

North Yorkshire Council

Community Development Services

Selby & Ainsty Area Planning Committee

11TH DECEMBER 2024

ZG2024/0159/OUTM- OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR MEANS OF ACCESS FOR STORAGE/DISTRIBUTION USE (CLASS B8) WITH HGV PARKING AND ANCILLARY USES INCLUDING VEHICLE SERVICING WORKSHOP

**BY
CAMPEYS OF SELBY**

Report of the Head of Development Management – Community Development Services

1.0 Purpose of the Report

- 1.1. To determine an outline planning application including access, with all other matters reserved for a storage and distribution use (Class B8) with HGV parking and ancillary uses including vehicle servicing workshop at land adjacent to the A19 roundabout, Selby Bypass, Selby.
- 1.2. This application is reported to Committee because the Head of Development Management considers this application to raise significant planning issues such that it is in the public interest for the application to be considered by Committee. The application is also the resubmission of 2023/0138/OUTM refused by planning committee on the 14th June 23.

2.0 SUMMARY

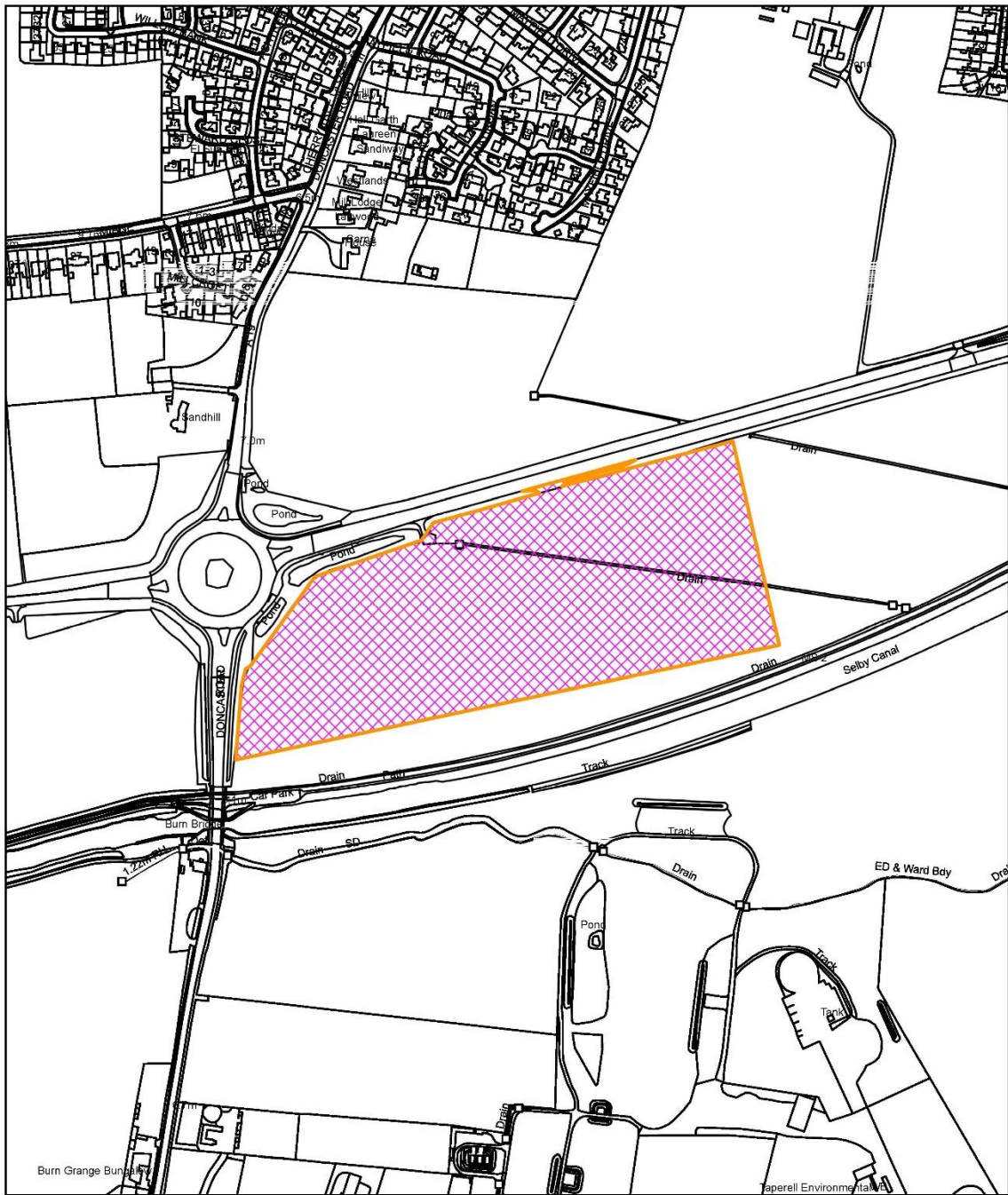
RECOMMENDATION: That outline planning permission be REFUSED for the reasons stated below in Section 12.

- 2.1. This is an application for outline planning permission for a B8 storage and distribution centre, with HGV parking and ancillary uses, including a vehicle servicing workshop. Means of access from the A63 bypass is being sought, with all other matters being reserved i.e. siting, appearance and landscaping.
- 2.2. The application is a resubmission of application 2023/0138/OUTM refused by planning committee on the 14th June for 11 reasons, with the Notice of Decision issued 16.6.23. This resubmission has provided further information in respect of some of the reasons for refusal, such that some have been resolved and now fall away. Others however remain and once again form the basis of the refusal.

- 2.3. The site layout plan shows the main access from the bypass, leading to a centrally positioned warehouse building and office measuring approximately 50,000 sq ft, with 109 HGV spaces to the east and a 5951 sq ft workshop. The north-west of the site shows a 110 space staff car park. The western part of the site is left undeveloped, and landscaping is shown on the northern and western boundaries. Landscaping is also shown beyond the southern boundary in land controlled by the applicant (blue line). Two additional footpaths are shown linking the development through the western part of the site to the Doncaster Road boundary. These are additions to the refused scheme in order to provide better pedestrian and cycle connectivity.
- 2.4. The site is 7.93 hectares in area and rectangular in shape. It is within the countryside to the south of the development limit of Designated Service Village of Brayton. The site is relatively flat and is an undeveloped agricultural field, with established landscaping to the west and north-west where the site meets the A19 and the roundabout on the A63. The site lies immediately north of the Selby canal, which has a particularly open aspect and is a popular recreation route. A drain lined by trees runs through the north-east corner of the site, through the proposed access road. The site is highly visible from the A63 travelling west due to the elevated nature of the road as the A63 passes over the canal and railway.
- 2.5. The proposal is unacceptable in principle because it amounts to substantial storage and warehouse use in the countryside that is contrary to the spatial development strategy of the development plan and is not development of an appropriate scale, which would contribute toward and improve the local economy or enhance and maintain the vitality of the rural community. The proposal is considered contrary to Policies SP2 and SP13 of the Core Strategy and EMP 2 of the Local Plan.
- 2.6. The proposal would also result in the unnecessary loss of agricultural land. Furthermore, the proposal has demonstrated via a Minerals Assessment that it would be unsuitable for mineral extraction and thus other uses can be considered.
- 2.7. The proposal despite the additional landscaping and justification of views into the site would have a harmful impact on landscape character and visual amenity on account of its scale, lack of established landscaping and views from the A63 and public footpath routes to the south. Therefore, the proposal is contrary to Selby District Local Plan Policy ENV1(4), and Core Strategy Policies SP13 and SP18 and NPPF paragraph 180.
- 2.8. The Flood Risk Assessment submitted with the application is now satisfactory, however the sequential test remains inadequate due to the narrowness of the search area. This is contrary to Section 14 of the NPPF and Core Strategy SP15. The proposal does not adequately demonstrate that the highway has capacity in this location for a new development of this scale and is safe and sustainable. The proposal also demonstrates that the noise generated from the proposal wouldn't have a negative impact on local residential amenity and that air quality would be to acceptable levels.
- 2.9. The proposal lies adjacent to a Grade II listed Brayton Tunnel. The erection of a large workshop and HGV parking and loss of unspoilt countryside will have a detrimental impact upon the setting of the listed building. This alteration to the setting will result in harm to the significance of the designated heritage asset. The development would not conserve (as required by paragraph 205 of the NPPF) and the harm is not outweighed by public benefit

(as required by paragraph 207 of the NPPF). The application is therefore contrary to SP18 which seeks to safeguard the historic environment. Finally, the submission of a geophysical survey and Archaeological Desk Based Assessment, means that the archaeological potential of the site is now fully established.

Land Adjacent to A19 Roundabout, Selby Bypass, Selby
ZG2024/0159/OUTM



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3.0 **Preliminary Matters**

3.1. Access to the case file on Public Access can be found here:-

[ZG2024/0159/OUTM | Outline planning application with all matters reserved except for means of access for storage/distribution use \(Class B8\) with HGV parking and ancillary uses including vehicle servicing workshop | Land Adjacent To A19 Roundabout Selby Bypass Selby North Yorkshire](#)

3.2. The application was not the subject of any formal pre application discussions prior to the previous 2023 submission or following the refusal of the application.

3.3. The scheme has been amended throughout the course of this application to address issues concerning landscape visual impacts, the route of the footpaths, highway technical details and further information provided in respect of noise, drainage and ecology.

3.4. The 2023/0138/OUTM submission was determined based on proposed site plan Rev E. This application is being determined using site plan Rev H.

3.5. The only relevant planning history is the last refusal i.e. 2023/0138/OUTM – Outline planning application with all matters reserved except for means of access for storage/distribution use (Class B8) with HGV parking and ancillary uses including vehicle servicing workshop. Refused 16.6.23 for the following reasons:

01. The proposal constitutes a major commercial development in the open countryside and is not of an appropriate location or scale that would improve the local economy or maintain the vitality of the rural community. The application is therefore contrary to Policies SP 2, SP13 of the Core Strategy and EMP 2 of the Local Plan.

