



Report Reference Number: 2021/0400/FULM

To: Planning Committee
Date: 30th June 2021
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Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2021/0400/FULM	PARISH:	Cliffe Parish Council
APPLICANT:	Just Paper Tubes	VALID DATE: EXPIRY DATE:	30th March 2021 29th June 2021
PROPOSAL:	Construction of a new warehouse building (B8) adjoining an existing warehouse building and formation of new parking area		
LOCATION:	Just Paper Tubes Cliffe Common Cliffe Selby North Yorkshire YO8 6EF		
RECOMMENDATION:	GRANT		

This application has been brought before Planning Committee as 14 letters of representation have been received, which raise material planning considerations in objection to the scheme and Officers would otherwise determine the application contrary to these representations.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The premises are known as Just Paper Tubes LTD and are located on the eastern side of Lowmoor Road which runs between the main A163 to the north and Hull Road A63 to the south.
- 1.2 The site is a small manufacturing business within the open countryside. The main office, production, and some warehousing buildings are set back from the main road, with a more recent 2017 constructed warehouse on the forefront of the site.

The site comprises of a number of metal shed or portal frame structures and a single storey brick office building, all located around a concrete service yard.

- 1.3 The site surrounded to the north and west of the site by a mature hawthorn hedge and a dyke, which form a natural visual boundary and screening to the industrial buildings. On the western side of Lowmoor Road and opposite the proposal site is a detached dwelling known as Springfield, with further residential dwellings and Cliffe Country Lodges to the south and southwest. To the northwest is Halliday Farm.
- 1.4 The area is essentially rural in nature, however several medium sized employment and commercial uses are pepper potted throughout the local area, mixed amongst farms and standalone residential properties. The village of Cliffe lies 1 mile to the south of the application site and Cliffe is travelled through to access the A63.

The Proposal

- 1.5 The proposal is to construct a new warehouse building at the site, that adjoins an existing warehouse building built in 2017, built as part of the company's expansion.
- 1.6 The Design and Access Statement describes how Brexit and the recent pandemic has forced JPT to change their business model from 'Just in Time' (JIT) Manufacturing, to needing to hold great buffer stocks after struggling to maintain stockholding of goods for manufacture and finished stock to service customers. The proposed new warehouse proposal will help the business support their existing manufacturing operations, which play an essential role in the UK's food & pharmaceutical packaging industry.
- 1.7 The Design and Access Statement stresses that this development would not result in an increase in traffic through Cliffe. The additional storage is as a buffer for goods to manufacture and goods ready for dispatch.

Relevant Planning History

- 1.8 The following historical application is considered to be relevant to the determination of this application.
 - 2016/0792/FUL - Proposed new warehouse building: (PER- 26-AUG-16).
 - CO/1997/0763 (PER – 28.11.1997) Erection of extension to existing factory to provide additional factory warehouse and office accommodation.
 - CO/1995/0792 (PER – 19.10.1995) Proposed erection of a warehouse for the storage of raw materials prior to the manufacture and tubes prior to dispatch.
 - CO/1992/0415 (PER – 15.04.1992) Proposed erection of a portakabin for temporary use as offices.
 - CO/1988/0014 (PER – 26.05.1988) Proposed change of use of existing building from civil engineering use to waste reclamation transfer station.
 - CO/1987/0422 (APPNPW – 01.05.1995) Proposed siting of a residential caravan and erection of four stables, tack room/feed store.

- CO/1987/0417 (REF – 08.05.1987) Outline application for the erection of a detached house and garage on 0.1ha of land.
- CO/1984/0341 (PER – 26.06.1985) Proposed use of land for storage and reclaiming of precious metals from computer scrap and manufacture of ingots.
- CO/1983/04828 (WDN – 05.01.1983) Erection of A Replacement Building for Use as A Bus Garage.
- CO/1981/04294 (PER – 16.01.1981) Rebuilding of Overhead Line.
- CO/1980/04829 (REF – 03.12.1980) Outline App for Detached Dwelling & Garage.
- CO/1980/04824 (PER – 02.01.1980) Outline App for The Erection Of Garage For The Storage Of Coaches.
- CO/1975/32677 (REF – 03.04.1975) Erection of A Bungalow.

