

North Yorkshire Council
Community Development Services
Strategic Planning Committee

11 JUNE 2024

2021/1531/EIA - OUTLINE APPLICATION FOR THE DEMOLITION OF EXISTING COLLIERY BUILDINGS AND THE CONSTRUCTION OF UP TO 1,460,000 SQ FT OF EMPLOYMENT FLOORSPACE COMPRISING USE CLASSES B2, B8 AND E(G) TO INCLUDE ACCESS (WITH ALL OTHER MATTERS RESERVED) AT GASCOIGNE WOOD INTERCHANGE, GASCOIGNE WOOD MINE, LENNERTON LANE, SHERBURN IN ELMET, NORTH YORKSHIRE, LS25 6LH

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the Report

- 1.1 To determine an outline planning application for the demolition of existing colliery buildings and the construction of up to 1,460,000 sq ft of employment floorspace comprising Use Classes B2, B8 and E(g) to include access (with all other matters reserved).
- 1.2 This application has been reported to Committee due to the application being a significant planning application relating to energy or physical infrastructure accompanied by an Environmental Impact Statement and where it is intended to recommend approval.

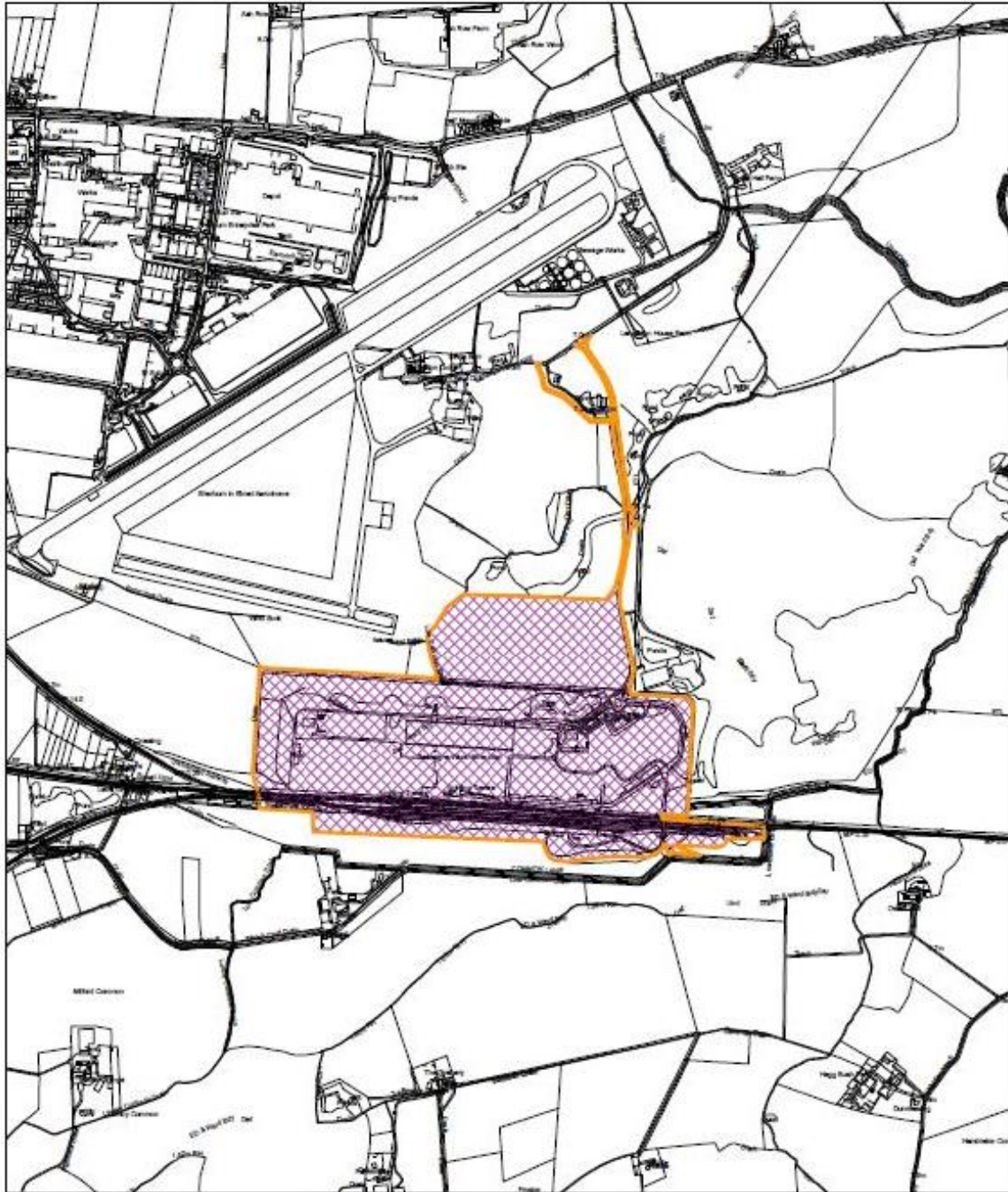
2.0 SUMMARY

RECOMMENDATION: It is recommended that Planning Committee delegate to the Head of Development Management to **GRANT** planning permission for the proposed development subject to the conditions recommended in this report; and completion of a Section 106 Agreement securing Travel Plan monitoring, contribution towards A63/A162 junction improvements, sustainable travel enhancements and provision of a shuttle bus.

- 2.1. This is an outline planning application for construction of up to 1,460,000sq ft (135,638sq m) of B2, B8 and E(g) employment floorspace at the former colliery of Gascoigne Wood following demolition of the existing buildings. Approval is sought for access, which is proposed via the existing mine access road from New Lennerton Lane. All other matters are reserved.
- 2.2. The 75-hectare site comprises the former colliery and a field lying to the north. Within the colliery site there are areas of hardstanding, an existing building and rail tracks retained following the colliery closure, some newer buildings linked to more recent employment uses of the site, and landscaped bunds to the site perimeter. The Selby-Leeds railway line transects the southern section of the site. The site is located within open countryside to the south-east of Sherburn-in-Elmet with Sherburn Aeroclub and the Sherburn Enterprise Park to the north/north-east.

- 2.3. The development plan is considered to weigh in favour of the redevelopment of this brownfield site providing there are economic benefits to the area. There would be no loss of agricultural land as the proposed drainage basin to serve the development would remain in agricultural use. There would be no mineral impact.
- 2.4. No harm has been identified to designated heritage assets or archaeology. There would be a net gain for biodiversity and landscaping is proposed. The flood risk assessment and site-specific drainage scheme are acceptable.
- 2.5. The proposal is not considered to result in unacceptable impacts on the adjacent airfield subject to condition.
- 2.6. Subject to conditions and a Section 106 legal agreement to seek contributions to off-site highway works and travel improvements there is no highways objection to the proposal.
- 2.7. In conclusion, it is recommended that planning permission be granted for the outline planning application subject to the completion of a Section 106 Agreement and conditions as set out in this report.

Gascoigne Wood Interchange, Gascoigne Wood Mine, Lennerton Lane, Sherburn in Elmet
2021/1531/EIA



©Crown Copyright and Database Rights 2024 Ordnance Survey AC0000825864.
Produced specifically for Planning and Building Control purposes only.
No further copies may be made.

N
1:15,000

3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found here:- [2021/1531/EIA | Outline application for the demolition of existing colliery buildings and the construction of up to 1,460,000 sq ft of employment floorspace comprising Use Classes B2, B8 and E\(g\) to include access \(with all other matters reserved\) | Gascoigne Wood Interchange Gascoigne Wood Mine Lennerton Lane Sherburn In Elmet North Yorkshire LS25 6LH \(selby.gov.uk\)](#)
- 3.2. Access to the previous planning application and appeal decision for 2018/0818/EIA can be found here: [Documents for reference 2018/0818/EIA: Public Access \(selby.gov.uk\)](#)
- 3.3. The following relevant planning history has been identified for the application site:
- 3.4. 2005/0673/FUL - Proposed retention and re-use of buildings, landscaping and infrastructure and continued use of the Rail Sidings. PERMITTED 13.08.2007.
- 3.5. 2018/0818/EIA - Outline planning application with all matters (scale, appearance and layout) except access and landscaping reserved for the demolition of existing colliery buildings and construction of up to 186,000 sq m (approx. 2,000,000sq ft) of Class B2/B8 and associated Class B1 floor space with supporting container storage area and associated buildings, trackside facilities, access and landscaping. REFUSED 27.3.2019. APPEAL DISMISSED 15.05.2020.
- 3.6. 2021/0372/FULM - Temporary change of use of part of former colliery to fall within use classes E(g)(i), B2 and B8, the erection of modular office, welfare and storage buildings for a temporary period of 5 years and associated operations to provide car parking facilities. PERMITTED 01.09.2024.

4.0 Site and Surroundings

- 4.1 The application site comprises the former Gascoigne Wood colliery site and a parcel of agricultural land to the north, which lies outside of the former colliery. The site is accessed via a private road from its junction with New Lennerton Lane 0.8km to the north of the existing site entrance. The adopted New Lennerton Lane then forms a T-junction with the B1222 Bishopdyke Road a further 0.6km to the north.
- 4.2 The site lies to the south-east of Sherburn-in-Elmet. To the north/north-west of the site lies Sherburn Aeroclub with Sherburn Enterprise Park beyond. The enterprise park extension, Sherburn 2 (S2) is under construction on its eastern side. To the north and south of the site lies agricultural land. To the north-east and east lies the mounded mine spoil disposal area, which is now grassed and restored to semi-woodland, and rises above the existing flat landscape.
- 4.3 The Selby to Leeds double tracked railway line, which connects to the East Coast Main Line at Hambleton Junction, passes through the southern part of the site, beyond which to the south of the main line are rail sidings within the application site, some open land and the southern mine complex bunds up to 15m high that were created at the time that Gascoigne Wood mine was developed. A bridge over the rail tracks, owned by the

applicant, connects the southern sidings (up to 1.3km in length) with the main body of the site.