02. The conflict with the spatial development strategy means the loss of best and most versatile agricultural land would be unnecessary. Such loss would result in minor harm to the agricultural economy in the area as well as food self-sufficiency. The loss of agricultural land is contrary to Core Strategy Policy SP18 and NPPF paragraph 174 b).

03. The proposal does not include a minerals assessment and does not demonstrate mineral impacts are acceptable, contrary to Policies S01 and S02 of the Minerals and Waste Joint Plan.

04. The proposed development will cause a harmful impact on landscape character, visual amenity, and views of the open countryside and the rural context of Selby, Brayton and Burn. Therefore, the proposal is contrary to Selby District Local Plan Policy ENV1(4), and Core Strategy Policies SP13 and SP18 and NPPF paragraph 174.

05. The Flood Risk Assessment does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess the flood risks posed by the development and is contrary to Section 14 of the NPPF and Core Strategy SP15.

06. *The application site is located predominantly within Flood Zone 3. The NPPF states that all proposals located in Flood Zone 2 and 3a require a Sequential Test to determine whether there are any reasonably available sites at less risk of flooding that could accommodate the development. The Sequential Test should be undertaken at a District wide level. The applicant has failed to submit information at a District wide level to demonstrate that the Sequential test can be met. The proposed development for is therefore considered to be unacceptable and contrary to the Section 14 of the NPPF.*
07. *The proposal does not adequately demonstrate that the highway has capacity in this location and safety implications are acceptable or that the site is sustainable. The application is therefore contrary to Selby District Local Plan Policies ENV1, T1 and T2, and Core Strategy Policies SP15 and SP 19 section 9 of the NPPF.*
08. *The proposal does not include a Noise Impact Assessment and therefore does not demonstrate that the noise arising from the operational use wouldn't have a negative impact on local residential amenity. The application is therefore contrary to Local Plan Policy ENV 2 and section 15 of the NPPF.*
09. *The proposal does not include an Air Quality Assessment and therefore does not demonstrate that the air pollution arising from the operational use wouldn't have a negative impact on local residential amenity and nearby public footpath routes. The application is therefore contrary to Local Plan Policy ENV 2, Core Strategy Policy SP 18 and SP19 and section 15 of the NPPF.*
10. *The proposal lies adjacent to a Grade II listed Brayton Tunnel. With the exception of the A63, the setting of this asset is open fields with very few structures in the immediate area which provides for its unique setting. The erection of a large workshop and HGV parking and loss of unspoilt countryside will have a detrimental impact upon the setting of the listed building. This alteration to the setting will result in harm to the significance of the designated heritage asset. The development would not conserve (as required by paragraph 200 of the NPPF) and the harm is not outweighed by public benefit (as required by paragraph 202 of the NPPF). The application is therefore contrary to SP18 which seeks to safeguard the historic environment.*
11. *With the absence of a geophysical survey as highlighted in the Archaeological Desk Based assessment the archaeological potential of the site cannot be fully established. The application is therefore contrary to Local Plan Policy ENV 28, Core Strategy Policy SP18 and Section 16 of the National Planning Policy Framework, in that the lack of information doesn't enable an informed and reasonable planning decision to be taken as to whether the development should be permitted in its proposed form.*

4.0 Site and Surroundings

- 4.1. The application site is located on land to the south side of the A63 bypass, on the corner of the roundabout on the A19/A63 south of Brayton.
- 4.2. Brayton is a designated service village as identified by the settlement hierarchy of the Selby District Core Strategy. Brayton is therefore regarded as being sustainably located with good

access to the employment and services within Selby. Furthermore, growth in this settlement is considered will complement the focus on Selby in the spatial development strategy. This site is however outside the development limits and within an undeveloped field in the open countryside.

- 4.3. The application site is currently in arable agricultural use and is therefore a greenfield site measuring circa 7.93ha. The site is relatively flat and level and has a drainage ditch running through the site that is tree lined. An overhead power lines also runs through site.
- 4.4. The site is bound to the north by the A63 Selby bypass and to the west by A19 Doncaster Road. To the immediate south of the site is the remainder of the agricultural field in the applicant's ownership, then a small car park and footpath which serves the Selby Canal and a series of agricultural fields. This is a popular pedestrian route with clear views into the site. To the east of the site is agricultural land which stops where the canal meets the A63 overpass.
- 4.5. The site is currently accessed from the bypass by a metal gate located on the northern boundary off the A63. This access is proposed to be moved to the east. The site lies within Flood Zone 3 albeit protected by existing flood defences, as is the majority of Selby Town.
- 4.6. The site is screened on its north western boundary by landscaping within the highway verge, which continues throughout the western boundary where it meets the A19. The application site sits to the north of the canal, however the blue line indicates the land is controlled by the applicant and where a proposed landscape buffer is shown. The elevated part of the A63 is to the north east where it crosses the canal and railway and provides the clearest views into the site when travelling west along the bypass. The site is owned by the applicants.

5.0 Description of Proposal

- 5.1. This is an application for outline planning permission for a B8 storage and distribution centre, with HGV parking and ancillary uses including a vehicle servicing workshop. Means of access from the A63 bypass is being sought, with all other matters being reserved i.e. siting, appearance and landscaping.
- 5.2. The illustrative site layout plan shows a new main access from the A63 bypass, leading to a centrally positioned warehouse building and office measuring 50,000 sq ft, with 109 HGV spaces to the east and a 5951 sq ft on site servicing workshop. The northwest of the site shows a 110 space staff car park. The site plan shows 3 attenuation ponds and new landscaping. The western part of the site is left undeveloped, with the land between the canal and the southern boundary shown as a landscaped area. This and is outside the application site and land in the control of the applicant (blue line). Two additional pedestrian footpaths are shown, one to the south west leading to the bus stop on Doncaster Road and the other leading west to the roundabout where Doncaster Road meets the A63. The south western one is within land outside the application site. Given the footpath is 'operational development' this would need a separate planning consent, as would any lighting poles. The one to the north west could be done in highway land through section 278 agreement, which allows changes to the public highway.

- 5.3 The site is 7.93 hectares (ha) in area and rectangular in shape. The design and access statement infers this is phase 1, meaning the land left undeveloped and within the red line may be applied for in the future. A wind turbine is also shown on the north east part of the site, however this is only for illustrative purposes to show the possible sustainability credentials of the site and would require a standalone planning permission as it is not covered by this description.
- 5.4 The site plan, with the exception of the access, must be regarded as illustrative only, as the siting of the buildings and car parking is not being sought. Whilst scale is a reserved matter, the design and access statement envisages a 15-20m grey clad warehouse building, with glazed office pod on the frontage, surrounded by car parking.
- 5.5 The applicants are Campeys of Selby, who are an established local haulage business that runs a fleet of 130 trucks, 260 trailers and employing 175 staff. The agent describes how these figures have grown since the last refusal due to the continued growth of the company.
- 5.6 The submission explains how the company have outgrown their existing headquarters at Thorpe Willoughby and are looking to consolidate their other smaller sub depots at Weeland Road Eggborough, Dennison Road Selby and Boothferry Road Howden into one purpose built, low carbon facility as they move towards an all-electric fleet. This will save multiple unnecessary vehicle trips between depots for storage and also regular HGV servicing unit in Wakefield. The agent in the planning statement and supporting email explains how Campeys is one of the biggest businesses that carries the Selby brand and how the scheme is supported by the Council's Economic Development Team. It is advanced by the agent that the company are rapidly moving out of the area due to the lack of suitable sites.
- 5.7 The Design and Access statement explains that Campeys business has grown considerably over the last 4 years and that a site close to Selby needs to be found, as approximately 80% of all Campeys business comes from within an 8-mile radius of Selby Town. The cover letter also explains how the business has increased by a further 20 trucks in the last year and increased in staff from 125 to 160 (recent email suggests 175 staff). The applicants are also proposing a permission which limits the operation to Campeys only i.e. *"For the avoidance of doubt, the applicant is prepared to make this approval specific to the activities of Campeys of Selby. That being, should the business cease to trade from this proposed location, the business would agree to remove all structures and return the land to its existing greenfield state."*

- 5.8 The submission consists of:

Plans

Location Plan – Drawing Ref: 14646-DB3-BO1-00-DR-A-90001-Location Plan – DB3
Architecture and Design

Block Plan – Drawing Ref: 14646-DB3-B01-00-DR-A-90002 – DB3

Proposed Site Plan – Drawing Ref: 14646-DB3-BO1-00-DR-A-90003 Rev F – DB3 Architecture and Design

Existing and proposed fleet site locations – Drawing Ref: 14646-DB3-BO1-00-DR-A-90004 – DB3

Red line boundary plan – Drawing Ref: 14646-DB3-BO1-00-DR-A-90005 – DB3

Constraints Plan – Drawing Ref: 14646-DB3-BO1-ZZ-DR-A-90006 – DB3 Architecture and Design

Landscape Strategy Plan – Drawing Ref: P21234-00-001-GIL-0100 Rev 05

2D Topographical Survey – Drawing Ref: 1216-157_2D_Rev A (A0-1) – MT Surveys

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

Drainage Strategy – Drawing Ref: 47188-ECE-XX-XX-DR-C-0001 Rev P02 – Eastwood Consulting Engineers

Existing Flood Volumes Design Flood Level – 6.63 – Drawing Ref: 47188-ECE-XX-XX-DR-C-0002 Rev P01 – Eastwood Consulting Engineers

Proposed Flood Volumes Design Flood Level – 6.63 – Drawing Ref: 47188-ECE-XX-XX-DR-C-0003 Rev P02 – Eastwood Consulting Engineers

Supporting Documents

Air Quality Assessment (19th December 2023) – Miller Goodall Report No. 103088

Archaeology and Heritage Desk Based Assessment – MAP Archaeological Practice Version C

Archaeological Geophysical Survey (October 2023) – Phase Site Investigations Project No. ARC/3635/1364