2. CONSULTATION AND PUBLICITY

- 2.1 NYCC Highways – There are no local highway authority objections to the proposals.
- 2.2 Yorkshire Water Services – No response received.
- 2.3 Selby Area Internal Drainage Board - As this is slightly outside the Board's district, Selby Area IDB would have no comment to make.
- 2.4 Ouse and Derwent IDB - No response received.
- 2.5 SuDS And Development Control Officer – No response received.
- 2.6 Environmental Health – 13.5.2020 - With intensified commercial activity on this site, there is the potential this will have an adverse effect, through noise and light, on the surrounding residential properties. It is therefore recommended that the applicant is required to submit further details to demonstrate that the development will not have an unacceptable impact regarding noise, light or any other potential nuisance. It is recommended that the applicant considers conditions to control hours of operation to mitigate this potential issue.
- 2.7 Conservation Officer – No response received.
- 2.8 Historic England – No need to notify or consult HE on this application under the relevant statutory provisions.
- 2.9 Parish Council – Existing HGV traffic on York Road is already a concern as vehicles from Just Paper Tubes use the village as a route through to the A63. This issue is a major and long-standing complaint from the residents of York Road. The Parish Council are concerned that a further warehouse may increase HGV traffic. Just Paper Tubes have had polite requests from Cliffe Parish Council to exit their site towards the A163 (Market Weighton Road) rather than using a route through the village, unfortunately these requests have been ignored.
- 2.10 Natural England - Natural England has no comments to make on this application.

- 2.11 North Yorkshire Bat Group – No response received.
- 2.12 Yorkshire Wildlife Trust The trust concurs with the comment of NYCC Ecology dated 22nd April 2021 with regard to the need for a sensitive lighting plan. It is advised that a horizontal contour plan is requested which indicates how dark corridors are to be retained in the development.
- 2.13 County Ecologist – There are no significant concerns in relation to the proposed new warehouse, from the layout plan there is a standoff from the drainage ditch and this also provides a standoff from the hedgerow. One aspect that should be secured by condition is the need for a sensitive lighting design. Light spill onto the north and west boundary hedgerows and wider habitats should be avoided where possible.
- 2.14 Designing Out Crime Officer - It should be noted that rural commercial businesses are vulnerable to burglary. Consequently, it is recommended that the proposed warehouse doorsets, shutters and any rooflights fitted must be to a good security standard. For example, the doorsets to comply with PAS24:2016, and roof lights and roller shutters as a minimum standard, comply with LPS1175 Issue 8 Security Rating 2, or to the same standard of a similar rating scheme.
- 2.15 North Yorkshire Fire & Rescue Service - No objection/observation to the proposed development.
- 2.16 Public Rights Of Way Officer – No response received.
- 2.17 HER Officer – There are no known archaeological sites in the area indicated or within the immediate vicinity. No objections.
- 2.18 The Environment Agency (Liaison Officer) – No response received.
- 2.19 Waste And Recycling Officer - No response received.

Neighbour Summary - Adjoining neighbours were notified of this proposal x3 site notices displayed outside the site and a press notice appeared in the Selby Times.

14 letters of objection were received (3 from the same person) with concerns raised in regard to the following:

- Increase in traffic, in particular on the A63 junction, and lorries using York Road. The lorries already breach the 7.5T weight limit.
- The proposed warehouse detracting from the open countryside and the size of the warehouse not being in keeping with other buildings in the vicinity.
- Being detrimental to wildlife.
- Noise impacts, detrimental to residential amenity. The house constantly shakes with the amount of lorries running through the village. Some drivers do not obey the speed limits which raises noise and vibrations too. During the night these levels disturb sleep impacting upon general well being.
- Cliffe is a small rural village and young children walk along York Road to the local primary school. Any increase in traffic, particularly large HGV vehicles will increase safety concerns and endanger young lives and those of all pedestrians. Many dog

walkers use the road multiple times daily as well as usual pedestrian traffic and those walking to the local shop, post box and public house.