- 4.4 The main part of the former mine is also surrounded by planted bunds to the north and west, between 12m and 20m in height. This area contains some former mine buildings, the main retained building being the large, covered stockyard and numerous smaller former workshop and stores buildings. The enclosed banded area extends to some 69 ha, of which 27 ha comprises the landscape bunds.
- 4.5 There is a public right of way (PROW) that follows the line of the site access road from New Lennerton Lane to the site entrance, turning then to the east to skirt the mine spoil heap. Further public footpaths extend to the south, crossing the railway line, and to the north across the airfield to Sherburn Enterprise Park.
- 4.6 There are no statutory national or local landscape or wildlife designations on the application site. The site does not contain any protected trees and there is no conservation area or nearby listed buildings that are affected. In landscape character terms the site is surrounded by modified landscapes (the bunds and former mine spoil area). The former colliery lies within Flood Zone 1 with the land to the north within Flood Zone 1 or 2 and parts of the site access within Flood Zones 2 and 3a.

5.0 Description of Proposal

- 5.1. The current planning application focuses on redevelopment of the former colliery site for employment uses.
- 5.2. The historic use of the site as a colliery was granted planning permission by the Secretary of State as part of the Selby Coalfield in 1976. Following closure of the site in 2004 there have been numerous planning applications for re-use and redevelopment of the site, including employment re-use of the existing buildings and infrastructure in 2005 which was allowed on appeal in 2007 (2005/0673/FUL), the short term operating electricity generation plant in 2014 (2014/0017/FUL) and the temporary use of for uses falling within E(g)(i), B1 and B8 in 2021 (2021/0372/FULM).

Planning Application 2018/0818/EIA

- 5.3. A previous planning application for redevelopment of the colliery was submitted in 2018 and is described here to see the order of amendments that have been made to the proposed development since that date.
- 5.4 Planning application 2018/0818/EIA was for Outline planning permission with all matters (except access and landscaping) reserved for up to 186,000 sqm (approx. 2,000,000sqft) of Class B2/B8 and B1 floorspace. The application site extended to 101.16 ha in area and included the colliery and greenfield land to the north extending from the colliery to Lennerton Lane. The application was refused for the following reason:

The proposed development is unrelated to any existing settlement, poorly served by public transport and involves the development of approximately 43ha of unallocated

agricultural land including best and most versatile land and would constitute inappropriate development in the open countryside. The development would not be sustainable and be of a form, location, scale and extent that is contrary to the Council's Spatial Strategy and specifically Policies SP1, SP2 and SP13 of the Selby District Core Strategy Local Plan and saved Policies EMP2 and EMP9 of the Selby District Local Plan. In addition the three overarching objectives of achieving sustainable development set out in the National Planning Policy Framework would not be satisfied by this development. For the above reasons the application is contrary to the Development Plan and the National Planning Policy Framework and in the opinion of the local planning authority there are no material considerations of sufficient weight to justify overriding these objections.

- 5.5 The applicants appealed this decision. The appeal was dismissed and the Inspector made the following conclusions:

Para 95. The proposed development is not appropriate in principle in this location. There would not be unacceptable impacts on highway safety or capacity and the residual cumulative impacts on the road network would not be severe. However, the appeal site is currently poorly served by public transport and there is insufficient evidence to demonstrate that this situation would change substantially.

Para 96. There would be some harm to the character and appearance of the area and a loss of some best and most versatile agricultural land.

Para 97. The proposed development conflicts with Policies SP1, SP2 and SP13 of the Core Strategy and Policies EMP2 and EMP9 of the Selby District Local Plan. It conflicts with the development plan as a whole. It conflicts with the NPPF in relation to promoting sustainable transport and achieving sustainable development.

2021/1531/EIA - Application as Submitted

- 5.6 The proposal as submitted was for a smaller site area than application 2018/0818/EIA which includes the former colliery and the field immediately to the north. The proposal as first submitted was for up to 2,000,000sq ft (185806.08 sqm) of employment floorspace comprising a mix of Class B2 (general industrial), Class B8 (storage and distribution) and Class E(g) (offices/research and development/any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area). All the proposed development would be within the former colliery site. This contrasts with the 2018 application which proposed the same quantum of development however extending across a larger area to the north. As submitted, the proposed development required a significant reduction in the height and width of the existing landscaping bunds to the north and west of the site. A proposed parameters masterplan was submitted showing indicative heights across the site between 6m and 19m Above Ordnance Datum (AOD), rising to 44m AOD within the centre of the site.
- 5.7 A dry drainage basin was shown to the field immediately to the north of the colliery. As submitted the basin was sited to the western end of the field, at the end of runway 10/28 at the airfield.

- 5.8 Footpath/cycle links are shown along the access road extending to the north-west onto New Lennerton Lane. The links also extend to the existing PROW to the east, crossing the south-eastern corner of the site and over the railway to Common Lane to the south.
- 5.9 It is intended to retain the existing rail infrastructure and the parameters plan shows two main reception/handling sidings to the north, each providing length of up to 540m, together with two shorter sidings to the east, each providing length of up to 135m. This totals 1,350m. The application is not proposed to be a Strategic Rail Freight Interchange however the applicant states that it will provide rail access which is commensurate with that required by a single occupier of the main building on the site. No further details are provided with this application to demonstrate how the rail infrastructure will be used and connected to the development.

22nd September 2022 Amendment

- 5.10 Following assessment of the submitted application and receipt of representations, that include an objection from Sherburn Aeroclub, the applicant commissioned a wind turbulence assessment of the impact of the proposal on the operations of the airfield. Following that assessment an amended scheme was submitted in September 2022. No change was made to the quantum of development nor reduction in the proposed bund height and width. The amendment reduced the maximum overall height of any building on site to 33m AOD and the dry drainage basin to the north was moved further to the east, away from the airfield.
- 5.11 An area of landscape enhancements, referred to as “country park”, was proposed encompassing the former spoil heap to the north/north-east of the site.
- 5.12 Notwithstanding the proposed changes, following further consideration of the application the proposed quantum of development was considered an over-development of the site and the loss of the landscaped bunds unacceptable. The applicant therefore further revised the application in October 2022.

17th October 2022 Amendment and the Scheme to be determined

- 5.13 The amended scheme received in October 2022 is that before Strategic Planning Committee today. The existing landscape bunds are now retained with no change to their height or depth. The quantum of development has been reduced and is now up to 1,460,000 sq.ft (135,638.43 sq.m). A revised parameters plan shows a height range of 30.1m AOD for the bulk of the site, reducing to 22m and 19m AOD towards the west and to the north. The area of landscape enhancement (referred to as the country park) to the north/north-east of the site has been removed from the proposal.

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 22 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. A further round of consultation on a revised Regulation 19 Publication Local Plan was undertaken in March 2024 and the responses are now being considered. Following any necessary minor modifications being made it is intended that the plan will be submitted 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 North Yorkshire Local Plan

No weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:
- National Planning Policy Framework, December 2023
 - National Planning Practice Guidance
 - National Design Guide 2021

7.0 Consultation Responses

- 7.1. Consultation responses have been summarised below. Full details can be viewed on Public Access.

- 7.2. **South Milford Parish Council** – Following comments made:

- Disappointed that no pre-application consultation with the parish council or local residents;
 - As submitted the buildings appear tall and above the line of the nearest hill, development may be too large and imposing;
 - If granted suggest conditions to ensure that there is upgrade of surrounding roads and infrastructure, improvements to the B1222/New Lennerton Lane junction, improvements to New Lennerton Lane and B122 including footpath and cycle path, footpath to the east of the site should be upgraded to a bridleway and surface improved;
 - Require significant proportion of jobs given to local residents.
- 7.3. **NYC Highways** – Advise that the existing highway network will continue to operate within accepted capacity parameters and there are no highway safety or capacity issues, and the cumulative residual impact of the applicants’ proposals is not ‘severe’. There are no highway objections to the proposal subject to a s106 agreement to secure contributions for Travel Plan monitoring, A63/A162 Roundabout Improvements and sustainable travel enhancements. Conditions are also recommended.
- 7.4. **NYC Lead Local Flood Authority** – No objection subject to conditions relating to drainage design, maintenance, and exceedance flow rates.
- 7.5. **Yorkshire Water** – Recommend conditions for site to be developed with separated surface/foul water drainage.
- 7.6. **Selby Area Internal Drainage Board** – Recommend condition relating to provision of SuDS.
- 7.7. **Environment Agency** – Agree that flood risk has been scoped out of the Environmental Statement (ES). ES has also scoped out Air Quality, however there is potential for emissions from the existing combustion plans to impact on air quality around the development. No conditions requested.
- 7.8. **NYC Ecologist** – Following review of ecological survey reports and the Framework Landscape and Biodiversity Management Strategy and Defra Biodiversity Metric, satisfied with the survey work carried out, supportive of the assessment of impact and recommendations for protection during construction works. Conditions recommended relating to a sensitive lighting strategy, production of Construction Environment Management Plan and Landscape Ecological Management Plan.
- 7.9. **Natural England** – No comments to make on the application.
- 7.10. **Landscape Consultant** – Original consultation response received 28.3.22 to the scheme as submitted which included loss of the existing landscape bunds around the site – not supportive of the loss of the landscape bunds and woodland atop them, especially as the proposed main building is even taller than existing, so it is illogical and harmful to the landscape resource and to views/visual amenity to remove it and replace it with a much lesser thing, that will do very little to screen or even mask the massive scale, the visual impact of the development within those views would be

significant, the development would also result in the loss of an established piece of landscape that is integrated into its context, to which it makes a valuable contribution.

Revised scheme consultation response - further assessment and advice on the amended proposals that came forward in September 2022 and in October 2022 which retained the bunds and landscaping. The current proposal is considered acceptable subject to conditions.