Biodiversity Metric 3.1 Calculation Excel Spreadsheet

Design and Access Statement – DB3 Architects

Ecological Impact Assessment including Biodiversity Net Gain Calculations using Metric 3.1 SLR Ref: 424.064628.00001 Version 2 February 2023 – SLR Consulting

Flood Risk Assessment 15th February 2024 Issue 3 – Eastwood Consulting Engineers

Illustrative Views – Viewpoint Document – Gillespies

Minerals Assessment (January 2024) – Johnson Mowat

Noise Impact Assessment (11th December 2023) – Environmental Noise Solutions Limited Ref: NIA/11211/23/11452/V1/Selby Bypass, Selby

Preliminary Geo-environmental Investigation – Report No. 4537/1A January 2023 – Lithos Consulting

Sequential and Exception Test (15th January 2024) – Johnson Mowat

Transport Assessment (January 2024) – Optima Highways

Travel Plan (January 2024) – Optima Highways

6.0 PLANNING POLICY AND GUIDANCE

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

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:
- Selby District Core Strategy Local Plan (adopted 22nd October 2013)
 - Those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy
 - Minerals and Waste Joint Plan (adopted 16 February 2022)

Emerging Development Plan – Material Consideration

- 6.3. The Emerging Development Plan for this site is:
- Selby District Council Local Plan publication version 2024 (Reg 19)
- 6.4. 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.
- 6.5. 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 and, if relevant, will be referred to in the body of the report.
- The North Yorkshire Local Plan
- 6.6. No weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

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

BRAY-AC BRAYTON 026 6.16 Ha (application site)

BRAY-AA BRAYTON 024 8.96 Ha (land to the east and south of the application site)

The Local Plans team in the site assessment methodology rejected these as the evidence from the Housing and Economic Development Needs Assessment suggests that there is a sufficient supply of employment land in the District for the Local Plan period. Apart from a few key opportunities for the redevelopment of strategic brownfield sites with unique rail infrastructure, the Local Plan is not seeking to allocate any additional sites for employment purposes. The sites are also Flood Zone 3 and disconnected from the settlement.

Guidance - Material Considerations

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

7.0 Consultation Responses

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

7.2. **Parish Council:** Objection –

- Concerns with noise as it is stated it will be a 24 hour operation, especially through the night when traffic can be heard from the bypass already.
- This is the ‘Gateway’ into Brayton – a small rural Village, could this plan be relocated onto a long standing Industrial Estate? This development is out of character with the area – there are only residential properties in the Village.
- Environmental concerns have been raised as it is so near to the canal and drainage ditch, if fuel etc get into these watercourses there could be much damage to wildlife. It has been reported that already the area has been vehemently cut back and there is no longer a ‘screen’ between this site and the canal walkway.
- The main concern is traffic safety – to be accessing onto the Bypass, which already suffers from excessive speed seems an accident waiting to happen.

7.3. **Division Member(s):** No comments received.

7.4. **Northern Gas** – No objection.

7.5. **National Grid** - No National Gas Transmission assets affected in this area.

7.6. **Historic England** – No comment.

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

- 7.8. **NYC Archaeology** – No objection. The application includes an archaeological desk-based assessment prepared by MAP Archaeological Practice, along with a field evaluation in the form of a geophysical survey carried out by Phase Investigations. There has been a reasonable level of assessment and based on these results there is no reason to suspect that the area has anything other than low to medium archaeological potential.
- 7.9. **NYC Minerals and Waste officer** – No objection. The application has included a Minerals Assessment. In point 5.4 it gives the justification for why the existing site would not be viable for the extraction of sand and gravel. It is considered that the constraints around the site with the A19 to the north and the Selby Canal to the south would provide issues for a minerals operation on this site and restricts the viability of the site for any commercial mineral's operation. This is also supported by the low-lying nature of the site. Therefore, it is considered that this would be possible for development other than minerals extraction, due to the supporting information satisfying policy S02 point iv).
- 7.10. **Contaminated Land** – No objection. The preliminary Geoenvironmental Investigation shows that the site has been used as agricultural fields since at least 1851. No past industrial activities have been identified onsite or nearby. The current and former use of the site is considered unlikely to have given rise to any significant ground and groundwater contamination, and the proposed end use (industrial) is of a moderate to low sensitivity with respect to human health. Consequently, the report considers that the site is likely to be suitable for its proposed use. However, the report does recommend that an intrusive ground investigation is carried out to retrieve geotechnical samples and inform foundation design.
- 7.11. **Selby Civic Society** – Objection. The site is located outside the settlements of Selby and its nearby villages and is close to the Grade II listed Brayton Tunnel of the Selby Canal. The green-field location comprises a large plot of rural farmland beside a scenic part of the Selby Canal and will be a detriment to all the walkers and boaters accessing green space in this important corridor. The Society feel that this industrial proposal is totally out of character in this rural area, and would be better located nearer other industrial premises, preferably re-using a brown-field site.
- 7.12. **NYC Ecology** – No objection. The application is supported by an Ecological Impact Assessment (EclA), Biodiversity Net Gain calculations and Landscape Strategy. The EclA is thorough, clearly presented and its conclusions well-evidenced. The application site is predominantly arable farmland with only minor areas of other habitats associated with a ditch and field boundaries. Risks to protected/important species are assessed as low and can be minimised via the mitigation measures outlined in the report. Notably, a generous landscape buffer zone is proposed alongside Selby Canal, which would both buffer the canal corridor and provide new habitat. BNG is provided on site.
- 7.13. **Internal Drainage Board** - No objection subject to conditions requiring details or any SuDS or flow restriction/attenuation.
- 7.14. **Canal and River Trust** – No objection but concerns over deliverability of landscaping outside the boundary, the impact of the proposal on the character and appearance of the waterway corridor and to mitigate the risk of water pollution.

- 7.15. **North Yorkshire Police** – No objection. Suggested improvement to fencing and lighting across the scheme.
- 7.16. **Conservation Officer** – Objection. The scheme would result in less than substantial harm to the significance of the designated heritage asset (Grade II listed tunnel). The NPPF requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The proposed scheme is of a permanent nature and one which could be expanded and create a dominating distraction to the tranquil boundary of the canal which is of significance to the Grade II listed structure.
- 7.17. **NYC Highways** – No objection. Since the highways officers first response (22.4.24 & 30.9.24) the Local Highway Authority has liaised with the applicant and their agent to address the highway safety concerns raised. The applicant has provided further information, amended plans, and carried out a Stage 1 Road Safety Audit on the access arrangements. The Audit highlighted 4 problems, which actions to resolve these have been agreed upon. The Road Safety Audit did not pick up any issues with right turns associated with the priority junction. The Highway Authority has accepted the findings and therefore raise no objections to the access arrangement.

The internal layout will be considered further through any Reserved Matters Application, and the detailed design of the accesses through the discharge of conditions. A Stage 2 Road Safety Audit will be required when the detailed design is agreed.

The applicant has provided a Framework Travel Plan which demonstrates a keenness to see sustainable travel options available to employees and visitors. A contribution via a S106 contribution to either maintain or enhance the existing 476 service has been agreed. The existing hail and ride bus service will be formalised with bus stop facilities and a section of footway connecting the site to the proposed stops. 2 pedestrian/cyclist accesses are proposed onto Doncaster Road (A19) with uncontrolled pedestrian crossing facilities also being constructed. The highway aspects of the proposal are considered to be in accordance with both local and national planning policies and therefore should not prevent approval on highway grounds. The Local Highway Authority recommends a series of planning conditions and a legal agreement to secure contributions towards Travel plan monitoring and an enhanced bus service.

- 7.18. **Active Travel England** – Holding objection. ATE required amendments to the Transport Assessment and Travel Plan and more detail on the scheme (as if it was a full).
- 7.19. **Yorkshire Water** - No objection, however noted that the site has an iron truck main and associated telemetry cable that crosses the site along with a sewer. Both these require easements which would influence the sitting of the building and may need diverting.
- 7.20. **Environmental Health** – No objection subject to conditions.

(16.4.24) Noise Impact Assessment - The applicant has submitted a Noise Impact Assessment with this application (Ref. NIA/11211/23/11452/v1/Selby Bypass, Selby). The assessment concludes that there will be no significant impact on the nearest noise sensitive receptors. The EHO however queried the parameters used in the BS4142 assessment.

The applicant provided additional information in respect of this, and this satisfied the EHO in his response dated 26.6.24.

Air Quality – An Air Quality Assessment has been submitted along with this application. The assessment concludes that concentrations of nitrogen dioxide and particulate matter smaller than 10microns or less, are likely to be below their respective long and short-term objectives at the proposed development site and that concentrations of fine particulate matter are expected to be below the annual mean target. Having reviewed the assessment, the EHO is satisfied with this conclusion and have no further comments or objections to add in this respect. Conditions were suggested covering the construction phase.

- 7.21. **Environment Agency** – No objection. A previous objection was raised over the risk of pollution to controlled waters over the applicants plans to install a package treatment plant. The additional information supplied i.e. Eastwood and Partners referenced 47188-ECE-XXXX-L-C-0001 and dated 24 May 2024, and the Temporary Runoff Management Plan from Eastwood and Partners referenced 47188 dated 21 May 2024 overcomes the EA's concerns. The EA also confirm that no water vole condition is necessary given the additional information supplied.

Flood Risk

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

Flood Risk Assessment

An FRA by Eastwood Consulting Engineers referenced CH/IH/KBE/47188-001 Issue 3 dated 15 February 2024, has been submitted in support of the application.

The Environment Agency agreed with the FRA and suggested a condition to ensure the development be carried out in accordance with the submitted flood risk assessment, with Finished floor levels shall be set no lower than 6.7 metres above Ordnance Datum (AOD), Compensatory storage shall be provided as detailed in paragraph 4.9 of the FRA. The Environment Agency were also satisfied with the volume storage capacity of the site as detailed in the Drainage Strategy.

