy SP19 requires the proposal to be accessible to all users and easy to get to and move through; and create rights of way or improve them to make

them more attractive to users, and facilitate sustainable access modes, including public transport, cycling and walking which minimise conflicts.

- 10.51. Local Plan Policy ENV1 requires account is taken on the relationship of the proposal to the highway network, the proposed means of access, the need for road/junction improvements in the vicinity of the site, and the arrangements to be made for car parking.
- 10.52. Local Plan Policy T1 states “Development proposals should be well related to the existing highways network and will only be permitted where existing roads have adequate capacity and can safely serve the development, unless appropriate off-site highway improvements are undertaken by the developer”.
- 10.53. Local Plan Policy T2 states “Development proposals which would result in the creation of a new access or the intensification of the use of an existing access will be permitted provided: 1) There would be no detriment to highway safety; and 2) The access can be created in a location and to a standard acceptable to the highway authority.
- 10.54. Proposals which would result in the creation of a new access onto a primary road or district distributor road will not be permitted unless there is no feasible access onto a secondary road and the highway authority is satisfied that the proposal would not create conditions prejudicial to highway safety.”
- 10.55. NPPF paragraph 104 requires transport issues be considered from the earliest of development proposals so that impacts of development on transport networks can be addressed; opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated; opportunities to promote walking, cycling and public transport use are identified and pursued; and the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains.
- 10.56. Paragraph 108 permits maximum parking standards in certain limited circumstances. The aforementioned NYCC standards are minimum standards. Paragraph 111 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.”
- 10.57. Paragraph 112 states: “Within this context, applications for development should:(a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; (b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; (c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design

standards; (d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and (e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”

- 10.58. The aforementioned development plan policies are considered broadly consistent with the NPPF and are given significant weight.
- 10.59. The application form confirms approval is sought for access matters. The Town and Country Planning (Development Management Procedure) (England) Order 2015 defines access as: “in relation to reserved matters, means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where “site” means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made;”
- 10.60. Permission for 1 new vehicular access from the A63 is being sought. This involves closing the existing agricultural field access on the bypass and the access moving east with a slip road. The submission included a Transport Assessment and Travel Plan which were assessed by the Local Highway Authority. The proposal is for a B8 warehouse, maintenance workshop, and ancillary offices (4641sqm + 205sqm of office) with 113 staff car park and 109 HGV parking lot with a priority junction access off the A63 located around 200 metres east of the A19/A63 roundabout, south of Selby. This would form the new consolidated HQ for Campeys. Whilst the layout is a reserved matter, the indicative plans show the anticipated quantum of development.
- 10.61. The LHA provided detailed comments and requested that a Road Safety Audit be first carried out prior to any formal recommendation in order that the safety of the proposed access could be fully considered. The officer commented that its likely the carriageway would need widening to accommodate the access. Other technical matters needed further consideration i.e. movement of highway signs and the traffic modelling needed adjustment. The LHA officer also noted that the site had limited options to promote sustainable travel, with no connections to the surrounding network for pedestrians and therefore the site does not promote sustainability. The LHA encouraged the applicant to consider creating pedestrian/cycle accesses on the A19 Doncaster Road. Any pedestrian access would need to accommodate pedestrian dropped crossing facilities. The NPPF places an emphasis on providing opportunities for using sustainable travel modes and therefore the applicant will need to look at the following: -
- How will the development facilitate the use of sustainable modes of transport, given the short-distances involved from Brayton and Burn – meeting NPPF Para 104(c).
 - How will the need to travel be minimised and use of sustainable modes be encouraged - meeting NPPF Para 110(a).
- 10.62. The LHA noted that the nearest pair of bus stops without shelters are located just 100 metres south of the canal along a footway on the opposite side of the road down the A19 linking to / from Selby, though there are no shelters. A shelter serving the Selby

direction does exist further away over the roundabout. It is noted that bus services which could service the site are every 2 hours. However, any pedestrian facilities connecting the site to the A19 will, help promote the use of such services.

