

Your Ref: 2020/0514/S73

Our Ref: SV/MCR/

Northern Region, P.O. Box 305
Manchester M21 3BQ Tel: 0161 861 0410
www.cunnanetownplanning.co.uk

Cllr. J Cattanach
Chair of Planning Committee
Selby District Council,
Civic Centre,
Doncaster Road,
Selby,
North Yorkshire,
YO8 9FT

BY EMAIL AND POST
9th March 2021

Dear Cllr. Cattanach

**APPLICATION NUMBER: 2020/0514/S73 - BROCKLESBY BUILDING PRODUCTS LIMITED , UNIT 1,
LONG LANE, GREAT HECK , GOOLE, EAST YORKSHIRE, DN14 0BT**

I write with regard the above-mentioned application which is being presented to Planning Committee on the 10th of March 2021. I have reviewed the planning officers report alongside my previous work in relation to the planning application, and subsequent additional information supplied by the applicant.

I am familiar with the planning history that has led to this application and the progress of these proposals through the development control process. You will have seen previous representations by myself on behalf of my client Mr Charles Watkinson, a resident of Great Heck.

The following is pertinent to the determination of the application and remedying deficiencies in the Officers report presented to members. I suggest consideration of a replacement condition which would maintain the reasonable control by the Council without unduly restricting the applicant's commercial enterprise.

Officer Report

In relation to paragraph 1.1 – 2, it is clear that the officer recognises that the original proposal adds to the level of activity in the surrounding area associated concrete block manufacturing, and that such activities have created a 'hotspot' given the ready supply of pulverised ash from nearby power stations. My concern here is that this cumulative effect of these proposals (one now a commitment) has not been taken into account in the officers report as their advice develops.

At paragraph 2.2, the officer also notes that the original condition 6 attached to planning application 2019/1340/FULM for the change of use of the maintenance and vehicle processing building was requested by North Yorkshire County Council Highways Department. The paragraph also recognises that the main concern centres around the use of Main Street, Great Heck, rather than Long Lane. As such it is clear that the applicants stated intention to proceed along Heck and Pollington Lane to H+H Cellcon have satisfied the authority that no safety concern arises. However, the result of the officer's recommendation is that the control sought over the use of Main Street is not achieved.

In summary, the original concern in relation to highway safety on Main Street, Great Heck remains, and the recommendation of the officer would remove any ability to control this in the future.

In relation to noise control I note that paragraph 2.10 of the officer report confirms that the initial 18 month period of HCV vehicle movement restrictions over the railway bridge at Great Heck has now concluded. The situation with regard noise amenity is therefore once again unrestricted in this location.

Paragraph 5.31 confirms that the issue with regard amenity in the surrounding area similarly remains.

In essence, the original proposal sought the expansion of activities on the site, which was granted planning permission and controlled via the imposition of planning conditions. Conditions 6 sought to restrict traffic movement in order to protect against road safety and residential amenity. These reasons remain justified in both regards.

Paragraph 5.4 of the officers report provides a summary of the elements of the proposal which increase capacity at the site, and the client's representation that these are '*more of a consolidation of the business*'. There is no further analysis as to the accuracy of this statement within the report, having regard to the lengthy forensic history of activities on this site. The paragraph also confirms that the books have been undertaken and were required to enable more space for workers due to COVID 19.

Paragraph 5.15 confirms that the capacity of the building has seen an increase as a result of the original proposal, and that the area surrounding the site is already the subject of problems/issues.

It is also worthy of note at paragraph 5.17 that the officer considers the poor wording used in the original drafting of condition 6, however I consider that this current application is an opportunity to ensure that a replacement condition is able to fully reflect the requirements the six tests of planning conditions in NPPF.

In summary, the reason for the condition remains (highway safety and amenity), the applicants claims that the original proposal would not increase capacity have not been tested, and the acknowledged deficiencies in the original wording of condition 6 remain.

Solution

In summary, I suggest that given the situation with regard the expiration of HCV movements over the Great Heck bridge that the application to amend the planning condition currently before members is an opportunity to reflect the applicants request, whilst also ensuring that the issues of road safety and amenity which provided the reason for the original planning condition, are more accurately reflected in a revised wording to replace condition 6.

In this regard, I suggest that a condition worded as follows would reflect the applicants aims and objectives, whilst also ensuring that the Council are able to maintain adequate control over the proposed use. My suggested wording is as follows:

Within 3 months of the date of this decision details of the routes to be used by HCV traffic associated with the proposal shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. Thereafter the approved routes shall be used by all vehicles connected with the proposal.

Reason

In accordance with policies ENV1(2), EMP9 (1), T1 and T2 of the Selby District Local Plan and in the interests of highway safety and the general amenity.

The above would meet the six tests of planning conditions set out in NPPF, would allow the applicant to propose any route that they saw fit for the vehicles associated with the proposal and the times at which HCV could use those routes, whilst providing the Council with the controls over highway safety and amenity that they originally sought.

Having regard to the above it is clear that this alternative to the officer advice provides a reasonable and ongoing level of control to the Council in seeking to resolve an acknowledged 'hotspot' of commercial activity which is clearly causing significant harm the amenity of nearby residents.

I trust that the above is clear however please do not hesitate to contact me if you have any queries.

Yours sincerely

Signature redacted

Stuart Vendy
CUNNANE TOWN PLANNING LLP
Stuart.vendy@cunnetownplanning.co.uk

Cc: G. Stent, Planning SDC
V. Foreman, Committee Services SDC