- 7.22. **Arboricultural officer** – No objection. Minimal trees on site at present. The proposed would result in a significant landscape scheme and new tree planting which is considered a positive outcome. Conditions suggested requiring a detailed landscaping scheme.
- 7.23. **NHS Humber** – No objection.
- 7.24. **LLFA** – No objection. The details provided represent a reasonable approach to surface water management on the site, subject to condition.

- 7.25. **Landscape Architect** – Objection. The officer made a comparison between the Landscape Strategy submitted under 2023/0138/OUTM (revision 5) and that submitted under this application ZG2024/0159/OUTM (revision 6). There are no significant changes, other than revised access arrangements, including the provision of a pedestrian access off the roundabout and additional screening. Additional information submitted with this application includes photographs and montages from seven representative viewpoints.

In summary, the additional bunding along the northern boundary introduces another new and artificial landform to the site. This assists in the screening of the hard surfacing, and other low infrastructure, above which the proposed building rises. There is a generous belt of planting within the site to assist the setting of the proposed development and provide significant landscape mitigation. Despite this, the proposed development would have a significantly harmful impact on the landscape character of the site, because of the extent (scale) and height and nature of the proposed building, hardstanding, fencing, lighting and operational movements. The landscape strategy introduces a number of positive measures to mitigate the visual impact of the development. Nonetheless, due to the perimeter fencing along the northern boundary, and the alien character of the earthworks to the south, and the size of the proposed building (plus lighting and vehicle movements), the proposed development would present a change in views from that associated with the agricultural landscape, as per the surrounding area, to that associated with screening an industry.

Local Representations

- 7.26. The application was advertised via site notice and in the Selby Times dated 4th April 2024 and via sites notices positioned on the canal tow path on the A63, A19 and on the entrance to Brayton Village.
- 7.27. There have been 168 contributors, 23 in support and 145 against. A summary of the comments is provided below, however, please see website for full comments.
- 7.28. Support:
- As a resident of Hambleton support is offered. This will alleviate traffic in Hambleton and Thorpe Willoughby, also reduce noise in these villages.
 - The development would be a local success and is a more suitable location than the existing site.
 - This would cause less risk to traffic and the general public.
 - Campeys have a large number of wagons, which have noticeably increased.
 - The new site will also undoubtedly bring more employment to the area and equally, ease of access for anyone in the local area, wishing to access the site by public transport (as it will be much closer to direct transport routes).
 - Campeys of Selby provides continuous support to the local community, donating trucks to move sandbags in the local floods, donating trailers to be used as stages for town events, sponsorship of roundabouts and local Selby town FC. We need to do what's possible to keep local company's in the area to create local jobs for local people. A big employer leaving Selby and having move elsewhere would have a major negative impact in Selby.

- The scheme promotes green development, as well as planting, solar and wind energy, low carbon trucks.
- The landscaping would improve the landscape.
- The transport industry is one that supports all businesses that we rely on, without it we would see supply shortages.
- The proposal will create a reduction in fuel usage alone would save over 600 tons in CO2 emissions per year, which will improve air quality.
- The old site will create extra opportunities for local businesses to be able to rent the old units and those potentially create further jobs.

7.29. Objections:

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

- As an entry way to the town, a lorry park would act as an eyesore, as the Barlby Road entry into the town already does.
- Concerns over flooding.
- This development is not creating jobs but relocating them from elsewhere in the district.
- The current roads are not equipped to take further large vehicles and there is no access for them to join the road. The slip road detailed on the plans would not be sufficient for numerous HGVs to be joining a 60mph road.
- Close to a roundabout and would be dangerous to other road users.
- The development will cause a highway safety concern over the new access.
- The planning documents state that this would be a 'Phase 1' implying that the developers would be coming back in the future for further permission. This would further add to the traffic hazards and impact on the area.
- The Selby Bypass is a busy and fast road with slow turning HGVs accessing a fully operational HGV service storage site will create tailbacks being situated so close to the roundabout where there are 3 lanes for drivers to exit the roundabout. Last minute lane swapping will create safety risks.
- The development adds no economic value to the area.
- The IDB report confirms that the site is not suitable for soakaway drainage and the ability for local drainage to cope was raised. Local drainage is already overflowing due to housebuilding in the area and further flow risks flash flooding to roads.
- The noise from the Bypass is already unacceptable for Brayton residents, a 24/7 yard and 150 trucks will compound this.
- The villages of Burn and Brayton already suffer from high traffic of HGVs from the motorway and surely this would cause more traffic heading to the M62.
- Light pollution from 24 hour operation.
- No LVIA has been submitted despite a previous refusal.
- Appreciate the jobs and growth argument but it's the wrong location.

8.0 Environment Impact Assessment (EIA)

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

9.0 Main Issues

- 9.1. The key considerations in the assessment of this application remain the same as the previously refused application 2023/0138/OUTM:
- Principle of development
 - Loss of agricultural land
 - Minerals
 - Impact on landscape character

- Flood risk, drainage and climate change
- Access and highway safety
- Impact upon nature conservation.
- Contaminated land and ground conditions
- Residential amenity
- Noise and air pollution
- Impact on Heritage assets

10.0 ASSESSMENT

Principle of Development

- 10.1. The Core Strategy sets out the Vision for the District, which includes a diverse economy with a wide range of job opportunities to assist in reducing the dependency on surrounding towns and cities. One of the objectives stemming from the Vision is the promotion of the efficient use of previously developed land for appropriate uses giving preference to land of lesser environmental value. The Vision also welcomes new development in sustainable locations, areas of low flood risk, developing the economy by capitalising on local strengths, whilst promoting high quality design and protecting the character of the area.
- 10.2. Core Strategy Policy SP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework and will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible.
- 10.3. The application site lies within the open countryside and is not allocated for development. The site lies immediately south of Brayton approximately 1.8 miles south of Selby town centre and is positioned adjacent to the A63 bypass and A19. The site has relatively poor public transport connections but good road connections to the south via the A19 and M62 (M62 5 miles south) and west to the A1M. The site is currently in agricultural use and is therefore, regarded as greenfield.
- 10.4. Policy SP2 of the Core Strategy sets out the spatial development strategy for the district and states that the majority of new development will be directed towards the district's towns and more sustainable villages depending on their future role as employment, retail and service centres, the level of local housing need, and particular environmental, flood risk and infrastructure constraints. Selby is identified as the Principal Town, which will be the focus for new housing, employment, retail, commercial and leisure facilities.
- 10.5. The countryside is defined as areas outside of Development Limits. Part A(c) of SP 2 limits development in the countryside to the replacement, or extension of existing buildings, the re-use of buildings and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13 of the Core Strategy, or meet rural affordable housing need or other special circumstances.
- 10.6. The application site covers approximately 7.93 hectares, with perhaps only a third of the site shown for buildings or hard standing on the indicative site plan. This proposed new

commercial storage and distribution facility clearly goes beyond what might be anticipated by the strand of SP2 referring to “well designed new buildings of an appropriate scale” aimed at improving the local economy. The development is significant in scale being a 50,000 sq ft warehouse and 109 HGV spaces and is clearly considered more widely than the economy of the immediate area. Also, the design of the building is a reserved matter, however the indicative plans and information within the design and access statement detail the likely appearance. The submission details that applicants do serve many local businesses in the Selby area. Also, the company already have their main headquarters in Thorpe Willoughby and wish to remain local. However, given the countryside location, the proposal is in conflict with SP2 in that the scheme is not a well-designed new building of an appropriate scale to the area, and whilst it may bring some new employment opportunities and improvement to the wider economy, due to its scale it will not maintain or enhance the vitality of rural communities, like SP2 envisages. Such uses play key strategic roles in the wider economy and should therefore be located on allocated, or brownfield sites. The site is not allocated, and is also a rejected site in the emerging Local Plan and therefore unsuitable.

- 10.7. Core Strategy Policy SP13 provides policy guidance with regards to the scale and distribution of economic growth. Part C states that in rural areas, sustainable development (on both greenfield and previously developed land) which brings sustainable economic growth through local employment opportunities, or expansion of businesses and enterprise will be supported, including for example:
- The re-use of existing buildings and infrastructure and the development of well-designed new buildings
 - The redevelopment of existing and former employment sites and commercial premises
 - The diversification of agriculture and other land based rural businesses
 - Rural tourism and leisure developments, small scale rural offices or other small scale rural development
 - The retention of local services and supporting development and expansion of local services and facilities in accordance with Policy SP14.
- 10.8. Policy SP13D states that in all cases development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity. As stated above the proposals are to provide for a new purpose built B8 storage facility does not represent small-scale rural development envisaged by Policy SP13. Therefore, in view of the site’s location in the open countryside and being greenfield, the overall scale of development proposed is not considered to be in accordance with Policy SP13.
- 10.9. Furthermore, Selby District Local Plan Policy EMP2 sets out the provision for the location of future economic development across the district. The policy states that encouragement will be given to proposals for small-scale development in villages and rural areas in support of the rural economy. The scheme cannot be regarded as small scale and, on this basis, the proposal is not specifically supported by Policy EMP2.
- 10.10. Given the above, the location, scale and intended use of this site is not related to the present rural economy and Officers consider that it is not the intention of CS Policies SP2 and SP13 and SDLP Policy EMP2 to allow major new commercial floor space in the open

countryside. On this basis, it cannot be concluded that the application is in accordance with the Development Plan.

- 10.11. Finally, the applicant has drawn officers' attention to saved Policy EMP 11 - Exceptional Major Industrial and Business Development of the Local Plan. This saved policy allows for large scale industrial development to come forward for occupation by a single, large operator subject to a series of criteria. The pretext to the policy notes how the former County Structure Plan has a similar policy, in order to cater for major inward investment. The Local Plan follows suit and suggests the Local Planning Authority will apply the policy as an exception to normal policies of countryside restraint. Proposals will be required to satisfy normal planning criteria and to safeguard acknowledged environmental resources such as nature conservation, archaeological sites and must not adversely affect existing settlements. Proposals will not be supported in Green Belt, Locally Important Landscape Areas or historic parks and gardens.
- 10.12. Officers have considered this policy and believe it to be outdated given it no longer aligns with the more up to date Core Strategy and chapter 6 of the NPPF. Officers also do not consider the application to be of sufficient size to be large scale exceptional industrial development, as there is nothing exceptional about the use, or job creation, given it already lies in Thorpe Willoughby.
- 10.13. Section 38(6) of the Planning and Compulsory Purchase Act states that any determination shall be in accordance with the development plan unless material considerations indicate otherwise. Whilst officers have found the application to be contrary to the development plan applicant promotes the following in favour of the proposal.