- 10.63. In terms of Parking standards, the applicant is proposing a total of 222 spaces made up of 113 car parking spaces and 109 HGV spaces. This is in excess of NYCC's recommended parking standards, however it is appreciated that the business has operated for several years and understands the level of car parking required to operate.
- 10.64. The LHA concluded by indicating that several issues within the TA need addressing and additional need surveys commissioning. Amendments to the way data has been collated and analysed need submitting, before a realistic representation of the potential impacts the proposal could have upon the highway. Given the end user is known, real data should be obtained to provide robust evidence across the assessment. That evidence should be comprehensive to allow a full picture of the operation in practice. The design of the site should also consider the needs of those traveling to the site by non-car modes with safe and convenient access routes and facilities on site to support their use. The development should demonstrate that it has been designed in accordance with the NPPF, Planning Practice Guide (PPG) and any Local Policies.
- 10.65. The LHA finished by indicating that following the need for a Road Safety Audit it will be unlikely that such an access with significant HGV usage would be acceptable to the Highway Authority at this location and alternative options such as left in left out, or a one way design with left out at the proposed access only and left in off the A19, should be explored.
- 10.66. As a result at this stage the proposal does not demonstrate that the highway has capacity at this location for the proposed use and that the safety implications are acceptable or that the site is sustainable. The application is therefore contrary to contrary to Selby District Local Plan Policies ENV1, T1 and T2, and Core Strategy Policies SP15 and SP 19 section 9 of the NPPF.

Impact upon nature conservation and protected species

- 10.67. Local Plan Policy ENV1 requires account is taken of the potential loss, or adverse effect upon, significant wildlife habitats.
- 10.68. The foreword to Core Strategy Policy SP2 states the protection and enhancement of biodiversity and natural resources is a basic principle of national planning guidance, which can also influence the location of development. Policy SP18 requires the high quality and local distinctiveness of the natural and man-made environment will be sustained by promoting effective stewardship of the District's wildlife by a) safeguarding international, national and locally protected sites for nature conservation, including SINC's, from inappropriate development. b) Ensuring developments retain, protect and enhance features of biological and geological interest and provide appropriate management of these features and that unavoidable impacts are appropriately mitigated and compensated for, on or off-site. c) Ensuring

development seeks to produce a net gain in biodiversity by designing-in wildlife and retaining the natural interest of a site where appropriate.

- 10.69. NPPF paragraph 174 requires decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value in a manner commensurate with their statutory status or identified quality in the development plan; minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 180 requires when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; c) 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 (For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat) and a suitable compensation strategy exists. Natural England and Forestry Commission 'standing advice' for ancient woodland emphasises this policy and requires consideration of direct and indirect effects. The advice notes the latter includes "increasing damage to habitat, for example trampling of plants and erosion of soil by people accessing the woodland or tree root protection areas; and increasing damaging activities like....the impact of domestic pets".
- 10.70. The development plan policies are consistent with the NPPF and are given significant weight.
- 10.71. The submission contained an Ecological Impact Assessment (EclA) and included a Biodiversity Net Gain calculation. This was assessed by the County Ecologist and regarded the assessment as being thorough and was satisfied that the work undertaken was acceptable and no further surveys were required. The County Ecologist recommended conditions are included for a Construction Environmental Management Plan, which should include recommendations for timing and avoidance measures as set out within section 5 of the EclA. In terms of Biodiversity Net Gain the officer noted that the outline Landscape Masterplan is capable of delivering circa 26% net gain for area based habitats and 46% net gain for water course units. This is very positive and well in excess of current policy and guidance. A condition was also suggested to secure a BEMP to set out how habitats will be created, enhanced, managed and monitored. Current guidance is that this should be secured for 30 years and cover both on site and off site habitat areas. A Section 106 agreement may be needed to secure the off site aspects of habitat creation and management.
- 10.72. The proposal is therefore acceptable in terms of its impact on nature conservation and compliant with Policy ENV1 of the Selby District Local Plan, Policies SP2 and SP18 of the Core Strategy, NPPF paragraph 180c and the standing advice of Natural England.

Contaminated land and ground conditions

- 10.73. Policy ENV2 of the Local Plan states “Proposals for development which would give rise to, or would be affected by, unacceptable levels of noise, nuisance, contamination or other environmental pollution including groundwater pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme.” Part B of the policy allows contaminated land conditions to be attached to permissions.
- 10.74. Core Strategy Policy SP18 seeks to protect the high quality of the natural and man-made environment by ensuring that new development protects soil, air and water quality from all types of pollution. This is reflected in Policy SP19 (k), which seeks to prevent development from contributing to or being put at an unacceptable risk from unacceptable levels of soil or water pollution or land instability.
- 10.75. NPPF paragraph 174 requires decisions should contribute to and enhance the natural and local environment by: preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Paragraph 185 requires decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so Council's should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life. Paragraph 186 requires decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas.
- 10.76. These development plan policies are consistent with the NPPF and are given significant weight.
- 10.77. The application was accompanied by a Preliminary Geo Environmental Investigation. The report confirms that shallow groundwater & potentially loose sands may result in excavation instability, waterlogging during construction and the need for piled foundations. The report also states that This site is essentially greenfield and no significant former industrial land uses have been identified. However agricultural practices may have led to some (probably minor) contamination and testing of Topsoil should be undertaken to determine its suitability for reuse.
- 10.78. Whilst the site is considered suitable for its current and proposed use, the proposed change in use will require intrusive investigation. This would include:
- Machine-excavated trial pits to determine near surface ground conditions including depth to bedrock, groundwater and stability.