- Increased vehicles will mean increased pollution.
- Residents have seen a marked increase in HGV type vehicles using the route from the A63 to the A163 as a short cut.
- In addition the local shop is also adjacent to this junction and often has vehicles parked.
- There are some speed bumps to the North of the level crossing but we find HGVs are able to traverse these without necessarily slowing down, and it seems that many of them are potentially exceeding the 30mph speed limit.
- There is perfectly acceptable access to this proposed site from the A163 to the north.
- If HGV traffic could be compelled to access from this direction then any traffic safety and noise issues would be resolved.
- At present there are no restrictions on HGV s travelling through restricted area starting as early as 2 am onwards, causing sleep deprivation.
- There are two large industrial estates within approx 1 mile of Paper Tubes so no real need.
- Possible damage to old sewage system and continual repairs to railway crossing. 10.
- All issues would be resolved if HGV s were FORCED to access site via A163 only and this would disrupt no one to avoid Cliffe village.
- After reading the latest response from JPT dated replying to comments made. After speaking with neighbours wish to make clear that no one objects to the warehouse as such but objecting to the route along York Rd at all times particularly in the night. Whilst JPT claim that their business has suffered under covid and Brexit it is only to be expected that vehicles journeys would increase when things return to normal.
- The vehicle study shows that only seven lorries a day pass through but does cover their return journeys ,and it does not give times as only this morning one went through at 2.45am making it impossible to sleep with the window open. JPT claim that vehicles are not expected to intensify but WOULD NOT would be better.
- This issue needs to be resolved before any Planning approval is given it is reiterated no one objects to the warehouse only the route and times. This could easily be resolved by change of route via A163. Do not understand why a local business who claim to employ locals should wish to antagonise the locals. It is understood that no locals who work at JPT actually live on York Rd.

3 SITE CONSTRAINTS

Constraints

- 3.1 The site lies outside development limits, within an allocated Employment Development Site CLF/1 and within Flood Zone 1.

4 POLICY CONSIDERATIONS

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and 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.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options took place early in 2020. Consultation on preferred options took place in early 2021. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The National Planning Policy Framework (February 2019) (NPPF) replaced the July 2018 NPPF, first published in March 2012. The NPPF does not change the status of an up-to-date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

"213...existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

Selby District Core Strategy Local Plan

4.6 The relevant Core Strategy Policies are:

SP1 - Presumption in Favour of Sustainable Development
SP2 - Spatial Development Strategy
SP13 - Scale and Distribution of Economic Growth

SP15 - Sustainable Development and Climate Change
SP16 - Improving Resource Efficiency
SP18 - Protecting and Enhancing the Environment
SP19 - Design Quality

Selby District Local Plan

4.7 The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development
ENV2 - Environmental Pollution and Contaminated Land
T1 - Development in Relation to Highway
EMP2 - Location of Economic Development
EMP6 - Employment Development
EMP9 - Expansion of Existing Employment Uses
CLF1 - Land for employment development at Cliffe Common

5 APPRAISAL:

5.1 The main issues to be taken into account when assessing this application are:

- Principle of the Development
- Design and Impact on the Open Countryside
- Impact on Residential Amenity
- Impact in the Highway
- Drainage and Flood Risk
- Ecology

Principle of the Development

5.2 The proposal is for a new warehouse building to increase the storage capacity at a well-established manufacturing business within the countryside, which has its own policy designation. The following policies are therefore relevant.

5.3 Policy SP1 of the Core Strategy outlines 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 sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 11 of the NPPF.

5.4 Policy SP15 (B) states that to ensure development contributes toward reducing carbon emissions and are resilient to the effect of climate change schemes should where necessary or appropriate meet 8 criteria set out within the policy.

5.5 Whether it is necessary or appropriate to ensure that schemes comply with Policy SP15 (B) is a matter of fact and degree depending largely on the nature and scale of the proposed development. Having had regard to the nature and scale of the proposal, it is considered that its ability to contribute towards reducing carbon emissions, or scope to be resilient to the effects of climate change is so limited that it would not be necessary and, or appropriate to require the proposals to meet the requirements of criteria of SP15 (B) of the Core Strategy. Therefore, having had regard to Policy SP15 (B) it is considered that the proposal is acceptable.