Economic and Sustainability Benefits

- 10.14. The NPPF places significant weight on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development and requires there to be sufficient flexibility to accommodate needs not anticipated in the plan.
- 10.15. The Design and Access Statement and Campeys 'Statement of Intent' letter, details that Campeys are a local company currently located in Thorpe Willoughby and established from 1940. The family haulage business run a fleet of more than 130 trucks, 200 trailers and employ 170. The statement of intent letter shows its growth i.e: Business restarted in 2007 with two vehicles and three staff, in 2013 it was operating 10 trucks and 12 staff, 2017 was operating 35 trucks and 45 staff and 2020 was operating 75 trucks and 90 staff. They explain they have vehicles currently based at 5 locations: Thorpe Willoughby (Head office), Lofthouse Wakefield (rented warehouse and yard), Saint Goban Glass (customer yard), RT Keedwell (another haulier yard, rented) and Howden (customer site).
- 10.16. This demonstrates the growth of the company over the last 17 years. They also explain how, since Covid, the demand for haulage and storage has increased and the future business model is to turn Campeys into a 'one stop shop' for local customers, where they import freight from those local businesses, sort and store it, then distribute to its end designation. The Design and Access Statement details that there is a real local need for

storage in the town area and customers are currently using out of town locations. Campeys aim to streamline and localise all movements to one central designation. The new facility is said to be needed close to Selby Town as 80% of all Campeys business comes from within an 8-mile radius of Selby town.

- 10.17. The submission states the new facility needs to be close to town, purpose built low carbon facility, with solar panel roof, as it moves towards an all electric fleet. The business aims to embrace the Selby District Climate Change agenda, which isn't achievable in its current location. The submission also explains how the proposal will provide instant job creation (20) through security staff, vehicle technicians and warehouse operatives. In house servicing will also save 30,000 litres of fuel per year. The new facility would also allow the old site to be subdivided into employment units, creating more local jobs, albeit clearly some traffic associated with the reuse of the site. Therefore, these advantages weigh in favour of the development.

Reduction in traffic through Thorpe Willoughby.

- 10.18. The head offices and yard at Thorpe Willoughby are said to be outgrown and constrained by other buildings and the Selby dam. The current location means the vehicles go through the village between 100-120 times per day past a school, community centre bus stop and pub. The proposed facility would also remove the need for the 3 sub depots at Weeland Road, Eggborough, Dennison Road, and Boothferry Road Howden. Having business split of 4 sites isn't sustainable, nor operationally cost efficient. The business needs to relocate but would prefer to stay local rather than relocating to another district. Finally, whilst the headquarters at Thorpe Willoughby would be vacated, the submission explains that this could be subdivided to create new employment, meaning some traffic will inevitably occur from this, meaning the nett reduction would not be as significant.

Alternative site provision

- 10.19. Finally, the submission details how Campeys have been searching since the summer of 2020 and have been in discussions with the Economic Development team at the Local Authority who support the application. The brief for finding a new site was one that was close to Selby and sufficiently large enough to accommodate all of the business needs, including storage. The site also had to have low start-up costs i.e. (Greenfield) to enable investment monies to be directed towards a low carbon and energy reduction operation with energy efficient buildings and a new fleet of low carbon HGV's. Alternative sites were also considered i.e. Olympia Park, Eggborough Power Station, Sherburn in Elmet and expanding Thorpe Willoughby HQ. Olympia Park was rejected as the site isn't available yet. Eggborough was rejected as the development areas and building sizes didn't match the site size and lower storage requirements of Campeys. Sherburn was rejected due to its location and increased journey time and expanding the existing HQ at Thorpe Willoughby was rejected for landscape reasons and additional trips through the village. The submission explains how these discussions have continued to happen and other parcels of land along the A19 have been explored without success.

Summary

- 10.20. As concluded above, the application is not considered to be in accordance with the Development Plan. Officers note the need for a new site due to the business expansion and support the economic benefits stated and reduction in vehicle movements through the village of Thorpe Willoughby, however this does not overcome the policy harm and this site is not considered appropriate for this scale of development. Also, the business has continued to grow in the last year by 20 trucks and 35 staff, despite the previous refusal. Whilst there may be some direct benefit to the business itself, the planning system is here to regulate the development and use of land in the public interest. It is not to protect the private interests of one person, or a group of people, or business from the activities of another. The permission would run with the land and not the applicants, meaning the development has to be appropriate in land use planning terms and not be dependent on the needs of the developer/owners. The company have offered a personal permission; however this is not considered to meet the six conditions tests, or reasonableness as advocated in paragraph 55 of the NPPF.
- 10.21. Whilst alternative sites have been examined and not found to be suitable, the development will be harmful to the open countryside, local amenity and the character of the area (addressed below in this report). The scheme would not be consistent with the broad aims of the NPPF and its presumption in favour of sustainable development. For the reasons above, it is not considered that the material considerations are of sufficient weight in the planning balance to enable the Council to depart from the Development Plan subject to there being no identified harm when considering other material considerations as discussed below. The site is also a rejected site in the Emerging Local Plan. The previous reason for refusal No.1 therefore remains valid.

Section 149 of The Equality Act 2010

- 10.22. Under Section 148 of the Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
- 10.23. The development of the site for commercial purposes would not result in a negative effect on any persons or on persons with The Equality Act 2010 protected characteristics.

Loss of Agricultural land.

- 10.24. The site is currently used for arable agricultural purposes. Policy SP18 of the Core Strategy seeks to sustain the natural environment by steering development to areas of least agricultural quality. NPPF paragraph 180 states that decisions should contribute to and enhance the natural and local environment by b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land. Policy SP18 is consistent with the NPPF and is given significant weight.

- 10.25. Agricultural land is classified using grades 1, 2, 3a, 3b, 4 and 5. Best and most versatile agricultural land is defined as land in grades 1, 2 and 3a of the Agricultural Land Classification. The Yorkshire and Humber Agricultural Land Classification indicates the site is entirely grade 3 'good to moderate' agricultural land. It does not differentiate between grades 3a and 3b. The previous application did not include an agricultural land quality assessment. The site is therefore assumed to be BMV. The site area means Natural England is not a statutory consultee for the loss of agricultural land. This formed reason for refusal No.2.
- 10.26. This current resubmission does not address this or include an agricultural land assessment to disprove its grade 3a value, but instead states the applicant accepts the proposals would result in the loss of 5 ha of BMV agricultural land but points out this is well below the 20-hectare site threshold where such a loss becomes a point that would register a consultation with Natural England. The site is however over 7 hectares and the land to the south is shown as landscaping, so would also be removed from its agricultural use, meaning the total area loss would be approximately 10 hectares.
- 10.27. The conflict with the spatial development strategy therefore remains and the loss of best and most versatile agricultural land would be unnecessary. Such loss would result in minor harm to the agricultural economy in the area as well as food self-sufficiency. The loss of agricultural land is contrary to Core Strategy Policy SP18 and NPPF paragraph 180 b).

Minerals

- 10.28. The site is within a sand and gravel safeguarding area designated by Policy S01 of the Minerals and Waste Joint Plan. Policy S02 requires a minerals assessment for non-exempt development such as this. The previous submission did not include an assessment as such the lack of an assessment formed reason for refusal No.3.
- 10.29. This revised proposal does include a minerals assessment produced by Johnson Mowat dated 16th Feb 2024. The report concludes by stating the site is too small for commercially viable minerals extraction and is too constrained by roads, the canal and water table. This therefore satisfied the exemption under Policy S02 iv). Policy S02 states "within safeguarded Surface Mineral Resource areas shown on the Policies Map, permission for the development other than minerals will be granted where iv) it can be demonstrated that mineral in the location concerned is no longer of any potential value as it does not represent an economically viable and therefore exploitable resource." This justification satisfied the Minerals and Waste officer who agreed alternative land uses could be considered on the site. This means the reason for refusal No.3 therefore falls away from 2023/0138/OUTM.
- 10.30. The site is identified on the Coal Authority interactive map as lying within a low-risk area for which the standing advice is to impose an informative to draw this risk to the developer's attention.

Impact on landscape character

- 10.31. Selby District Local Plan Policy ENV1(4) requires development to consider approaches on landscaping within the site and taking account of its surroundings. Policy SP19(e) requires

that proposals look to incorporate new landscaping as an integral part of the scheme. Policy SP13 states that in all cases economic growth should be sustainable and appropriate in scale and type to its location, not harm the character of the area and seek a good standard of amenity. The site lies within Natural England's profile area No. 39 being the Humber Levels. This is a flat, low lying large scale agricultural landscape.