- 7.11. **NYC Tree Consultant** – The submitted tree report is fair and balanced. There is ash die back and a failing Alder avenue, an assessment of tree numbers, proposed loss and replacement planting should be provided in a 10 year plan. Replacements for the Alder avenue should be large upper canopy mixed species more appropriate to the landscape and for long term impact. Conditions recommended.
- 7.12. **Sherburn Aeroclub** – Response dated 8.2.22 (to the scheme as submitted). Object to the proposal on the following grounds:
- No pre-application agreement on aviation safety issues;
 - CAP 738 Safeguarding of Aerodromes is to ensure the proper, informed assessment of the implications of any development being proposed within their vicinity to guarantee, as far as practicable, that the aerodrome and its surrounding airspace is not adversely impacted by the proposal, thus ensuring the continued safety of aircraft operating at the location and identifies key considerations to be addressed. Application not compliant as has not satisfactorily addressed aviation safety matters;
 - No consideration given to windshear/turbulence effects of proposed new buildings on aircraft using east/west and north/south runways;
 - No consideration given to aviation implications of SuDs basin – bird attraction/bird strike and possible glint and glare;
 - Proposed landscaping will be attractive to wildlife/birds;
 - Noise assessment has not considered impact of aerodrome noise on proposed building occupiers.

The Aeroclub was reconsulted on the October 2022 amendments however no further response has been received.

- 7.13. **Civil Aviation Authority (Airfields Advisory Team)** – Response received 28.10.22 following assessment of amended plans, as follows:-

Note that the Aeroclub previously objected to application 2018/0818/EIA, the priority concern is that development has the potential to halt part of the aero club's operation. Secondary issues are touched on but do not dilute their primary objective to ensure that their licence requirements are fulfilled. To satisfy their primary objective, a flight path area was defined that ensured no development would fall within the area [at the south-eastern end of the airfield] or sufficient mitigation proposed that would enable the aero club's operation to continue.

The Aeroclub objected in February 2022 to the application stating that the application lacked proper assessment of the proposed new building envelope on wind-shear/turbulence; not considered aviation implications of proposed creation of SuDS water basin and wildlife habitat area under the flightpath; not considered possible glare

of water in SuDS pond below the flightpath on pilots in terms of distraction/confusion; little detail has been given too about proposed lighting such that comfort can be taken that there will be no adverse impacts.

Conclude that “The proposed scheme does not appear to be compatible with the aerodromes’ established operation, primarily as a result of the scheme’s location. As set out above, there is the potential for the aerodrome to be adversely impacted by the scheme as a result of a variety of factors. Such factors could result in the aerodrome being unable to meet the requirements for a licenced aerodrome as well as a reduction in movement numbers and capability resulting in reduced commercial viability.”
Recommendations made:

- Developed modelling of proposed buildings and structures against aerodrome’s OLS taking in to account terrain elevations;
- Developed modelling to consider wider criteria to assess the potential for building induced turbulence;
- Review the proposed development’s potential to increase wildlife strike;
- Consider the removal or relocation of the SUDS basin from the scheme;
- Glint and glare assessment.

Response received dated 14.12.2023 – following consideration of further modelling work submitted.

Acknowledge that work has been undertaken to attempt to model the impacts on the airfield. The CFD [Computational fluid dynamics] modelling appears encouraging but are unsure of the validity of the factors [data set] used as it models larger aircraft and the environment at Heathrow. The methodology of the modelling appears sound but there is still uncertainty regarding the indicated, expected output.

- 7.14. **NYC Minerals and Waste** – No comments in this particular instance as the proposed development at Gascoigne Wood Interchange, Gascoigne Wood Mine, Lennerton Lane is within a Minerals Safeguarding Area and falls under the following exemption criteria stated in paragraph 8.55 of the MWJP (2022): Applications for development on land which is already allocated in an adopted local plan where the plan took account of minerals, waste and minerals and waste transport infrastructure safeguarding requirements, or, in the case of emerging local plan allocations, where the Minerals and Waste Planning Authority has raised no safeguarding concerns during consultation on the emerging plan allocation.
- 7.15. **The Coal Authority** - Confirm that part of the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. Submitted Coal Mining Risk Assessment concurs with the Coal Authority’s records and applicant is aware of two mine adits on site. Recommend conditions for further intrusive on-site investigations to establish risks posed to development by past mining activity, identification of mine adits location and “no build exclusion zones”, remediation and/or mitigation measures to address land instability arising from coal mining legacy.
- 7.16. **NYC Environmental Health** – Recommend conditions relating to operational and construction noise including a Noise Impact Assessment for each phase of the reserved
commrep/2021/1531/EIA

matters, and a Framework Noise Management Plan (FNMP) prior to any rail freight usage. Condition also recommended on Operational Air Quality each phase of reserved matters to include emission mitigation statement.

- 7.17. **Network Rail** – No objection in principle to the proposal subject to conditions to ensure that the construction work does not impact on railway safety and that drainage, boundary treatments, lighting and landscaping are suitable.
- 7.18. **British Transport Police** – Support the scheme in principle subject to the following:
- Applicant to consult with Network Rail to assess potential impact of proposal on railway;
 - Landscaping planted against or close to the lineside boundary should not impact on the operation of the railway;
 - Avoid use of loose topdressings which can be used as missiles to throw at trains
 - Lighting should not impede train drivers sightline;
 - During construction developer needs to demonstrate railway safety standards have been considered.
- 7.19. **Police Designing Out Crime Officer** – Advice provided on site layout, lighting, overlooking of pedestrian routes, planting, fencing, cycle and motorcycle/moped parking.
- 7.20. **NYC Public Rights of Way Team** – Advice given on protection of existing public right(s) of way, diversion, or temporary closure.
- 7.21. **NYC Archaeologist** – No objection.
- 7.22. **NYC Economic Development** – Support the proposal as it will create a range of opportunities for businesses across manufacturing and rail related logistics, with a clear benefit for local employment opportunities.
- 7.23. **Contamination Consultant** - Response awaited.
- 7.24. **North Yorkshire Fire and Rescue Service** – No objection/observation.
- 7.25. **Doncaster Sheffield Airport** – No comments to make.
- 7.26. **Vale of York CCG** - No response within consultation timescale.
- 7.27. **Leeds East Airport** – No response within consultation timescale.
- 7.28. **Planning Casework Unit** – No response within consultation timescale.

Local Representations

- 7.29. The application was advertised in the Pontefract and Castleford Express and by the display of site notices at various points in the local area. Representations are summarised below and can be read in full on public access.

- 7.30. One letter has been received **objecting** to the proposal on the following grounds:
- Access to the site by foot and cycle is unsafe via B1222, if to be used then safety measures (footways, traffic calming) need to be included in the plans;
 - Increased use of New Lennerton Lane also going to be dangerous to vulnerable road users;
 - Not adverse to providing new job opportunities;
 - No community involvement undertaken by the applicant.
- 7.31. One letter has been received **commenting on (but not supporting or objecting)** the scheme as follows:
- Pedestrian access to the site from the south is positive, expect will make level crossing redundant; Level crossing is a public right of way, new access path should have the same;
 - Increased traffic on Common Lane, parking restrictions will be needed to discourage parking;
 - Increase rail use encouraged but locomotives shouldn't idle for long near to Milford junction;
 - Potential congestion from construction traffic using A63;
 - Overall impact on traffic from proposal in addition to new Lumby quarry development and new A1 services.
- 7.32. One letter has been received from Samuel Smith Old Brewery (Tadcaster) (in relation to the scheme as first submitted), making a case why the application should be refused by the Council. The representation also included landscape and transport appraisals commissioned by Samuel Smith Old Brewery (Tadcaster):
- Site is unsustainable;
 - Seek clarity on amount of floorspace applied for (sq.m or sq.ft);
 - No information provided on proportion of each use class across the site, could result in a single use class;
 - Site not specifically allocated within the local plan;
 - Local plan supports redevelopment of mine site only, not bunds or surrounding land;
 - Proposal being justified by its relationship to railway infrastructure, rather than appropriateness to deliver employment land;
 - Proposed buildings inappropriate in terms of location and scale;
 - Conflicts with CS policies SP2 and SP13;
 - Detrimental to the character of the area;
 - Question how likely an occupier is to use rail infrastructure, no information / assessment provided by applicant, indicative plan shows no direct railway sidings;
 - Transport proposals are identical to those dismissed on appeal in 2019;
 - Failure to secure cycle/pedestrian route across adjacent runway;
 - Scale of development inappropriate in this location;
 - Contrary to Council's employment strategy;
 - Loss of bunds will have profound visual impact on surrounding area and landscape.

8.0 Environment Impact Assessment (EIA)

- 8.1. The application has been accompanied by an Environmental Statement (ES). The ES has been reviewed in accordance with the Town and Country Planning (Environmental

Impact Assessment) Regulations 2017 and has been found to be satisfactory in terms of Schedule 4. None of the statutory or other consultees has suggested that the ES is in any way inadequate.

9.0 Main Issues

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

- Principle of the Development
- Highway Safety and Accessibility
- Transport infrastructure safeguarding
- Public Rights of Way
- Aviation considerations
- Noise and amenity
- Design
- Ecology and biodiversity
- Landscape
- Rail Safety and operation
- Flood risk and drainage
- Minerals and waste
- Other matters
- Section 106 Legal Agreement

10.0 ASSESSMENT

Principle of Development

- 10.1 Policy SP1 of the Core Strategy (CS) outlines the positive approach that the Council will take when considering development proposals, reflecting the presumption in favour of sustainable development contained in the NPPF at paragraph 11. For decision-making, this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷;
 - or
 - ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 10.2. CS Policy SP2 sets out the spatial development strategy for the former District and states that the majority of new development will be directed towards the District's towns and larger villages. SP2(c) states that proposals beyond the Development Limits, in the countryside, will be limited to the replacement of existing buildings and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy in accordance with policy SP13 or any other special circumstances.
- 10.3. Policy SP2 refers to compliance with Policy SP13 which gives support to developing and revitalising the local economy. The policy provides for an additional 37 to 52 ha of employment land in the period to 2027, however this is not described as a maximum.

Part C of Policy SP13 refers specifically to economic development in rural areas and gives support to the redevelopment of existing and former employment sites. Part D requires that in all cases development should be *sustainable, appropriate in scale and type to its location, not harm character and seek a good standard of amenity*.