- 5.6 Policy SP2(c) of the Core Strategy states that 'Development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, 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 SP13or other special circumstances.
- 5.7 Local Plan Policy EMP2 encourages proposals for small-scale development in villages and rural areas in support of the rural economy and the application site is allocated land for industrial/business development under Policy CLF/1. It adds that proposals for the development of allocated sites should meet the detailed requirements set out in specific policies contained in Part Two of the Local Plan.
- 5.8 Policy CLF/1 allocates land at Cliffe Common (the application site) for employment development in accordance with Policy EMP2. It states that proposals must make provision for 1) The whole site to be served by a single point of access taken from the Cliffe-Skipwith road and made up to an adoptable standard; 2) The retention and/or diversion through the site of the existing vehicular right of way; 3) The retention and strengthening of existing hedgerows on the boundaries of the site; and 4) The establishment of an effective landscaped screen between proposed development and the existing residential properties.
- 5.9 Policy EMP6 (A) supports proposals for new industrial and business development within allocated sites and established employment areas, including infilling, extension or expansion of existing firms, redevelopment of existing sites, or the change of use of land or premises provided it meets three set criteria.
- 5.10 Policy EMP9 states that Proposals for the expansion and/or redevelopment of existing industrial and business uses outside development limits and established employment areas, as defined on the proposals map, will be permitted provided several criteria are met.
- 5.11 Policy SP13C supports sustainable development which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprises including the re-use of existing buildings and infrastructure and the development of well-designed new buildings.
- 5.12 Section 6 of the NPPF states that the Government is committed to securing economic growth in order to create jobs and prosperity, in particular paragraph 83 which states planning decisions should enable the sustainable growth and expansion of all types of business in rural area, both through conversion of existing buildings and well design new buildings.
- 5.13 The application site is located outside defined development limits and is located at Cliffe Common on land that was allocated for industrial/business development within the Local Plan. The allocation is now largely developed, however space does exist on the frontage of Just Paper Tubes site for the proposed building. The proposal would be regarded as an expansion and increase the business's material storage capacity. The company does not envisage any job creation (currently 34 employees) but the proposed building would help secure the long-term viability of the business.

- 5.14 The proposals are therefore considered to be in accordance with Policies EMP2, EMP6(B), EMP9 and CLF/1 of the Local Plan, Policies SP1, SP2 and SP13 of the Core Strategy and the policies contained within the NPPF.

Design and Impact on the Open Countryside

- 5.15 Relevant policies in respect to design and the impacts on the character of the area include Policies ENV1 (1) and (4), EMP6A (3) and EMP9 (2) and (3) of the Selby District Local Plan, and Policy SP19 "Design Quality" of the Core Strategy.
- 5.16 Significant weight should be attached to the Local Plan Policies ENV1, EMP6 and EMP9 as they are broadly consistent with the aims of the NPPF section 12.
- 5.17 Criteria 3 of Policy EMP6A and criteria 2 and 3 of Policy EMP9 require proposals to achieve a standard of design, materials and landscaping appropriate to the locality that complements existing buildings and would not have a significant adverse effect on the appearance or character of the surrounding area.
- 5.18 The application site is visible from Lowmoor Road and proposes to develop the only remaining part of the site alongside the new warehouse constructed in 2017. The site is mainly visible from the main access road; however, the western and northern boundaries are screened by an existing hawthorn hedge, which would remain unaffected by the proposals.
- 5.19 The proposed warehouse building would be 45 metres in length, and 23-33m in width, 6.3m to eaves and 7.4m in height to the ridge. The materials proposed, and as shown on the submitted drawing would be a concrete panel plinth to the base with plastic coated steel sheeting to the elevations and plastic-coated box profile steel sheets to the roof. The colour of the warehouse would match the other buildings on site, and this can be secured by way of condition. The proposed building would be almost identical to and adjoin the building permitted 2016/0792/FUL.
- 5.20 The siting of the proposed building would be to the north of the 2017 constructed warehouse and forward of the existing commercial buildings associated with the site and as such, would feature more prominently within the landscape. The design and access statement explains how the design and shape of the new warehouse has been carefully considered, in order to maximise space and utilise as much of the remaining land as possible to support its existing production. The proximity to the north and west boundary has also been considered having consulted with the local drainage board in order to provide access for maintenance of the watercourse.
- 5.21 The existing hedgerow and landscape screen would be retained as part of the proposal. This is also a requirement of criteria 3 and 4 of Policy CLF/1 which requires the retention and strengthening of existing hedgerows on the boundaries of the site and the establishment of an effective landscaped screen between proposed development and the existing residential properties. A building on this front part of the site has previously been found to be acceptable, as such, it is considered that this established landscaping sufficiently mitigates the impacts on the proposed warehouse on the character and appearance of the area. Some views into site will be more apparent in winter months, however equally the new building will screen views into the rear part of the site.