- 10.32. The National Planning Policy Framework states that planning policies and decisions should "contribute to and enhance the natural and local environment" by "protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)" (paragraph 180.a); and "recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland" (paragraph 180.b).
- 10.33. The impact on the landscape is particularly important for this proposal, as the proposed development will introduce a new warehouse and large area of hard surfacing on a site that is greenfield and unspoilt. This will inevitably change the character of the area, from one that is agricultural, to a commercial site with significant vehicle movements and outside storage of vehicles. The new proposed buildings and hard surface parking areas will be visible within the landscape. The proposal has raised significant concerns from local residents and users of the canal tow path to the south of the site. This is a popular recreational route and it is hard to see how any amount of landscaping would not cause harm to this route and the general character of the area. This was also the view of the Canal and River Trust as detailed in the consultation response.
- 10.34. The application did not include a Landscape Visual Impact Assessment (LVIA), but did include a Landscape Strategy Plan Version 6, which was later updated to Version 7 when additional 1.3m high bunding was added to the northern boundary and an Illustrative Views Rev 3 document provided. This shows a 50m buffering strategy to the south, however this is excluded from the application site. The applicants didn't include the bunding area within the red line boundary and couldn't under this resubmission, due to it being a 'free go' and the site (depicted by the red line) not being capable of being changed. The land within the bunding area would not be controllable under this application.
- 10.35. Concerns were previously raised that the landscaping would take many years to develop and establish and is unlikely to be sufficient to soften the appearance of the development by a significant degree. Landscaping is also proposed to the north east in an attempt to screen the most prominent views from the elevated A63 travelling west. The western edge of the site is less sensitive, as screening does exist on the boundary outside the application site where it meets the A19. This is again proposed to be enhanced within the application site.
- 10.36. The Landscape Sensitivity Study (Sept 2019) indicates this area as being level, predominantly low lying farmland, rectilinear fields defined by hedgerows. The area may be sensitive to relatively small changes, due to its openness and slight elevation, with development potentially highly visible throughout the landscape. The topography of the landscape enables long ranging, open views across the landscape to the north and south, which are generally more sensitive to change.

- 10.37. The impact on the landscape previously formed reason for refusal No.4 2023/0138/OUTM. The applicant sought to address this by providing illustrative views from 7 viewpoints around the site to demonstrate the impact of the development on the landscape character of the area and of views across the open countryside. These covered periods 0, 5 and 15 years post construction.
- 10.38. The revised information was assessed by the landscape officer and noted little had changed other than revised access arrangements, including the provision of a pedestrian access off the roundabout and bunding to the north. The landscape officer regarded the viewpoints as being useful in illustrating the effects of the proposed development on visual amenity and landscape character. The images present the summertime scenario when vegetation is in full leaf. During the dormant months of the year when leaf cover is absent or at least substantially reduced, the screening effects of the existing/proposed planting would be reduced, i.e. the visual impact would be greater, especially during operational hours of darkness (24-hour operation) when external lighting would be an additional factor. The introduction of a proposed 1.3m high earth bund along the northern boundary would marginally lessen the visual impact by screening the hard surfacing within the site from e.g. viewpoint 2.
- 10.39. The officer reiterated that the scale and nature of the proposed development, including earthworks, large building, lorries, fencing, and lighting, would result in a significantly harmful impact on the landscape character of the site; and how it is perceived in views, by way of the loss of openness resulting from the change of land use from agricultural, to a character associated with securing and screening an industrial development. Views from the canal towpath are altered (representative viewpoints 3, 4, and 5) with the introduction of a large building, lighting, engineered earthworks and woodland. Within views 3 and 4, the proposed tree/scrub planting would significantly screen the earthworks and building at maturity. This would result in a change from open views across a typical arable field - contiguous with the wider agricultural landscape - to enclosure, as a consequence of industrial development.
- 10.40. From viewpoint 3 there is an existing awareness of the traffic on the A19 and A63 but this lessens with distance. The Landscape Officer found the winter montages possibly less accurate in the representation of the density, size, and thus effect of the vegetation. In viewpoint 5 from the path in the east, a building is introduced into an otherwise open landscape. Viewpoint 2 from the A63, clearly shows the influence that the introduction of security fencing has on the landscape character, introducing a sense of an industrial landscape within this view, even in year 15. The proposed development would be operational during the hours of darkness in the winter months, which would show through the planting within the representative viewpoints - the effect of which would depend on height and number.
- 10.41. In summary, the additional bunding along the northern boundary introduces another new and artificial landform to the site. This assists in the screening of the hard surfacing, and other low infrastructure, above which the proposed building rises. There is a generous belt of planting within the site to assist the setting of the proposed development and provide significant landscape mitigation. Despite this, the landscape officer finds the proposal would have a significantly harmful impact on the landscape character of the site, because of the

extent (scale) and height and nature of the proposed building, hardstanding, fencing, lighting and operational movements. The landscape strategy introduces a number of positive measures to mitigate the visual impact of the development. Nonetheless, due to the perimeter fencing along northern boundary, and the alien character of the earthworks to the south, and the size of the proposed building (plus lighting and vehicle movements), the proposed development would present a change in views from that associated with the agricultural landscape, as per the surrounding area, to that associated with screening an industry.

- 10.42. This resubmission has therefore failed to overcome reason for refusal No.4 and the amended proposal is still considered to cause a harmful impact on landscape character, visual amenity, and views of the open countryside and the rural context of Selby, Brayton and Burn. Therefore, the proposal is contrary to Selby District Local Plan Policy ENV1(4), and Core Strategy Policies SP13 and SP18 and paragraph 180 of the NPPF.

Flood risk, drainage and climate change

- 10.43. Relevant policies in respect of flood risk, drainage and climate change include Policy ENV1(3) of the Selby District Local Plan and Policies SP15 “Sustainable Development which seeks to apply sequential and exceptions tests, and Climate Change”, SP16 “improving Resource Efficiency” and SP19 “Design Quality” of the Core Strategy. NPPF paragraph 165 requires “Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.” Paragraph 168 states “The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.”
- 10.44. The application site is predominantly within Flood Zone 3 (high probability of flooding) for sea and river flooding, with small patches of the site within Flood Zone 2 (medium risk). The site is protected and benefits from flood defences.
- 10.45. The application was accompanied by a Flood Risk Assessment prepared by Eastwood Engineers dated 15/02/2024. The report details that the use is ‘less vulnerable’ and therefore acceptable in Flood Zones 2 and 3 and no exception testing is not required. The report also discusses raising the finished floor levels of commercial buildings to a minimum of 6.7m AOD some 70 mm above the River Aire undefended 1 in 100 year plus 20% climate change floodplain level. Flood resilience measures will be 7.23 AOD, some 600 mm above the River Aire undefended level of 6.63mAOD. External areas will be set at, or below existing levels to offset the volume of floodwater displaced by raising the buildings, showing a floodplain storage betterment of 19.5m³. The report indicates commercial users should sign up for the Flood Warning scheme operated by the Environment Agency and produce a Flood Evacuation Management Plan.

- 10.46. Surface water disposal is considered, shown to be to the field drain within the site, subject to IDB / LLFA agreement. Attenuation storage will be provided above ground in attenuation ponds for rainfall events up to the return period of 1 in 100 year plus 40% climate change. The total estimated storage volume is 2,806 m³ subject to detailed design. Surface water runoff from the lorry and car parking areas will pass through a petrol interceptor. Foul effluent will discharge to an onsite package treatment plant before being discharged to the field drain.
- 10.47. In terms of the consultee responses, The Environment Agency raised an objection to the application, as the applicant has not supplied adequate information to demonstrate that the risks of pollution posed to surface water quality can be safely managed. This related to the package treatment plant as opposed to connection to the public sewer and surface water run off details. The EA were satisfied with the floor levels and compensatory storage and advised conditions. They also raised the need for a condition relating to the need for an ecological management plan to safeguard any water voles in the ditches, however they have since withdrawn this request following confirmation from the applicant that none were present during surveying. The applicant supplied a temporary run off plan and additional justification, which satisfied the Environment Agency.
- 10.48. The response from Yorkshire Water also alluded to elements of the permission conflicting with sewers and water mains that cross the site, however given siting is not being agreed, this could be resolved at the reserved matters stage. The IDB raised no objection subject to conditions and the LLFA didn't respond, however they raised no objections on the previous application.
- 10.49. The amended FRA therefore overcomes the previous refusal reason No.5 relating to an inadequate FRA.
- 10.50. In terms of the sequential test, 2023/0138/OUTM did not contain any information on alternative sites sufficient to apply the test, as such this formed reason for refusal No.6. Prior to the 2023 application being determined, discussions were held over the area of search required. The LPA point to SP13 of the Core Strategy which states:
- Supporting the more efficient use of existing employment sites and premises within defined Development Limits through modernisation of existing premises, expansion, redevelopment, re-use, and intensification.
 - Safeguarding Established Employment Areas and allocated employment sites unless it can be demonstrated that there is no reasonable prospect of a site being used for that purpose.
- 10.51. This would point to existing safeguarded and allocated employment land in the 2005 Local Plan and 2013 Core Strategy as being the comparison sites for consideration for this type of development. Parts or all of some of these allocations still remain undeveloped. In terms of search area, the applicants were advised that this needs to be the whole former district given the nature of the use.
- 10.52. The applicants disagreed and the Sequential Test dated 16th Feb 2024 focusses on existing allocated employment sites in the Local Plan and discounted searches further afield due to

the impact of journeys on carbon emissions and the location of these sites, due to the main business customers being around Selby. The Sequential Test found no sites suitable.

- 10.53. Whilst it may be the case that the existing business has all its customers in Selby, this is a general-purpose B8 facility and the economic circumstances of the individual business cannot be considered, whilst ever plausible. This limited area of search is not adequate especially as a haulage company, which by its nature is a mobile operation, can be situated further outside the town. Therefore, officers consider the whole of the former Selby District is a reasonable search area, particularly as the borders of the former District are rarely more than away 10 miles from the town of Selby. On this basis the previous reason for refusal 6 remains.