- 10.4. The commentary to Policy SP13 states that (para 6.34) “The Council also supports the reuse of the former Gascoigne Wood mine, provided this is directly linked to the *use of the existing rail infrastructure that exists at the site*”. However, as commentary, this is not the wording in the adopted policy.
- 10.5. CS Policy SP15 states that sustainable development will be promoted through directing development to sustainable locations, in accordance with Policy SP2 and giving preference to the re-use of existing buildings and previously developed land where this is sustainably located.
- 10.6. CS Policy SP16 requires non-residential scheme of 1000m² gross floor space or more to provide a minimum of 10% of total predicted energy requirements from renewable, low carbon or decentralised energy sources, subject to feasibility and viability.
- 10.7. Saved Selby District Local Plan (SDLP) Policy EMP2 states that new economic development is to be concentrated in and around Eggborough, Selby, Sherburn-in-Elmet and Tadcaster and allocates employment land in and around these and other settlements (albeit not the application site in question). The policy also identifies that rural economic development is normally small in scale.
- 10.8. Saved SDLP Policy EMP9 provides additional guidance with regards to the expansion of existing employment uses in the countryside. Support will be given provided that:
- The proposal would not create conditions prejudicial to highway safety or have a significant adverse effect on local amenity;
 - The nature and scale of the proposal would not have a significant adverse impact on the character / appearance of the area or harm acknowledged nature conservation interests;
 - The proposal would achieve a high standard of design, materials and landscaping;
 - Proposals should not result in the loss of best and most versatile agricultural land and would be well-screened.
- 10.9. The application site largely comprises a brownfield site outside any defined development limit and therefore by definition is located in open countryside. It lies in a location which will result in reliance on the private car to access the site. Nonetheless, the Core Strategy does give support to the redevelopment of previously developed land and specific reference is given to the redevelopment of Gascoigne Wood in the supporting text to Policy SP13. It is important to note that the Core Strategy states that the redevelopment of this site should be directly linked to the re-use of the existing rail infrastructure on site. No details of how the rail infrastructure will be utilised has been provided in support of the application. It is noted that as the application is for outline consent, with no end-users identified, it is difficult to assess the likelihood of the existing rail infrastructure being utilised by the proposal.

- 10.10. Given the size of the previously developed site, consideration should also be given to whether the scale and type of proposal is appropriate to its rural location, as per policy SP13D. The application has been amended since submission and now proposes a reduced floorspace of up to 1,460,000 sq.ft. The reduction in employment floorspace, along with the retention of the landscape bunds and the reduction in maximum heights of buildings is welcomed and it is considered that some of the previous concerns regarding scale of development have been mitigated.
- 10.11. The Council are currently progressing a new local plan for the Selby legacy area which will cover the period to 2040. Consultation on the Pre-Submission Publication Draft Local Plan (Regulation 19) was undertaken between August and October 2022 and consideration of responses has been carried out. The Council held a further six-week consultation on a revised Regulation 19 version between 8th March – 19th April 2024 and is currently working through the responses prior to submission to the Secretary of State for independent examination.
- 10.12. The emerging Local Plan is supported by a Housing and Economic Development Needs Assessment (HEDNA) (2020) and an Addendum (2022) which have informed the Selby district's employment land requirement during the period to 2040. The HEDNA finds that the following level of employment land should be delivered, as a minimum, during the period to 2040:

Use Class	Recommended floorspace (sq m)	Recommended land (ha)
Office (previously B1, now E(g))	10,880	3.6
Industrial & storage (B2, B8)	306,660	87.6
Total	317,540	91.2

- 10.13. The evidence from the HEDNA suggests that there is a sufficient supply of employment land in the District for the Local Plan period. However, the Council recognises that there are key remaining opportunities for the redevelopment of Eggborough Power Station, Olympia Park and Gascoigne Wood Interchange which represent strategic brownfield sites with unique rail infrastructure.
- 10.14. Gascoigne Wood is identified as a proposed employment allocation in the emerging Local Plan (policy SHER-AA). The allocation includes the colliery and greenfield land to the north, in essence the submitted application red edge, and excludes the greenfield land from development (drainage only). The emerging policy set out the following site requirements for future development:
1. *Utilise the existing rail infrastructure on the brownfield part of the site. This former colliery site has rail infrastructure relating to its role as a hub for the local coal mine network. This is recognised as being a unique asset to the former Selby district area. Any redevelopment of the site must utilise this existing infrastructure which provides the opportunity to access local and national markets via the rail network.*
 2. *Ensure that the greenfield, northern part of the site is to be used only for the drainage attenuation basin/pond.*
 3. *Ensure that air safety and aviation impacts are satisfactorily considered. This is to protect the amenity of Sherburn Aeroclub located to the north west of site.*
 4. *Utilise and upgrade the existing vehicular access from New Lennerton Lane.*

5. *Ensure safe, attractive and convenient pedestrian and cycle routes are provided within the site which link to existing routes to Sherburn in Elmet town centre and the train stations at Sherburn in Elmet and South Milford.*
6. *Prepare an appropriate contamination remediation strategy in accordance with a phasing strategy and be supported by a Coal Mining Risk Assessment. This site was used as a coal mine (with associated railway connection, sidings and electrical grid connection) between 1983 and 2004, and has more recently been used for the storage of gypsum. These activities may have given rise to land contamination and/or ground gas issues. The ground conditions must be investigated and any necessary remediation work must be undertaken to ensure that the land is safe and suitable for its proposed use prior to development. An appropriate contamination assessment must be submitted with any planning application.*
7. *Create a landscaped buffer with tree/hedgerow planting of native species to provide screening of views from the northern, eastern and western edges of the site.*

10.15. In terms of the level of weight that can be currently given to the emerging Plan in decision making, paragraph 48 of the NPPF provides guidance and states that weight can be given according to:

- a) The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and,
- c) The degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

10.16. Whilst the Plan still needs to undergo Examination by an independent Examiner, no objections have been received at Publication stage to the principle of development of Gascoigne Wood for employment uses. It is not yet known if there are objections to the draft allocation in the Revised Publication plan. However, whilst the plan overall has limited weight, it is considered that emerging Policy SHER-AA and the evidence base behind it can weigh in the tilted balance of decision making.

10.17. In taking a judgement on whether the proposal complies with Core Strategy Policy SP13D and specifically whether it can be demonstrated to be a sustainable location for such a scale of proposal, it is concluded that the proposal does not represent small scale rural development as envisaged by Policy SP13. The proposal cannot therefore be considered to be in strict accordance with Policy SP13.

10.18. However, Policy SP13 is supportive of the redevelopment of existing and former employment sites and commercial premises and the supporting text refers specifically to the redevelopment of Gascoigne Wood. As the proposed scheme is a redevelopment of a former major employment site and will generate jobs for the local economy, although strictly a departure from the Core Strategy, the proposals are considered to be within the spirit of Policy SP13. The grant of planning permission in 2008 under application 2005/0673/FUL established the principle of employment use in this location and on this site. The proposed floorspace has been reduced by ¼

compared to that proposed in 2018/0818/EIA. Although still significant, it is considered that some of the previous concerns regarding scale of development have been mitigated.

- 10.19. The redevelopment of Gascoigne Wood forms part of the emerging Local Plan proposals. Whilst still in an early phase, no objections have been received at Publication stage to the principle of development of Gascoigne Wood for employment uses. Therefore, it is considered that emerging Policy SHER-AA and the evidence base behind it can weigh in the tilted balance of decision making.
- 10.20. Therefore, subject to the proposal satisfying other local plan policies, the proposal is considered to be acceptable in principle.

Section 149 of The Equality Act 2010

- 10.21 Under Section 149 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 proposed development would not result in a negative effect on any persons of or persons with The Equality Act 2010 protected characteristics. It is considered to have a positive impact in terms of the provision of facilities for those with additional needs, through the specific nature of the development in terms of future employment opportunities and through the potential arising from its design and sustainable and accessible transport measures, including parking provision.

Highway Safety and Accessibility

Highway safety

- 10.23. SDLP Policies T1 and T2 set out local planning policies regarding Development in Relation to the Highway Network and Access to Roads.
- 10.24. SDLP Policy ENV1 states proposals for development will be permitted provided a good quality of development is achieved. In considering proposals the Council will take account of various matters including 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. SDLP VP1, VP2 and VP3 seek to ensure sufficient off-street parking is available.
- 10.25. Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 10.26. It is no longer proposed to operate the site as a predominantly rail related facility, although the potential to utilise the rail link is shown to be maintained, and rail use will ultimately be determined by future occupiers. The Transport Assessment section of the ES considers the worst-case scenario for transport on the highway network and identifies what measures will be taken to deal with anticipated impacts on the highway network from the proposal and identifies improvements and initiatives to improve site accessibility from all modes of transport.
- 10.27. The proposal is supported by a Design and Access Statement, Transport Assessment and Travel Plan. In addition to these documents the Highway Authority has received clarification on several highway matters with further information submitted including details relating to the impact of the proposal on the A63/A163 roundabout.
- 10.28. The Local Highway Authority does not object to the proposal subject to the provision of contributions, secured via a Section 106 agreement for the following:

Contribution	Obligation	Need
£5,000	Contribution towards monitoring of Travel Plan.	For the purpose of reviewing annual monitoring reports.
£86,719.25	Contribution towards the A63/A162 Junction Improvements	Required to address highway impacts arising from the development.
£200,000	Contribution towards sustainable travel enhancements in the area from variety of transport modes including bus, rail, and cycle.	To deliver sustainable travel enhancements in the Sherburn area, to address impacts arising from the development.
£0	Provision of responsive to demand Shuttle Bus Service between the site, South Milford railway station, Sherburn-in-Elmet village centre and Sherburn-in-Elmet railway station in the peak hours, or other key times identified by the Travel Plan Steering Group. The bus will be funded by the applicant though secured through the S106.	To deliver sustainable transport options to the site.