- Cable percussion boreholes to retrieve geotechnical data and samples from depth.
- Determination of groundwater levels.
- Geotechnical soils analysis to enable foundation recommendations
- Chemical testing on soil and if necessary groundwater, samples to assess the significance of contamination, if any, as a result of former industrial land use.

10.79. The authorities contaminated land consultant has yet to respond to the application, however given the findings of the Preliminary Geo-environmental Investigation it is likely that conditions regarding investigation of contaminated land; submission of a remediation strategy; verification of remediation works; and reporting of unexpected contamination will be sufficient.

10.80. In light of the above and subject to suitable conditions, it is considered that the proposal would not breach Convention rights contained in the Human Rights Act 1998 in terms of the right to health and right to private and family life.

Residential Amenity

10.81. Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1. Significant weight is given to this policy as it is broadly consistent with NPPF paragraph 130 (f) which seeks to ensure a high standard of amenity for existing and future users.

10.82. The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the size, scale and massing of the development proposed.

10.83. The application site is located in the countryside to the south of Brayton with no residential dwellings that surround it. The residential dwellings of Brayton are over 250m to the north and a cluster of dwellings 500m to the south. These separation distances mean the dwellings will not be affected by overlooking massing or oppression. Noise from the 24-hour operations and increased vehicle usage are discussed in the following section. On this basis it is considered that the scheme is acceptable in terms of the residential amenity impacts and accords with Policy ENV1 and the NPPF.

10.84. In light of the above, it is considered that the proposal would not contravene Convention rights contained in the Human Rights Act 1998 in terms of the right to private and family life.

Noise and air pollution

10.85. The policies referred to in the contaminated land section above are relevant.

10.86. Environmental Health have considered the application and given the size and location of the proposed site, there is the possibility that noise during the operational phase of this site will negatively impact upon the closest residents to the north along Doncaster

Road, Mill Lane and Mayfield Drive. This was specially mentioned in the objection letters about existing traffic noise on the A63 and HGVS accelerating from the proposed site and the possibility of 24-hour operations. Therefore, the EHO requested the applicant complete a Noise Impact Assessment to identify potential issues associated with operational noise and what mitigation would be required or necessary to reduce this impact.

- 10.87. The applicants challenged the need for such an assessment and the Environmental Health Officer maintained that a noise assessment was necessary, especially if the business was to operate on a 24-hour basis. This hasn't been confirmed by the applicant and no noise assessment has been submitted. In the absence of such an assessment this will ultimately lead to a reason for refusal, as officers are not satisfied that the proposed use will provide for a noise environment that will not harm the amenity of nearby dwellings.
- 10.88. The EHO also requested that an Air Quality Assessment be carried out prior to the determination of the application. This was because traffic along the A19 and A63 can be very busy. The addition of a hub for a large number of HGV vehicles congregated in one area directly beside the junction for these two roads would have the potential to further adversely affect air quality at this junction. In order to ascertain what potential impact to air quality this site would pose, an air quality assessment is necessary. Again, the applicant questioned the need for this, and no assessment has been forthcoming.
- 10.89. Finally, the EHO indicated that the construction phase would also have the potential to adversely impact on the nearest residents by way of dust, dirt, noise and vibration. Conditions were therefore suggested covering the need for a scheme to minimise the above, hours of working conditions and control over piling, particularly in light of the ground conditions.
- 10.90. Therefore, in the absence of a Noise Impact Assessment and Air Quality Assessment, officers cannot be certain that harm would not arise from the development. Likewise, officers cannot be certain that the proposal would not breach Convention rights in the Human Rights Act 1998 in particular the right to health and the right to private and family life.

Heritage impacts of the proposal

- 10.91. In determining applications regard should be had to the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 10.92. The application was supported by an Archaeology and Heritage Desk Based Assessment. This details that the closest listed asset is the Grade II listed Brayton Tunnel of the Selby Canal. Consideration therefore needs to be given as to the effect on the asset. Paragraph 197 of the NPPF states; "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect

non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.” The relevant Local Plan policies include Core Strategy Policy SP 18 ‘Protecting and Enhancing the Environment’.