Access, transport and highway safety

- 10.54. Core Strategy Policy SP15 requires the proposal should minimise traffic growth by providing a range of sustainable travel options (including walking, cycling and public transport) through Travel Plans and Transport Assessments and facilitate advances in travel technology such as Electric Vehicle charging points; and make provision for cycle lanes and cycling facilities, safe pedestrian routes and improved public transport facilities.
- 10.55. Core Strategy Policy SP19 requires the proposal to be accessible to all users and easy to get to and move through; and create rights of way or improve them to make them more attractive to users, and facilitate sustainable access modes, including public transport, cycling and walking which minimise conflicts.
- 10.56. Local Plan Policy ENV1 requires account is taken on the relationship of the proposal to the highway network, the proposed means of access, the need for road/junction improvements in the vicinity of the site, and the arrangements to be made for car parking.
- 10.57. Local Plan Policy T1 states “Development proposals should be well related to the existing highways network and will only be permitted where existing roads have adequate capacity and can safely serve the development, unless appropriate off-site highway improvements are undertaken by the developer”.
- 10.58. Local Plan Policy T2 states “Development proposals which would result in the creation of a new access or the intensification of the use of an existing access will be permitted provided: 1) There would be no detriment to highway safety; and 2) The access can be created in a location and to a standard acceptable to the highway authority.
- 10.59. Proposals which would result in the creation of a new access onto a primary road or district distributor road will not be permitted unless there is no feasible access onto a secondary road and the highway authority is satisfied that the proposal would not create conditions prejudicial to highway safety.”
- 10.60. NPPF paragraph 108 requires transport issues be considered from the earliest of development proposals so that impacts of development on transport networks can be addressed; opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example, in relation to the scale, location

or density of development that can be accommodated; opportunities to promote walking, cycling and public transport use are identified and pursued; and the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains. Paragraph 115 states “Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

- 10.61. Paragraph 116 states: “Within this context, applications for development should:(a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; (b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; (c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; (d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and (e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”
- 10.62. The previous refusal includes a highway reason, No.7, which considered that the proposal did not adequately demonstrate that the highway has capacity in this location and that safety implications are acceptable or that the site is sustainable. The applicants have worked with North Yorkshire Highway Officers through a series of amendments to achieve a suitable scheme.
- 10.63. Permission for 1 new vehicular access from the A63 is being sought. This involves closing the existing agricultural field access on the bypass and the access moving east with a slip road. The submission included an updated Transport Assessment and Framework Travel Plan, which were assessed by the Local Highway Authority. The proposal is for a B8 warehouse, maintenance workshop, and ancillary offices (4641sqm + 205sqm of office) with 110 car and motorcycle staff spaces and 109 HGV parking lot, with a priority junction access off the A63 located around 200 metres east of the A19/A63 roundabout, south of Selby. This would form the new consolidated HQ for Campeys. Whilst the layout is a reserved matter, the indicative plans show the anticipated quantum of development.
- 10.64. The amend submission addressed the technical inadequacies in the previous submission documents and introduces 2 footpaths to the west of the site for better pedestrian/cycle connectivity. The one to the north west runs through the application site and the other to the south west would require permission in its own right due to it being outside the application site, however there is no reason why this couldn't be supported if the main permission gains consent. The other changes include the applicant carrying out a Stage 1 Road Safety Audit on the access arrangements.
- 10.65. The Local Authority Highway officer has assessed the revised information and considers the highway issues to have been addressed. The Road Safety Audit highlighted 4 problems, and actions to resolve these have been agreed upon. The Road Safety Audit did not pick up

any issues with right turns associated with the priority junction. The Highway Authority has accepted the findings and therefore raise no objections to the access arrangement. The internal layout will be considered further through any Reserved Matters Application, and the detailed design of the accesses through the discharge of conditions. A Stage 2 Road Safety Audit will be required when the detailed design is agreed.

- 10.66. The applicant has provided a Framework Travel Plan, which demonstrates a keenness to see sustainable travel options available to employees and visitors. A contribution via a S106 contribution to either maintain or enhance the existing 476 service has been agreed. The existing hail and ride bus service could be formalised with bus stop facilities and a section of footway connecting the site to the proposed stops.
- 10.67. Finally, Active Travel England did require more detail on layout, and amendments to the Transport Assessment and Travel Plan. These were not addressed by the applicants' changes, however a further reconsultation has taken place. The Local Highway Authority have accepted that the site is unlikely to result in significant numbers of people using active travel but have still tried to accommodate for this to give employees the opportunity to make these choices. ATE want this investigating further and would like to see further measures put in place to help achieve this. This however would not be sufficient to refuse the application on highway grounds.
- 10.68. Subject to a series of conditions being imposed and contributions via a legal agreement, the highway aspects of the proposal are considered to be in accordance with both local and national planning policies and therefore should not prevent approval on highway grounds. This means the former reason for refusal No.7 falls away, as compliance is achieved against Selby District Local Plan Policies ENV1, T1 and T2, and Core Strategy Policies SP15 and SP 19 section 9 of the NPPF.

Impact upon nature conservation and protected species

- 10.69. Local Plan Policy ENV1 requires account is taken of the potential loss, or adverse effect upon, significant wildlife habitats. The foreword to Core Strategy Policy SP2 states the protection and enhancement of biodiversity and natural resources is a basic principle of national planning guidance, which can also influence the location of development. Policy SP18 requires the high quality and local distinctiveness of the natural and man-made environment will be sustained by promoting effective stewardship of the District's wildlife by a) safeguarding international, national and locally protected sites for nature conservation, including SINCs, from inappropriate development. b) Ensuring developments retain, protect and enhance features of biological and geological interest and provide appropriate management of these features and that unavoidable impacts are appropriately mitigated and compensated for, on or off-site. c) Ensuring development seeks to produce a net gain in biodiversity by designing-in wildlife and retaining the natural interest of a site where appropriate.
- 10.70. NPPF paragraph 180 requires decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value in a manner commensurate with their statutory status or identified quality in the development plan;

minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

- 10.71. The submission contained an Ecological Impact Assessment (EclA) and included a Biodiversity Net Gain calculation. This was assessed by the County Ecologist. Some concern was registered over the loss of habitat for farmland birds, but the Ecologist commented that this could be considered further at the reserved matters stage through detailed landscaping. The Ecologist regarded the assessment as being thorough and was satisfied that the work undertaken was acceptable and no further surveys were required. The Ecologist recommended conditions are included for a Construction Environmental Management Plan, which should include recommendations for timing and avoidance measures as set out within section 5 of the EclA. In terms of Biodiversity Net Gain, the officer noted that the outline Landscape Masterplan is capable of delivering circa 26% net gain for area based habitats and 42% net gain for water course units. This is very positive and well in excess of current policy and guidance. A condition was also suggested to secure a BEMP to set out how habitats will be created, enhanced, managed and monitored. Current guidance is that this should be secured for 30 years and cover both on site and off site habitat areas. A Section 106 agreement would be needed to secure the off site aspects of habitat creation and management.
- 10.72. The proposal is therefore acceptable in terms of its impact on nature conservation and compliant with Policy ENV1 of the Selby District Local Plan, Policies SP2 and SP18 of the Core Strategy, NPPF paragraph 186c and the standing advice of Natural England.

Contaminated land and ground conditions

- 10.73. Policy ENV2 of the Local Plan states “Proposals for development which would give rise to, or would be affected by, unacceptable levels of noise, nuisance, contamination or other environmental pollution including groundwater pollution will not be permitted unless satisfactory remedial or preventative measures are incorporated as an integral element in the scheme.” Part B of the policy allows contaminated land conditions to be attached to permissions.
- 10.74. Core Strategy Policy SP18 seeks to protect the high quality of the natural and man-made environment by ensuring that new development protects soil, air and water quality from all types of pollution. This is reflected in Policy SP19 (k), which seeks to prevent development from contributing to, or being put at an unacceptable risk from unacceptable levels of soil, or water pollution, or land instability.
- 10.75. NPPF paragraph 180(e) requires decisions should contribute to and enhance the natural and local environment by: preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Paragraph 191 requires decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site, or the wider area to impacts that could arise from the development.

- 10.76. The application was accompanied by a Preliminary Geo Environmental Investigation. The report confirms that shallow groundwater and potentially loose sands may result in excavation instability, waterlogging during construction and the need for piled foundations. The report also states that "This site is essentially greenfield and no significant former industrial land uses have been identified. However agricultural practices may have led to some (probably minor) contamination and testing of Topsoil should be undertaken to determine its suitability for reuse." Whilst the site is considered suitable for its current and proposed use, the proposed change in use will require intrusive investigation.
- 10.77. The authorities contaminated land consultant assessed the information and noted that the site has been used as agricultural fields since at least 1851. No past industrial activities have been identified onsite or nearby. The current and former use of the site is considered unlikely to have given rise to any significant ground and groundwater contamination, and the proposed end use (industrial) is of a moderate to low sensitivity with respect to human health. Consequently, the site is likely to be suitable for its proposed use. However, the report does recommend that an intrusive ground investigation is carried out to retrieve geotechnical samples and inform foundation design. The officer recommended a condition requiring the reporting of any unexpected contamination.
- 10.78. In light of the above it is considered that the proposal would not breach Convention rights contained in the Human Rights Act 1998 in terms of the right to health and right to private and family life.

Residential Amenity

- 10.79. Relevant policies in respect of the effect upon the amenity of adjoining occupiers include Policy ENV1. Significant weight is given to this policy as it is broadly consistent with NPPF paragraph 135 (f) which seeks to ensure a high standard of amenity for existing and future users.
- 10.80. The application site is located in the countryside to the south of Brayton with no residential dwellings that surround it. The residential dwellings of Brayton are over 250m to the north and a cluster of dwellings 500m to the south. These separation distances mean the dwellings will not be affected by overlooking massing or oppression. Noise from the 24-hour operations and increased vehicle usage are discussed in the following section. On this basis, it is considered that the scheme is acceptable in terms of the residential amenity impacts and accords with Policy ENV1 and the NPPF.
- 10.81. In light of the above, it is considered that the proposal would not contravene Convention rights contained in the Human Rights Act 1998 in terms of the right to private and family life.

Noise and air pollution

- 10.82. The policies referred to in the contaminated land section above are relevant.
- 10.83. Noise and air pollution previously formed reasons for refusal No.8 & 9 of the previous application. This was primarily due to the lack of a Noise Impact Assessment and no Air

Quality Assessment requested by the Environmental Health officer due to the presence of nearby dwellings. Significant concerns were raised in the objection letters over the impact of the 24-hour operation on noise to local residents and air quality.