These contributions are considered appropriate to size and impacts arising from the development.

Accessibility

- 10.29. Sustainable travel enhancements in the area are proposed. A new connection will be provided from Common Lane to the south of the site to connect to the existing haul road bridge over the railway. This will allow access from the south, avoiding use of the

level crossing, for both pedestrians and cyclists. A cycle connection to the north is also proposed to link up with the existing connection from Hurricane Way. The site is more than 2km from residential areas and it is unlikely that many employees would walk to the site. The nearest rail station is at Sherburn-in Elmet.

- 10.30. A Travel Plan has been prepared and agreed, which will promote car sharing, cycling and public transport and a 10% modal shift for multi-occupancy car journeys to the site over a 5 year period. There is also an agreement with the applicant to fund a free to use shuttle bus service that runs between the Site, South Milford Rail Station, Sherburn in Elmet Village Centre and Sherburn in Elmet Rail Station in the peak hours, or other key times identified. The provision of the shuttle bus enhances the accessibility of the proposed site by public transport.
- 10.31. Conditions are also recommended including requiring the detailed plans for the roads and footways, construction, provision of visibility splays.
- 10.32. It is considered that the proposal would satisfy draft site requirements (4) and (5) set out in the emerging Selby Local Plan for SHER-AA.
- 10.33. Subject to the completion of a Section 106 agreement for the terms as set and subject to the proposed conditions, there would be no unacceptable impacts on highway safety and thus there are no highways reasons to resist this application.

Transport infrastructure safeguarding

- 10.34. The railway sidings at Gascoigne Wood have been safeguarded as transport infrastructure in the North Yorkshire Minerals & Waste Joint Plan (2022). Policy S05 requires that this facility such be safeguarded against development which would prevent or unduly restrict the use of the infrastructure for minerals or waste transport purposes. The utilisation of the rail infrastructure is required under Emerging Local Plan Policy SHER-AA and the applicant has shown that the rail infrastructure will be retained.
- 10.35. Unlike application 2018/0818/EIA, there is no proposal to develop the site as a Strategic Rail Freight Interchange. It is noted that with two main reception/handing sidings to the north identified in the illustrative masterplan, there is potential for a future occupier, through reserved matters, to access the rail infrastructure, notwithstanding that there is no end user currently identified.
- 10.36. The benefits of enabling and supporting increased rail use is recognised. Whilst desirable for the proposal to use the available infrastructure, it is noted that the proposed development would not sterilise the rail infrastructure and does allow for its use by a future occupier. It is considered that the proposal would meet requirement (1) of the draft requirements for SHER-AA.

Public Rights of Way

- 10.37. SDLP Policy T8 seeks to protect the public rights of way network. There is a Public Right of Way running along the eastern side of the site, then north on the access road connecting to New Lennerton Lane. There are also PROWs running through the

Sherburn 2 site to the north. Connectivity would allow pedestrian access between the 2 sites.

- 10.38. The defined route of the PROW is to be diverted to the edge of the access road to allow for separation from traffic, and it will be extended to the red edge boundary although connection with Sherburn 2 to the north relies on third party agreement. It is intended that the connection will also be for cyclists.
- 10.39. The retention, extension and improvement of the public rights of way network for amenity as well as highway (active travel) reasons is supported. A condition is proposed to secure these links.

Aviation considerations

- 10.40. Sherburn AeroClub (SAC) operate out of Sherburn airfield to the north and west of the application site. There are three runways, the most used being runway 10/28 which runs in an approximately east/west orientation at the southern extent of the airfield. Light aircraft fly from the airfield, it is a flight training school and is a popular facility in the local area. The buildings on Sherburn Enterprise Park to the north and west and the landscaped bunds surrounding Gascoigne Wood already create specific flying conditions, although these are known by SAC and pilots using the airfield.
- 10.41. In terms of national policy on aviation, the NPPF briefly refers to General Aviation (GA) and on plan making says that policies should recognise the importance of maintaining a national network of GA airfields, taking account of their value in serving business, leisure, training and emergency service needs and the Government's GA Strategy (Department for Transport 2015).
- 10.42. The GA Strategy does not make specific reference to protecting GA airfields from neighbouring development however recognises that 'technology changes very quickly and to survive [aviation] businesses must adapt to reflect this progress - such as by improving hangar facilities or creating all-weather runways and that improvements to infrastructure at airfields are increasingly vital to their ability to survive', and therefore implies that the operational integrity and attractiveness of GA airfields should be taken into account.
- 10.43. Sherburn airfield is not a 'safeguarded aerodrome' under Department for Transport/ODPM Circular 01/2003 Safeguarding aerodromes, technical sites and military explosives storage areas. As a result, there are no statutory requirements to consult the Civil Aviation Authority (CAA) since the Direction in Circular 01/03 does not apply. There is therefore only a voluntary consultation procedure with local authorities.
- 10.44. The CAA have a series of guidance publications. The most relevant to this application are CAP168 which relates to Obstacle Limitation Surfaces (OLS) which are 3-dimensional surfaces which extend upwards and outwards from, and are more restrictive, at the ends of runways, infringement into an OLS by buildings or structures could endanger aircraft; and CAP772 which relates to bird strike and wildlife hazards.
- 10.45. In response to the objections raised by SAC on the application proposal, although not a statutory consultee, the Civil Aviation Authority's Airfields Advisory Team (AAT) have
commrep/2021/1531/EIA

been consulted on the application, in particular with regards to the impact of the proposed development on wind turbulence, which would impact on aviation safety. Lengthy discussions have been held between the applicant, the AAT and the Council in order to address these matters. Whilst SAC have been re-consulted, no response has been received.

Obstacle Limitation Surfaces (OLS)

- 10.46. The parameters plan indicated that the highest buildings proposed would have a maximum height of 30.1m AOD. Any infringement of the OLS would potentially occur at the end of runways 10/28 (east/west) and 01/19 (which runs north/south). As the application has been submitted in outline with layout and design reserved matters, it is not possible as part of this application to specifically assess whether any structures will penetrate the OLS. A condition is proposed requiring future reserved matters to demonstrate that there is no infringement of the OLS.

Glint and Glare

- 10.47. In terms of glint and glare from proposed buildings, this can be controlled via a condition to ensure that building materials are chosen to minimise glare, including the provision of any solar panels to building rooftops.

Dry Drainage Basin

- 10.48. SAC raised concern over glint and glare from water in the dry drainage basin and its attraction to wildlife and bird strike potential. The basin comprises a large, shallow depression (1:10) slope which will not hold water for most of the time and has been engineered to design out nature and not lead to an increase in invertebrate numbers. The land will continue to be managed in arable production, there will be no ecological enhancement and the ecological survey states that it is not anticipated that there will be any change to the types or number of birds that currently use the arable field therefore not creating any further risk of bird strike than there is currently. The basin has also been moved further east away from the runways.

- 10.49. It is considered that the impact on aviation from glint and glare from the drainage basin would be minimal. Birds are always a concern around airfields, however as no ecological enhancement of the basin is proposed and therefore the increased attraction to birds is not anticipated to be any greater than from other flooded fields in the vicinity.

Wind Turbulence

- 10.50. Wind turbulence affecting the airfield results from the wind crossing existing landform and structures then affecting the airmass on the airfield. New buildings will also affect wind turbulence at a micro-scale due to wind flow over and around the structures, albeit their scale and mass are currently unknown.

- 10.51. The wind crossing the application site to the south and east of the airfield already results in wind turbulence for aircraft on the take-off/landing on runways 28 (landing from the east) and 01 (landing from the south), where planes are most vulnerable, particularly on the descent to landing. The existing turbulence is known and accounted for by pilots, however SAC is concerned about the extent of any change to the wind turbulence which would affect the main runway. As this application is for outline planning permission, the scale and design of proposed buildings are currently unknown.

- 10.52. To identify how the proposed development would impact on the wind conditions on the airfield, the applicant carried out wind tunnel modelling based on the application as submitted, which included taller buildings and the removal of the landscaped bunds. Following the revision of the application (which reduced building heights and retained the bunds) this was supplemented by Computational Fluid Dynamics (CFD) modelling (i.e computer simulations) and a Runway Wind Impact Study (RWIS). Where physical modelling within a wind tunnel is well-established, the level of accuracy can vary depending on the technique used for CFD. The CFD has used data that has been derived from studies at Heathrow Airport and concern was raised by the AAT on the use of this data given the disparity between Heathrow and SAC in terms of scale and aircraft size. The AAT however accepted that that the methodology used was sound.
- 10.53. The RWIS concludes that development on the application site would result in minimal impact to the flying conditions at the airfield, resulting in a loss of 105 cumulative flying hours (4.3 days) or 2.4% of total operational flying time over a year. The difficulty is that as an outline application the exact level of impact is unknown as details of the proposed buildings (location, height, roof form etc) will follow as reserved matters.
- 10.54. As there are weaknesses in the data and due to the continual concern of the AAT, the Council commissioned an independent peer review of the RWIS and CFD to take into account the responses from the AAT, in order to establish the appropriateness of the wind speed/turbulence level thresholds used by the applicant's consultant in the RWIS. Following analysis, the peer review confirms that the thresholds used in the RWIS are appropriate to this site. This proves, at a conceptual level, that development can be safely undertaken in this location and establishes a baseline for safe development. It will be important that reserved matters applications prove they are at or below this established level.
- 10.55. It is evident that the applicant has sought to reduce the impacts on the airfield as much as possible as part of this outline application. The work carried out to understand the impact of the proposed development on runway safety has shown that development is possible with minimal impact on both the airfield as a business and on the safety of aircraft. This has now established a baseline for development. The Council is satisfied, following the peer review, that the data used is sound and that a robust approach has been undertaken.
- 10.56. However, details of the proposed buildings, their number, location and design are at present unknown, and therefore it is also unknown whether they would increase or reduce wind turbulence experienced at the airfield. Further evidence at reserved matters is essential to demonstrate that the proposed buildings will not make the situation worse and may even improve the situation. It is considered a reasonable approach to impose a condition on any grant of permission requiring evidence where any reserved matters application deviates significantly from the illustrative masterplan to allow the impacts of this on the Aeroclub to be fully assessed. The condition would ensure that the thresholds already established in the RWIS are not exceeded.
- 10.57. In terms of the operation of the Aeroclub, until any buildings are erected the flying conditions remain unchanged and there is no impact on its operation.