- 10.93. Concern has been raised by the Selby Civic Society over the impact of the development on the wider character of the canal and the Grade II Listed Brayton Tunnel structure (first listed 15th June 2021). The listed structure lies immediately east of the application site and its setting is currently uninterrupted farmland which provides for its unique setting. The applicants in the heritage assessment detail that the setting of this asset is open fields and although there is the A63 to the north, there are very few structures in the immediate area. The erection of a large workshop and HGV parking and loss of soft landscape/countryside will have a detrimental impact upon the setting of the listed building. This alteration to the setting will result in harm to the significance of the designated heritage asset. The development would not conserve (as required by paragraph 200 of the NPPF) and the harm is not outweighed by public benefit (as required by paragraph 202 of the NPPF).
- 10.94. In terms of archaeology, Policy ENV28 requires that where development proposals affect sites of known or possible archaeological interest, the District Council will require an archaeological assessment/evaluation to be submitted as part of the planning application; where development affecting archaeological remains is acceptable in principle, the Council will require that archaeological remains are preserved in situ through careful design and layout of new development; where preservation in situ is not justified, the Council will require that arrangements are made by the developer to ensure that adequate time and resources are available to allow archaeological investigation and recording by a competent archaeological organisation prior to or during development.
- 10.95. The desk based assessment sets out the known archaeological resource of the area, which is rich in later prehistoric and Roman settlements and burial monuments. The desk based assessment recommends that further work is required to properly assess the impact of the proposal on the archaeological potential of the site and that a geophysical survey should take place in the first instance. The Councils heritage officer agrees with the recommendation and indicates that this evaluation should be undertaken prior to determination of the planning application to ensure accordance with historic environment policies within Section 16 of the National Planning Policy Framework, Section 16, 2021 (paragraph 194). This will enable an informed and reasonable planning decision to be taken as to whether the development should be permitted in its proposed form (paragraph 203). If so, the above information will assist in identifying mitigation options for minimising, avoiding damage to, and/or recording any archaeological remains (paragraph 205).
- 10.96. No further archaeological assessment has been undertaken and given the wider recommendation of refusal this has not been requested of the applicant. The lack of further investigation therefore forms a reason for refusal.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. The proposal constitutes a major commercial development in the countryside on a greenfield site, which fails to satisfy any of the permissible exceptions for development in such locations. Part A(c) of SP 2 limits development in the countryside to the replacement or extension of existing buildings, the re-use of buildings and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13 of the Core Strategy. The 5.17 hectare site, goes beyond what might be anticipated by SP2. Whilst development may bring some new employment opportunities and improvement to the wider economy, due to its scale it will not maintain or enhance the vitality of rural communities like SP 2 envisages. Such uses play key strategic roles in the wider economy and should therefore be located on allocated or brownfield sites.
- 11.2. Likewise, Core Strategy Policy SP13 provides policy guidance with regards to the scale and distribution of economic growth. Part C states that in rural areas, sustainable development (on both greenfield and previously developed land) which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise will be supported. The proposal does not fall within any of the permissible exceptions which are aimed at the re-use of existing buildings and infrastructure, redevelopment of brownfield sites, diversification, well designed new buildings, rural tourism and leisure developments, and other small scale development. Policy SP13D states that in all cases development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity. This isn't a small scale rural development envisaged by Policy SP13. The same policy conflict exists with EMP2 which encourages small-scale development in villages and rural areas in support of the rural economy. On this basis it cannot be concluded that the application is in accordance with the Development Plan.
- 11.3. The application has demonstrated several economic benefits to the proposal, which include serving a local companies and some have written in support, job creation and less capacity on the highway in Thorpe Willoughby as material considerations however this does not overcome the policy harm identified. Whilst officers acknowledge the search for a new purpose-built site, this isn't an appropriate location.
- 11.4. The application conflicts with the Minerals and Waste Joint Plan because it does not provide a minerals assessment. There would be unacceptable impacts upon mineral resources. The proposal would also result in the unnecessary loss of agricultural land, for which no assessment has been made or justified. The proposals impact on residential amenity and nature conservation is acceptable subject to condition.
- 11.5. The proposal would have a harmful impact on landscape character and visual amenity on account of its scale, lack of established landscaping and views from the A63 and public footpath routes to the south.