- 10.84. This resubmission was accompanied by a Noise Impact Assessment produced by Environmental Noise Solutions Limited dated 11th December 2023. The assessment was undertaken based on a 24-hour operation. The survey identified that noise levels on site would not exceed the existing background noise levels by more than 5dB at the nearest noise sensitive receptors and unlikely to result in adverse impacts according to guidance set out in BS4142.
- 10.85. The Environmental Health Officer questioned the parameters used in the assessment as for all three noise sensitive receptors, the exact same background noise level is adopted at each location for all three assessment periods. The EHO questioned the suitability of this as it is unlikely that all three locations are going to have the exact same background levels. This is of concern as Table 4.4 states that there may be an increase in background noise at one of the noise sensitive receptors (NSR B) using existing parameters. The assessment justifies the background noise levels during the final two hours of the nighttime period being calculated separately as this will be the period of increased vehicle movement on site should permission be granted. The EHO requested that the data used to arrive at the conclusion of the 05:00 to 06:00 period being set 39dB and the 06:00 to 07:00 period being set at 47dB be provided. Further justification was provided including a data sheet and this satisfied the Environmental Health officer.
- 10.86. Likewise, an Air Quality Assessment has been submitted with this resubmission. The assessment concludes that concentrations of nitrogen dioxide, with particulate matter of with a diameter of 10 micron or less (PM10) are likely to be below their respective long and short-term objectives at the proposed development site and that concentrations of PM2.5 are expected to be below the annual mean target. Having reviewed the assessment, the EHO is satisfied with this conclusion that the proposal will not have a significant impact on air quality.
- 10.87. Finally, the EHO indicated that the construction phase would also have the potential to adversely impact on the nearest residents by way of dust, dirt, noise and vibration. Conditions were therefore suggested covering the need for a scheme to minimise the above, hours of working conditions and control over piling, particularly in light of the ground conditions.
- 10.88. Therefore, despite the concerns registered in the objection letters, in the absence of an objection from the Environmental Health Officer it has not been proven that the proposal will cause significant adverse noise, or a reduction in air quality.
- 10.89. As a result of the submission of both reports, the previous reasons for refusal fall away.

Heritage impacts of the proposal

- 10.90. In determining applications regard should be had to the statutory duty of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings, or their setting, or any features of special architectural, or historic interest which they possess.
- 10.91. The application was supported by an updated Archaeology and Heritage Desk Based Assessment Version C. This details that the closest listed asset is the Grade II listed Brayton Tunnel of the Selby Canal. The assessment concludes by saying the development has a less than substantial impact on the setting and significance of the asset. The effect is also said to be mitigated by open space and planting.
- 10.92. Consideration therefore needs to be given as to the effect on the asset. Paragraph 209 of the NPPF states; "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset." The relevant Local Plan policies include Core Strategy Policy SP 18 'Protecting and Enhancing the Environment'.
- 10.93. The impact on the Grade II Listed Brayton Tunnel formed reason for refusal No.10 and the lack of a geophysical survey for reason No.11.
- 10.94. Concern has once again been raised by the Selby Civic Society and the Conservation Officer over the impact of the development on the wider character of the canal and the Grade II Listed Brayton Tunnel structure (first listed 15th June 2021). The listed structure lies immediately east of the application site and its setting is currently uninterrupted farmland which provides for its unique setting. The heritage assessment details that the setting of this asset is open fields and although there is the A63 to the north, there are very few structures in the immediate area.
- 10.95. Officers consider that the erection of a large workshop, HGV parking and loss of soft landscape/countryside will have a detrimental impact upon the setting of the listed building. This alteration to the setting will result in harm to the significance of the designated heritage asset. The development would not conserve the heritage asset and the harm is not outweighed by public benefit (as required by paragraph 207 of the NPPF). Reason for refusal No.10 therefore remains unresolved.
- 10.96. In terms of archaeology, Policy ENV28 requires that where development proposals affect sites of known or possible archaeological interest, the District Council will require an archaeological assessment/evaluation to be submitted as part of the planning application; where development affecting archaeological remains is acceptable in principle, the Council will require that archaeological remains are preserved in situ through careful design and layout of new development; where preservation in situ is not justified, the Council will require that arrangements are made by the developer to ensure that adequate time and resources are available to allow archaeological investigation and recording by a competent archaeological organisation prior to or during development.
- 10.97. The application was supported by desk-based assessment and more importantly a geophysical survey. The desk-based assessments notes that there is some archaeological

potential, particularly for later prehistoric, Romano-British and medieval remains, this has not been reflected in the geophysical survey results which are largely negative. The North Yorkshire Archaeologist concluded that no further archaeological work would be likely to advance our understanding of this area and therefore no objections are raised. This therefore removes reason for refusal No.11.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. The proposal constitutes a major commercial development in the countryside on a greenfield site, which fails to satisfy any of the permissible exceptions for development in such locations. Part A(c) of Core Strategy policy SP 2 limits development in the countryside to the replacement or extension of existing buildings, the re-use of buildings and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13 of the Core Strategy. The 7.93-hectare site goes beyond what is envisaged by SP2. Whilst development may bring some new employment opportunities and improvement to the wider economy, due to its scale it will not maintain, or enhance the vitality of rural communities like SP2 envisages. Such uses play key strategic roles in the wider economy and should therefore be located on allocated, or brownfield sites.
- 11.2. Likewise, Core Strategy Policy SP13 provides policy guidance with regards to the scale and distribution of economic growth. Part C states that in rural areas, sustainable development (on both greenfield and previously developed land) which brings sustainable economic growth through local employment opportunities, or expansion of businesses and enterprise will be supported. The proposal does not fall within any of the permissible exceptions which are aimed at the re-use of existing buildings and infrastructure, redevelopment of brownfield sites, diversification, well designed new buildings, rural tourism and leisure developments, and other small-scale development. Policy SP13D states that in all cases development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity. This isn't a small-scale rural development envisaged by Policy SP13. The same policy conflict exists with EMP2 which encourages small-scale development in villages and rural areas in support of the rural economy. The site was rejected in the emerging Local Plan and on the basis of the above, it cannot be concluded that the application is in accordance with the Development Plan.
- 11.3. The application has been supported by a Minerals and Waste Assessment which demonstrates the site isn't suitable for mineral extraction, therefore, other uses can be considered. The proposal does however result in the unnecessary loss of Grade 3 best and most versatile agricultural land. The proposals impact on residential amenity and nature conservation is acceptable, subject to condition.
- 11.4. The proposal is considered to have a harmful impact on landscape character and visual amenity on account of its scale, lack of established landscaping and views from the A63 and public footpath routes to the south.

- 11.5. The application has demonstrated that it is safe from Flood Risk, being mainly Flood Zone 3, but the sequential test submitted is too constrained and has been restricted in search area due to the operational needs of the applicant.
- 11.6. The proposal, through a series of discussions and amendments, which have included a Road Safety Audit, has demonstrated that the highway has capacity in this location and that the safety implications are acceptable, along with sustainable travel initiatives being agreed. The proposal includes a Noise Impact Assessment and Air Quality Assessment, which demonstrate that the noise arising from the operational use would not have a negative impact on local residential amenity and that air pollution would be to acceptable levels.
- 11.7. The proposal lies adjacent to a Grade II listed Brayton Tunnel and is regarded to have a detrimental impact upon the setting of the listed building. Finally, the submission included a geophysical survey so that the archaeological potential of the site could be fully established.
- 11.8. The application has advanced several economic and environmental benefits to the proposal, including job creation and less capacity on the highway in Thorpe Willoughby, as material considerations, however this does not overcome the policy harm identified. Whilst officers acknowledge the search for a new purpose-built site, this isn't an appropriate location. The application is also considered in relation to its use and not the end user, therefore many of the benefits identified are specific to the applicant.
- 11.9. The proposal therefore addresses 6 of the previous reasons for refusal, however overall, the site is unacceptable in principle and the other considerations put forward by the application do not outweigh the conflicts with local and national planning policies as outlined below.

12.0 RECOMMENDATION

- 12.1. That planning permission be REFUSED for the following reasons:
1. The proposal constitutes a major commercial development in the open countryside and is not of an appropriate location, or scale that would improve the local economy, or maintain the vitality of the rural community. The application is therefore contrary to Policies SP2, and SP13 of the Core Strategy and EMP2 of the Local Plan.
 2. The conflict with the spatial development strategy means the loss of best and most versatile agricultural land would be unnecessary. Such loss would result in minor harm to the agricultural economy in the area, as well as food self-sufficiency. The loss of agricultural land is contrary to Core Strategy Policy SP18 and NPPF paragraph 180 b).
 3. The proposed development on account of the extent (scale), height and nature of the proposed building, hardstanding, fencing, lighting and operational movements will cause a harmful impact on landscape character, visual amenity, and views of the open countryside and the rural context of Selby, Brayton and Burn. Therefore, the proposal is contrary to Selby District Local Plan Policy ENV1(4), and Core Strategy Policies SP13 and SP18 and NPPF paragraph 180.

4. The Sequential Test, on account of the limited search area, fails to adequately demonstrate that there are no other reasonably available sites that are appropriate for the proposed development with a lower risk of flooding. The proposed development for is therefore considered to be unacceptable and contrary to Core Strategy Policy SP15 and chapter 14 of the NPPF.

5. The proposal lies adjacent to the Grade II listed Brayton Tunnel. With the exception of the A63, the setting of this asset is open fields, with very few structures in the immediate area, which provides for its unique setting. The erection of a large workshop and HGV parking and loss of unspoilt countryside will have a detrimental impact upon the setting of the listed building. This alteration to the setting will result in harm to the significance of the designated heritage asset. The development would not conserve (as required by paragraph 205 of the NPPF) and the harm is not outweighed by public benefit (as required by paragraph 207 of the NPPF). The application is therefore contrary to SP18 which seeks to safeguard the historic environment.

Target Determination Date: 13.12.2024

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

Appendix A – Proposed site Plan Rev H