- 10.58. Subject to a condition, it is considered that (3) of the draft allocation site requirements for SHER-AA would be complied with.

Noise and amenity

- 10.59. SDLP Policy ENV1, CS Policy SP19 and the NPPF considers the impact of development on residential and local amenity.
- 10.60. A Noise Assessment was submitted with the application and considered by Environmental Health, who have recommended conditions for operational and construction noise.
- 10.61. Significant air quality impacts from the site are unlikely and a condition is recommended for an emission mitigation statement to be submitted for each reserved matters phase.
- 10.62. There are three farms on Lennerton Lane and New Lennerton Lane, the nearest being Lennerton Farm 1.7km north of the site. The farm dwellings are all set back from the road. No overlooking or loss of privacy is likely to result from the proposal and it is noted that there will be increased vehicular activity from construction and operation which will result in an element of noise and disturbance. Overall, however it is not considered that there would be any harm on residential amenity resulting from the proposed development.
- 10.63. As the site is next to the airfield there may be potential for noise from the aircraft, however the proposal is for general industry, storage and distribution and offices. These are not sensitive uses, and it is considered that future occupiers would be aware of the airfield prior to moving onto the site. It is not considered that this would result in harm to occupiers of the proposed buildings. It is considered that the proposal would comply with SDLP Policy ENV1 and CS Policy SP19.
- 10.64. In light of the above, as the impacts on residential amenity are considered to be minimal and can be mitigated through condition, the proposal would not contravene Convention rights contained in the Human Rights Act 1998 in terms of right to private and family life.

Design and Visual Amenity

- 10.65. SDLP Policy ENV1 and CS Policy SP19 seeks high quality design for new buildings. NPPF paragraph 135 states "Planning policies and decisions should ensure that developments:...(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)".
- 10.66. The parameters plan shows that the site can accommodate the proposed quantum of development, car parking and strategic landscaping.

- 10.67. Individual building design is unknown as only access is applied for under the outline planning application. Any reserved matters application will need to provide details of scale and appearance. The maximum height of any building is limited to 30.1m AOD and building design, in particular roof form and roof structures, will be informed by wind turbulence assessment to reduce impact on the adjacent airfield. Design will need to ensure that glint and glare from reflective surfaces is minimised.
- 10.68. Proposed buildings will need to incorporate sustainable design and construction techniques to meet the requirements of CS Policy SP15 and improve resource efficiency as required under CS Policy SP16. Condition 32 is recommended to ensure that details are provided with each reserved matters application.
- 10.69. It is considered that the design of the proposed buildings can be controlled through the submission of reserved matters and will not result in harm to the surrounding area or landscape setting. There is therefore no identified harm to relevant policies.

Ecology and Biodiversity

- 10.70. Relevant policies in respect of nature conservation include Policy ENV1 (5) of the Selby District Local Plan and Policy SP18 of the Core Strategy which accord with paragraph 180 of the NPPF. Point d) of Paragraph 180 (NPPF) recognises the need for the planning system to contribute to and enhance the natural and local environment by recognising the wider benefits of ecosystems and minimising impacts on and providing net gains in relation to biodiversity.
- 10.71. The application is supported by Preliminary Ecological Appraisal, Great Crested Newt survey, Bat survey, Breeding bird survey and Reptile survey as well as the Framework Landscape and Biodiversity Management Strategy. The Council's Ecologist is satisfied with the level of survey work undertaken for biodiversity.
- 10.72. The application was submitted prior to the introduction of mandatory Biodiversity Net Gain (BNG) for Major sites on 12th February 2024. The application therefore is not required to show the mandatory BNG. The application however does demonstrate that BNG of 10.82% (habitat units) and 584.63% (Hedgerow units) will be achieved as part of the development. Long term monitoring and management of the BNG will be secured through condition.
- 10.73. The proposal is considered to comply with SDLP Policy ENV(5) and CS Policy SP18 and conditions are requested covering lighting, site clearance and construction, production of method statements for protected species, production of a Construction Environmental Management Plan (CEMP) and Landscape Ecological Management Plan (LEMP).

Landscape

- 10.74. Policy ENV1 requires that account is taken of the effect of a proposal upon the character of the area and the potential loss, or adverse effect upon, features important to the character of the area. CS Policy SP18 requires the high quality and local distinctiveness of the natural and man-made environment to be sustained by safeguarding and, where possible, enhancing the historic and natural environment

including landscape character. Policy SP19 requires development to incorporate new and existing landscaping as an integral part of the design of schemes, including off-site landscaping for large sites and sites on the edge of settlements where appropriate.

- 10.75 Landscape has not been applied for as part of the outline application and is a reserved matter. Nevertheless, the proposal has the capability to result in landscape impact and landscape parameters are required to be established as part of the outline consent in order to inform reserved matters when submitted.
- 10.76. As submitted the proposal included the significant reduction in height and width of the existing landscape bunds around the former colliery, and corresponding loss of existing landscape features and tree loss. The proposed loss of existing landscape features and the scale of the proposed buildings on the site were unacceptable in terms of landscape impact and visual harm. The latest proposal retains these bunds and addresses that concern, however large buildings of 31 AOD maximum height are still proposed within the bunding, which has potential for landscape impact. A Landscape Design Guidance document has been submitted in support of the proposal setting out landscape parameters.
- 10.77. In taking account of the Council's Landscape Consultants comments the Design Guidance and accompanying plans have undergone revision and amendment and re-consultation.
- 10.78. The Council's Landscape Consultant no longer objects to the proposal subject to conditions ensuring that the following matters are included in any subsequent reserved matters application:
- general conformity with the Design Guidance
 - general conformity with landscape masterplan
 - condition relating to lighting
 - condition relating to roof structures (including solar panels)
 - Long term maintenance and management of landscaping
- 10.79. It is considered that the proposed development would meet the aims of SDLP Policy ENV1 and CS Policies SP18 and SP19 through landscaping at reserved matters and through meeting the requirements of the conditions.

Loss of agricultural land

- 10.80. CS Policy SP18 seeks that the high quality and local distinctiveness of natural and manmade environments will be sustained by, amongst other things, steering development to areas of least environmental and agricultural quality. The NPPF advises that decisions should contribute to and enhance the natural environment by recognising the economic and other benefits of the Best and Most Versatile land (BMV) (land in Grades 1, 2 and 3a).
- 10.81. The proposal includes 17.36ha of agricultural land to the north (Grade 3) within which the proposed dry drainage basin will be located. It is stated that the land will remain in agricultural use, including the drainage basin itself. As a result, this land will remain in agricultural usage with no loss. The balance of the site is brownfield land.

10.82. Natural England was consulted and have raised no objection to the proposal.

10.83. Therefore, the proposal is in accordance with Policy SP18 of the CS.

Rail safety and operation

10.84. The Selby to Leeds rail line runs through the site. No objections to the proposal have been received from Network Rail, who note that the applicant has been in contact with them regarding the proposal and who expect the dialogue to continue. It is not considered that there is any detriment to rail safety or operation from the proposal.

Flood Risk and Drainage

10.85. Core Strategy Policy SP15 and Chapter 14 of the NPPF set out the key considerations in terms of flooding and drainage. A Flood Risk and Drainage Strategy was submitted in support of the application.

Flood Risk

10.86. The former colliery, bunds and railway sidings lie within Flood Zone 1 (low probability of flooding) and is therefore appropriate for redevelopment. The majority of the field to the north is also within Flood Zone 1, however the field edges to the west and north lie within Flood Zones 2 and 3. Flood Zones 2 and 3 extend further north, away from the site. This field will contain the dry drainage basin and will not be developed. The Environmental Statement (ES) has identified this area of Flood Zones 2/3 close to the site and has scoped Flood Risk out. The Environment Agency have been consulted and agree with this conclusion. The proposal will be outside Flood Zones 2 and 3 and there it is not considered that there is any flood risk issue from the proposal.

Drainage

10.87. Foul water is proposed to be discharged to the main drains with surface water drainage to the proposed dry drainage basin and then to field drains.

10.88. The Internal Drainage Board (IDB) and Lead Local Flood Authority (LLFA) have been consulted on the application. The IDB have recommended conditions relating to consent from the IDB and that restricted flow measures/attenuation are put into place prior to occupancy and within 3 months of development progressing on site.

10.89. The LLFA have no objection to the proposal subject to conditions relating to foul and surface water drainage, detailed drainage design, maintenance of the SuDS drainage scheme and exceedance flow rates.

Minerals and Waste

10.90. The application site is located within an area identified for the safeguarding of mineral resources. Relevant policies in relation the Minerals and Waste Joint Plan 2022 are S01, S02 and S07, which reflect advice in Chapter 17 of the NPPF, and seek to protect future mineral resource extraction by safeguarding land where the resource is found and avoiding such land being sterilised by other development.

- 10.91. NYC Minerals and Waste team have been consulted on the proposal and have no comments to make. It is not considered that the proposal would impact on mineral and waste in North Yorkshire.
- 10.92. A Coal Mining Risk Assessment was submitted in support of the application and assessed by the Coal Authority. The report identifies that the proposed layout should take into consideration of existing mining features, in particular the mine entries, in line with Coal Authority advice. Conditions are recommended to ensure that the layout is informed by these features at reserved matters.

Contamination

- 10.93. Local Plan Policy ENV2 and criterion k) of Core Strategy Policy SP19 require development which would give rise to or would be affected by unacceptable levels of (amongst other things) contamination or other environmental pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated within new development. Paragraph 189 (a) of the NPPF states that development sites should be suitable for the proposed use taking account of ground conditions and risks arising from unstable land and contamination.
- 10.94. The application is supported by a ground investigation report which has identified areas of high contamination associated with the former mine adits, along with areas of made ground and buried structures. It recommends that once a final development layout and building proposals are known that additional site investigations and assessment work will be required.
- 10.95. The Council's Contamination Consultant is reviewing the report and any consultee response will be reported as an update to Planning Committee and any conditions recommended.