- 5.22 A street scene drawing has also been submitted with the application, which shows the proposed warehouse building being smaller in scale than the existing buildings to the rear of the site and would be slightly taller than the residential properties opposite. The plans show how the proposed building comfortably sits alongside the building constructed in 2017.
- 5.23 It is acknowledged that the building is in a prominent location next to the road, however given the sites existing use, its allocation, the scale of the existing buildings on the site and existing screening, it is considered that the proposed warehouse would not have a significant or detrimental impact on the character or appearance of the area. As such, the proposal is considered to be in accordance with Policies SP13 and SP19 of the Core Strategy and Policies ENV1, EMP6, EMP9 and CLF/1 of the Selby District Local Plan.

Impact on Residential Amenity

- 5.24 Policies ENV1 (1) and ENV2 of the SDLP requires proposals to take account of the effect upon the amenity of adjoining occupiers. Policy SP19 of the Core Strategy outlines that proposals for all new development will be expected to seek a good standard of amenity. In addition, one of the Core Principles of the NPPF is to always seek to ensure a good standard of amenity for all existing and future occupants of land and buildings is achieved.
- 5.25 14 letters of objection were received and raised concerns over the scale of the building and many of the comments focussed around the number, and type of vehicles servicing the premises and the associated noise and disturbances these cause. Very little concern was expressed in regard to noise from the premises, particularly as the proposed building opposite turns its back on the roadside and has all of its main openings facing into the operational site. This will provide both a visual and sound screen to the activities undertaken within the main body of the site. The proposed building is also being used for B8 storage only and no manufacturing will take place within the building.
- 5.26 The Environmental Health has been consulted as part of the application and indicated that the intensified commercial activity on the site, has the potential to have an adverse effect, through noise and light, on the surrounding residential properties. Further detail was required of the applicant to demonstrate that the development will not have an unacceptable impact regarding noise, light or any other potential nuisance. It was recommended that the applicant considered hours of operation to mitigate this potential issue.
- 5.27 In terms of hours of operation, the additional warehouse constructed in 2017 did not have hours of use attached to the permission as Local Authority took the view that given the wider site was uncontrolled i.e. the warehouse in 1995 (CO/1995/0792) or factory/office extension in 1997 (CO/1997/0763), that it would be unreasonable to try and control this additional building. The applicants have reiterated this position considering it unreasonable to limit the operational hours of this building particularly when the remainder of the site is unrestricted. The applicants claim this would materially harm the organisation's prospects and be impossible to enforce when a 24/7 use currently exists on the remaining buildings. Whilst is unclear what hours the business actually operates; Officers agree that it would not be reasonable or effective to limit just 1 of the buildings on the site to a specific operating period. The objections concerning highway routing are considered in the highway section.