- 11.6. The application has not demonstrated that it is safe from Flood Risk, being mainly flood zone 3 and no sequential test has been submitted. The foul drainage proposals are also unjustified with a package treatment plant being proposed.
- 11.7. The proposal does not adequately demonstrate that the highway has capacity in this location and safety implications are acceptable or that the site is sustainable. The proposal does not include a Noise Impact Assessment or Air Quality Assessment and therefore does not demonstrate that the noise arising from the operational use wouldn't have a negative impact on local residential amenity or that air pollution would be to acceptable levels.
- 11.8. The proposal lies adjacent to a Grade II listed Brayton Tunnel and is regarded to have a detrimental impact upon the setting of the listed building. Finally with the absence of a geophysical survey the archaeological potential of the site cannot be fully established.
- 11.9. Some of the above matters could potentially be resolved by further surveys and changes to the submitted scheme, however given the site is unacceptable in principle these changes have not been requested. The proposal is therefore unacceptable in planning terms and conflicts with local and national planning policies as outlined below.

12.0 RECOMMENDATION

- 12.1 That planning permission be REFUSED for the following reasons:

- i. The proposal constitutes a major commercial development in the open countryside and is not of an appropriate location or scale that would improve the local economy or maintain the vitality of the rural community. The application is therefore contrary to Policies SP 2, SP13 of the Core Strategy and EMP 2 of the Local Plan.
- ii. The conflict with the spatial development strategy means the loss of best and most versatile agricultural land would be unnecessary. Such loss would result in minor harm to the agricultural economy in the area as well as food self-sufficiency. The loss of agricultural land is contrary to Core Strategy Policy SP18 and NPPF paragraph 174 b).
- iii. The proposal does not include a minerals assessment and does not demonstrate mineral impacts are acceptable, contrary to Policies S01 and S02 of the Minerals and Waste Joint Plan.
- iv. The proposed development will cause a harmful impact on landscape character, visual amenity, and views of the open countryside and the rural context of Selby, Brayton and Burn. Therefore, the proposal is contrary to Selby District Local Plan Policy ENV1(4), and Core Strategy Policies SP13 and SP18 and NPPF paragraph 174.
- v. The Flood Risk Assessment does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of

the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess the flood risks posed by the development and is contrary to Section 14 of the NPPF and Core Strategy SP15.

- vi. The application site is located predominantly within Flood Zone 3. The NPPF states that all proposals located in Flood Zone 2 and 3a require a Sequential Test to determine whether there are any reasonably available sites at less risk of flooding that could accommodate the development. The Sequential Test should be undertaken at a District wide level. The applicant has failed to submit information at a District wide level to demonstrate that the Sequential test can be met. The proposed development for is therefore considered to be unacceptable and contrary to the Section 14 of the NPPF.
- vii. The proposal does not adequately demonstrate that the highway has capacity in this location and safety implications are acceptable or that the site is sustainable. The application is therefore contrary to Selby District Local Plan Policies ENV1, T1 and T2, and Core Strategy Policies SP15 and SP 19 section 9 of the NPPF.
- viii. The proposal does not include a Noise Impact Assessment and therefore does not demonstrate that the noise arising from the operational use wouldn't have a negative impact on local residential amenity. The application is therefore contrary to Local Plan Policy ENV 2 and section 15 of the NPPF.
- ix. The proposal does not include an Air Quality Assessment and therefore does not demonstrate that the air pollution arising from the operational use wouldn't have a negative impact on local residential amenity and nearby public footpath routes. The application is therefore contrary to Local Plan Policy ENV 2, Core Strategy Policy SP 18 and SP19 and section 15 of the NPPF.
- x. The proposal lies adjacent to a Grade II listed Brayton Tunnel. With the exception of the A63, the setting of this asset is open fields with very few structures in the immediate area which provides for its unique setting. The erection of a large workshop and HGV parking and loss of unspoilt countryside will have a detrimental impact upon the setting of the listed building. This alteration to the setting will result in harm to the significance of the designated heritage asset. The development would not conserve (as required by paragraph 200 of the NPPF) and the harm is not outweighed by public benefit (as required by paragraph 202 of the NPPF). The application is therefore contrary to SP18 which seeks to safeguard the historic environment.
- xi. With the absence of a geophysical survey as highlighted in the Archaeological Desk Based assessment the archaeological potential of the site cannot be fully established. The application is therefore contrary to

Local Plan Policy ENV 28, Core Strategy Policy SP18 and Section 16 of the National Planning Policy Framework, in that the lack of information doesn't enable an informed and reasonable planning decision to be taken as to whether the development should be permitted in its proposed form.

Target Determination Date: 8.05.2023

Case Officer: Gareth Stent, Garethstent@northyorks.gov.uk

Appendix A – Proposed Site Plan - illustrative