Other Matters

- 10.96. The Environment Agency note that the Environment Statement has scoped out Air Quality and point out that the development area includes the site of an existing combustion plant that is subject to an Environmental Permit issued by the Environment Agency. The Environment Agency have raised concerns that the emissions from that combustion activity has potential to impact on the air quality around this proposed development. The combustion plant will be removed as part of the development and therefore it is not considered that there would be any impact on air quality as a result.

Section 106 Legal Agreement

- 10.97. The following Head of Terms have been agreed with the applicant for this application:

Category/Type	Contribution	Amount & Trigger
A63/A162 Junction Improvements	Required to address highway impacts arising from the development.	£86,719.25 - prior to the first occupation of the first commercial unit to be occupied.

Sustainable Travel Enhancements	To procure the delivery of sustainable travel in the Sherburn area to include enhancements bus, rail, walking and cycling transport modes the need for which is to address impacts arising from the Development.	£200,000. - £100,000 to be paid prior to the first occupation of the first commercial unit to be occupied - balance of £100,000 to be paid prior to the for occupation of 500,000 sqft of employment floorspace
Travel Plan Monitoring Contribution	For the purpose of reviewing annual monitoring reports to be submitted to the Council by the Travel Plan Co-ordinator in accordance with paragraphs 7.1.3 and 7.1.4 of the Travel Plan	£5000 - to be paid prior to the first occupation of the first commercial unit to be occupied.
Sustainable Travel Enhancement	Provision of responsive to demand Shuttle Bus Service between the site, South Milford railway station, Sherburn-in-Elmet village centre and Sherburn-in-Elmet railway station in the peak hours, or other key times identified by the Travel Plan Steering Group.	£0 To be funded by the applicant.

It is considered that the above S106 Heads of Terms are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and as such complies with the Community Infrastructure Levy (CIL) Regulations 2010.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. Outline planning permission is sought for the redevelopment of the former colliery at Gascoigne Wood to employment use within Use Classes B2, B8 and E(g). The proposal would be on brownfield land within the countryside. Redevelopment of brownfield land is supported by CS Policy SP13, although the scale of the proposal exceeds that envisaged in Policy SP13(C). The supporting text to that policy also supports the reuse of Gascoigne Wood, provided it is directly related to the use of the existing rail infrastructure.
- 11.2. The site is also a draft allocation (SHER-AA) within the emerging Selby Local Plan.
- 11.3. The principle of employment use in this location has already been established through previous planning permissions.
- 11.4. The previous application was dismissed on appeal, and the proposed site area and proposed floorspace has been significantly reduced as a result. The current proposal represents a more appropriate scale of development to that considered at the appeal which is compatible with the countryside location.

- 11.5. The site is locationally distant from Sherburn in Elmet, however a package of network improvements and sustainable transport improvements are proposed. There are no highway objections to the proposal.
- 11.6. The rail infrastructure is shown to be safeguarded in accordance with North Yorkshire Minerals & Waste Joint Plan (2022) Policy S05 and would be available for use by a future occupier.
- 11.7. Technical assessments have been carried out which robustly assess potential wind turbulence impacts on Sherburn airfield. The assessments show that on the information provided at outline stage, that these impacts would not be excessive. Conditions are appropriate for assessment of individual buildings at reserved matters.
- 11.8. The proposal is considered acceptable, subject to conditions, in terms of drainage, noise and amenity and Biodiversity Net Gain. Landscape and design are reserved matters.
- 11.9. There are clear economic benefits to the local area, and beyond from the proposal.
- 11.10. It is recommended that the application be approved, subject to the conditions as set out and completion of a Section 106 agreement for highway improvements and sustainable transport measures.

12.0 RECOMMENDATION

- 12.1 That planning permission be GRANTED subject to conditions listed below and the completion of a S106 legal agreement:

TIME LIMIT

1. No development shall commence until details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") have been submitted to and approved in writing by the local planning authority.

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. Application for the approval of the reserved matters shall be made to the Local Planning Authority not later than ten years from the date of this decision.

Reason: To ensure compliance with Sections 91-94 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun before the expiration of one year from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In the interests of amenity having regard to Plan Policy ENV1.

PLANS

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

11921-1-DGD01Z - Design Guidance (received 12.10.2022)
 11921-1-130 - Proposed Parameters plan (dated 10/2022 and received 17.10.2022)
 LN-LP-111 Rev B - Landscape Strategy Plan
 LN-LP-114 Rev B - Framework Landscape & Biodiversity Management Zones Plan
 11921-1-135 - Existing/Proposed Section A (dated 10/2022)
 11921-1-136 - Existing/Proposed Section B (dated 10/2022)
 11921-1-137 - Existing/Proposed Section C (dated 10/2022)
 11921-1-138 - Existing/Proposed Section D (dated 10/2022)

Reason: For the avoidance of doubt.

AVIATION

5. All reserved matters applications shall be in general conformity with the illustrative masterplan and where there is a significant deviation shall evidence that the impact of the proposed buildings and/or structures on Sherburn Aeroclub is in line with the Runway Wind Impact Study report by Nova Fluid Mechanics dated 21st November 2023.

The evidence shall assess the impact of the building/structure design on the wind conditions along the flight paths of runway 10/28 (macadam) and 01/19 (grass) (where they are closest to the development) and is based on the critical wind directions only, as demonstrated by the Nova Fluid Mechanics report dated 21st November 2023.

Reason: In the interests of aviation safety.

DRAINAGE

6. No development shall take place until a suitable maintenance of the proposed SuDS drainage scheme arrangement has been demonstrated to the local planning authority. Details with regard to the maintenance and management of the approved scheme to include: drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.

Reason: To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system in accordance with Core Strategy Policy SP15.

7. No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of 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.

Reason: to prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site system in accordance with Core Strategy Policy SP15.

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

Reason: In the interest of sustainable drainage and to ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network system in accordance with Core Strategy Policy SP15.

9. Surface water run-off from hardstanding (equal to or greater than 800 square metres) and/or communal car parking area(s) of more than 49 spaces must pass through an oil, petrol and grit interceptor/separator of adequate design that has been submitted to and approved by the Local Planning Authority in consultation with Yorkshire Water, prior to any discharge to an existing or prospectively adoptable sewer.

Reason: To prevent pollution of the aquatic environment system in accordance with Core Strategy Policy SP15.

10. Any liquid storage tanks should be located within a bund with a capacity of not less than 110% of the largest tank or largest combined volume of connected tanks.

Reason: To ensure that there are no discharges to the public sewerage system which may injure the sewer, interfere with free flow or prejudicially affect the treatment and disposal of its contents system in accordance with Core Strategy Policy SP15.

11. No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the Local Planning Authority in consultation with the statutory sewerage undertaker. Furthermore, unless otherwise approved in writing by the Local Planning Authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul water discharges take place until proper provision has been made for their disposal system in accordance with Core Strategy Policy SP15.

12. Development shall not commence on any phase of the development until a scheme to ensure that on-site and off-site works to ensure an adequate water supply for the development, that will not cause detriment to existing properties within the area, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented in accordance with the timing and phasing arrangements embodied within the scheme and the number of properties to be

protected within that phase, or within any other period or number of properties as may subsequently be agreed in writing, by the Local Planning Authority.

Reason: In the interest of public health and to protect the strategic water supply system in accordance with Core Strategy Policy SP15.

NOISE

13. Noise emitted from proposed site (excluding noise generating activities controlled by condition 15) shall:

- a) not exceed the existing background level by more than +5dB(A) at any premises used for residential purposes when assessed and / or measured in accordance with BS 4142:2014+A1:2019.
- b) Not exceed 60dB LAFmax at any premises used for residential purposes between 23:00 and 07:00.

Reason: In order to protect residential receptors adjacent to the site in the interests of the residential amenities of the area and the local environment in order to accord with Plan Policy ENV1.

14. The Reserved Matters to be submitted for each phase of the site pursuant to Conditions 1 shall include a Noise Impact Assessment in line with relevant guidance in force at the time and noise monitoring methodology and criteria that have previously been submitted to and agreed in advance by the local planning authority. The designed mitigation shall ensure that the cumulative impact of the site shall not exceed the operating noise criteria stated in Condition 13. All works which forms part of the approved scheme for each phase shall be completed before any part of that phase is first occupied and shall thereafter be retained and maintained as such.

Reason: In order to protect residential receptors adjacent to the site such that the need for mitigation can be designed for each building/phase as the site develops taking account of the previously approved phase and mitigation in the interests of the residential amenities of the area and the local environment in order to accord with local plan Policy ENV1.

15. Freight or container handling within the site and sidings will be undertaken in accordance with a Framework Noise Management Plan (FNMP) that has been submitted to and approved by the local planning authority prior to the first operation of rail freight usage associated with this development. The FNMP is expected to contain details of:

- The identity of the sources of particularly impulsive noise (the types of machines / mobile plant proposed to be used)
- Proposals for the management of activities related to freight or container handling and the times of operation
- Procedures for management of container movement within the site including the minimisation of noise from container loading and unloading, plant and equipment, operational procedures and controls on the number and type of noise sources
- Provision of training linked to minimising noise from freight handling activities
- Complaints handling process
- Active noise management

- Measures for a methodology to update the FNMP with changes in circumstances on site or triggered by the complaints procedure

Reason: In accordance with the Draft FNMP submitted with the application and to protect residential receptors adjacent to the site from freight handling noise in the interests of the residential amenities of the area and the local environment in order to accord with local plan Policy ENV1.

16. The cumulative noise rating level of noise emitted from the fixed buildings services plant associated with proposed units within the site shall be equal to or below existing background noise level at any premises used for residential purposes when assessed and / or measured in accordance with BS 4142:2014+A1:2019.

Reason: In order to protect residential receptors adjacent to the site in the interests of the residential amenities of the area and the local environment in order to accord with local plan Policy ENV1.

CONSTRUCTION PHASE

17. Prior to the site preparation and construction work commencing for each phase of development, a scheme to minimise the impact of noise, vibration, dust and dirt on residential property in close proximity to the site, shall be submitted to and agreed in writing with the Local Planning Authority.

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

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

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

19. The Reserved Matters to be submitted for each phase of the site pursuant to Condition 1 shall include an emission mitigation statement. The statement shall include damage cost calculation undertaken in relation to the operation of the site and detail emission mitigation measures proposed for the site. An estimate shall be made of the impact that any proposed mitigation measures will have on emissions (i.e. mitigated mass of pollutant) and the financial costs of the mitigation measure to the developer. The statement shall confirm the timeframe and any phasing of the proposed mitigation, and detail of any 'residual' emissions and damage costs likely to remain after all proposed mitigation measures have been applied. The development shall be carried out in accordance with the approved details.

Reason: In order to protect residential receptors adjacent to the site in the interests of the residential amenities of the area and the local environment in order to accord with local plan Policy ENV1.

HIGHWAYS

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

The agreed drawings shall include:

1. Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
 - (a) the proposed highway layout including the highway boundary
 - (b) dimensions of any carriageway, cycleway, footway, and verges
 - (c) visibility splays
 - (d) the proposed buildings and site layout, including levels
 - (e) accesses
 - (f) drainage and sewerage system (with 100mm level contours shown)
 - (g) Road Marking and Signage Layout together with Sign Schedules (including Totem size details)
 - (h) traffic calming measures
 - (i) all types of surfacing (including tactiles), kerbing and edging. Consideration must also be given to disabled users and how they will safely access the full range of facilities on site.
2. Full highway construction details including:
 - (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
 - (b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
 - (c) kerb and edging construction details
 - (d) typical drainage construction details.
3. Details of the method and means of surface water disposal.
4. Details of all proposed street lighting. (This plan is also to show New Trees (green); Existing Trees (Greyscale) and Removed Trees (red))
5. Full working drawings for any structures which may affect or form part of the highway network.

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

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users in accordance with Selby District Local Plan Policies ENV, T1 and T2.

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

The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

Reason: To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users Selby District Local Plan Policies ENV, T1 and T2.

22. The development must not be brought into use until the access to the site off New Lennerton Lane (X: 452589/Y: 433018) has been set out and constructed in accordance with the Specification for Housing and Industrial Estate Roads and Private Street Works” published by the Local Highway Authority and the following requirements:

- The access of the highway extent must be constructed in accordance with the approved details and the following requirements.
- Any gates or barriers must be erected a minimum distance of 50 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
- That part of the access extending 50 metres into the site from the carriageway of the existing highway must be at a gradient not exceeding 3.3% (1 in 30).
- Provision to prevent surface water from the site discharging onto the existing or proposed highway must be constructed and maintained thereafter to prevent such discharges.
- The final surfacing of any private access within 20m metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users Selby District Local Plan Policies ENV, T1 and T2.

23. Prior to the development being brought into use, visibility splays at New Lennerton Lane (X: 452589Y: 433018) will be provided giving clear visibility of 45 metres measured along both channel lines of the major road from a point measured 4.5 metres down the centre line of the access road. In measuring the splays, the eye height must

be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety Selby District Local Plan Policies ENV, T1 and T2.

24. Prior to the development being brought into use, visibility splays between the highway and the application site at Gascoigne Wood will provide clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been provided. In measuring the splays the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety Selby District Local Plan Policies ENV, T1 and T2.

25. The following schemes of off-site highway mitigation measures must be completed as indicated below:

- B1222/New Lennerton Lane Junction: Prior to the first occupation of any floorspace the B1222/New Lennerton Lane junction shall be improved in accordance with DMRB standards, CD123; with all surrounding ancillary highway's infrastructure fully integrated and made compliant to National and NYCC standard design requirements, with a new, east bound right turn ghost lane and visibility improvements generally in accordance with:
- New Lennerton Lane / B1222 Proposed Highway Improvements, Dwg ref 18032.GA.04 Rev E
- B1222/A162 Roundabout Junction: Prior to the first occupation of any floorspace the B1222/A162 roundabout junction shall be improved on the eastern approach in accordance with DMRB standards, CD116; with all surrounding ancillary highway's infrastructure fully integrated and made compliant to National and NYCC standard design requirements. The design shall be generally in line with the proposed improvement works design drawing identified below:
- Proposed Improvement Works at B1222/ A162 Roundabout, Dwg ref 18032.GA.05 Rev G

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission

and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

Reason: To ensure that the impacts of the development are mitigated in accordance with the Transport Assessment, that genuine alternatives to the private car are provided and that design is appropriate in the interests of the safety and convenience of highway users Selby District Local Plan Policies ENV, T1 and T2.

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

Reason: To establish measures to encourage more sustainable non-car modes of transport in accordance with Core Strategy Policy SP15.

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

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

- a. details of any temporary construction access to the site including measures for removal following completion of construction works;
- b. The LHA and Area office must be consulted on restriction on the use of access for construction purposes;
- c. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- d. the parking of contractors' site operatives and visitor's vehicles;
- e. areas for storage of plant and materials used in constructing the development clear of the highway;
- f. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
- g. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
- h. protection of carriageway and footway users at all times during demolition and construction;
- i. protection of contractors working adjacent to the highway;
- j. details of site working hours;

- k. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
- l. means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
- m. measures to control and monitor construction noise;
- n. an undertaking that there must be no burning of materials on site at any time during construction;
- o. removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
- p. details of the measures to be taken for the protection of trees;
- q. details of external lighting equipment;
- r. details of ditches to be piped during the construction phases;
- s. a detailed method statement and programme for the building works; and
- t. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity Selby District Local Plan Policies ENV, T1 and T2.

MINING

28. Prior to the submission of reserved matters application for each phase of the development a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity (2no. recorded mine adits).

Reason: In the interests of protecting the public and environment as the site is a former colliery.

29. As part of reserved matters application for each phase of the development, a report shall be submitted of the findings arising from the intrusive site investigations. This should include the submission of the proposed site layout plan that identifies the location / alignment of the on-site mine adits together with the calculated zones of influence (no build exclusion zones) to illustrate how these relate to the layout being considered.

Reason: In the interests of protecting the public and environment as the site is a former colliery.

30. No development (within the part of site affected by the recorded mine entries) shall commence until any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: In the interests of protecting the public and environment as the site is a former colliery.

31. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: In the interests of protecting the public and environment as the site is a former colliery

RAILWAY

32. The existing rail facilities shall be retained and maintained in order that they can be reused by potential users of the permitted development. They shall not be taken up and disposed of without the written consent of the Local Planning Authority.

To ensure that this viable asset is not lost to potential users, in the interests of the environment.

33. Development of each phase shall not commence until a construction methodology has been submitted to and approved in writing by the Local Authority. The construction methodology shall include the following and shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority in consultation with Network Rail.

The construction methodology shall include the following:

- (a) Details of a surface water drainage strategy
- (b) Provision of a suitable trespass proof fence adjacent to Network Rail's boundary (approx. 1.8m high) and make provision for its future renewal and maintenance. Network Rail's existing fencing/wall must not be removed or damaged.
- (c) the design of suitable vehicle incursion measures (to be installed in accordance with the permitted details)
- (d) Details of landscaping
- (e) Details of proposed external lighting

Reason: To ensure the protection of the safety, operational needs and integrity of the railway.

ECOLOGY

34. Prior to commencement of development a Construction Environmental Management Plan (CEMP) shall be provided for the written approval of the Local Planning Authority. The CEMP shall include details of:

- a. Site clearance and construction works, which should be undertaken outside of the bird breeding season
- b. Site clearance should avoid damage to hedgerows and trees in line with BS 5837:2012 Trees in relation to design, demolition and construction.
- c. Production of method statements for protected species including for bats, birds and reptiles.

Reason: To ensure compliance with the Wildlife & Countryside Act 1981 and policies ENV1(5) of the Selby District Local Plan, Policy SP18 of the Core Strategy.

35. Prior to commencement of development a Landscape Ecological Management Plan (LEMP) shall be provided for the written approval of the Local Planning Authority. The LEMP shall include details of long-term monitoring and management of the proposed ecological mitigation and enhancement works.

Reason: To ensure the scheme is developed and managed for future years in accordance with the approved detail and therefore maintained. This will ensure the development accords with Policies SP18, SP19 of the Core Strategy and Local Plan Policy ENV1.

36. Prior to occupation of each phase of development details of design and the implementation of a sensitive lighting strategy (ground and building mounted) for that phase shall be submitted for the written approval of the Local Planning Authority. The lighting scheme shall:
- avoid illumination of retained hedgerows, trees and drains within or adjacent to the site
 - avoid illumination of the airfield
 - avoid excessive illumination of buildings and service areas

The approved scheme shall be implemented in accordance with the approved plans.

Reason: To ensure compliance with the Wildlife & Countryside Act 1981 and policies ENV1(5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and to reduce the visual impact of the development.

LANDSCAPE

37. Details of roof structures and on-roof photovoltaic panels to each building (if proposed) shall be submitted as part of any reserved matters.

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

OTHER

38. Prior to commencement of each phase of development, a scheme to demonstrate that a minimum of 10% of the total predicted energy requirements of the development have been secured from renewable, low carbon or decentralised energy sources; or an alternative to reduce energy consumption; has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details and a timetable of

how this is to be achieved, including physical works on site. The development shall be carried out in accordance with the approved scheme and retained and maintained as such thereafter for the lifetime of the development.

Reason: In the interests of sustainability to minimise the development's impact in accordance with Policy SP16 of the Selby District Core Strategy Local Plan.

Target Determination Date: 19.06.2024

Case Officer: Linda Drake, linda.drake@northyorks.gov.uk

Appendix 1 - Overall Site Plan

Appendix 2 Parameters Plan