- 5.28 In terms of noise, the applicants reiterated that “the proposed warehouse extension is not for manufacturing and will in effect reduce the need for forklift movements within the site as raw materials will not be moved to suit the work pressures of that day. Therefore, a net reduction to the very limited, if any, noise nuisance created within the site is envisaged. The business of Just Paper Tubes has very limited industrial noise compared to other B2 and B8 uses”.
- 5.29 In terms of lighting the applicants state that the proposal encloses the manufacturing facility yard space and any task lighting used in darkness will be directed into the “compound” between the buildings and therefore this provides a tangible enhancement to the local area particularly the bungalow opposite. Details of a lighting scheme can be secured by condition which is also necessary to full the ecologist’s requirements as detailed below.
- 5.30 Finally in terms of outlook and dominance, the nearest residential property (Springfield)) is located approximately 30 metres to the west with Station House to the south located approximately 67 metres away. The proposed warehouse would be located closer to Springfield House opposite so will be more visible when compared to the existing commercial units associated with the site. However, the building comes no closer than that permitted in 2017. Also, no objections have been received from either dwelling closest to the site.
- 5.31 The building has been designed so it faces east with no openings are proposed on the rear elevation (west elevation) with the proposed roller shutter door facing towards the existing service yard (east) away from the residential properties.
- 5.32 As such, given the separation distances between the residential properties and the proposed warehouse as well as taking into account the orientation of the warehouse proposed it is considered that the proposal would not result in a significant or detrimental impact on the residential amenity.
- 5.33 It is therefore considered that the proposal would not have a significant and adverse impact on the amenity of the nearby residential properties and would therefore be in accordance with Policies ENV1 (1) and ENV2 of the Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

Impact on the Highway

- 5.34 Policies ENV1(2), EMP6(A), EMP9 and T1 of the Local Plan require development to ensure that there is no detrimental impact on the existing highway network or parking arrangements. In addition, Policy CLF/1 states that the whole site should be served by a single point of access taken from the Cliffe-Skipwith road and made up to an adoptable standard.
- 5.35 Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy SP19 in respect to highway safety states that development should ' be accessible to all users and easy to get to and move through' and 'facilitate sustainable access modes'.
- 5.36 The proposal plans to create 8 new car parking spaces on the entrance to the site by extending the existing parking arrangement. This will offset the loss of 4 space

on the northern boundary which would have been in front of the proposed warehouse bays.

- 5.37 There has been significant concern from the residents of Cliffe over the routing of HGV vehicles that use the premises, particularly those that pass through Cliffe onto the A63. The concern centres around highway safety, noise nuisance, vibration all of which are detailed in the report. The Highways Officer has no objections to the proposal.
- 5.38 In terms of vehicle routing, like the hours of working issue, the routing of vehicles using the premises is not controlled by any historical permission therefore it would not be reasonable to try and control this under a single application for an additional warehouse building. The owners are keen to stress that this development is not to intensify the industrial output from the business, but to allow it to compete successfully with a buffer supply of raw materials.
- 5.39 Residents were concerned that JPT ignore weight restriction and encourage vehicles to travel north and avoid Cliffe. JPT supplied a letter from 2010 from North Yorkshire CC giving them exemption to weight restrictions so vehicles making collections and deliveries can gain access. Vehicles are therefore permitted to use this route through Cliffe.
- 5.40 The applicants also reiterated that “the village is used as ‘cut through’ by many heavy goods vehicles that are not obeying the traffic restrictions. The business would support any spot checks carried out by North Yorkshire Highways or the police to enforce the traffic restrictions. However, as the 2010 letter confirms, access for vehicles to the business via Low Moor Road (becoming York Road) is lawful. A Study of vehicle movements to and from the transport coordinator employed by the business is shown above. The business has very limited traffic to and from its premises. As illustrated, averaging less than 7 vehicles per day. This use is not expected to intensify.”
- 5.41 Residents have also pointed out that customers visiting the premises often travel in the early hours of the morning and disturb sleep. JPT acknowledges this and states they have one customer that visits once or twice a week to collect. This occurs at varying times but is within the early hours and the company records all delivery and collection times. The company state this collection is part of a trunker run JPT’s customer undertakes and is always via the A163 not the A63 as this is part of the circular run, so no traffic uses York Road Cliffe.
- 5.42 JPT has a sophisticated on-site CCTV system as part of their health and safety and quality control management. This CCTV captures large vehicle movements on Lowmoor Road simply because it monitors the yard space. There is plenty of evidence of other HGV traffic using York Road, either to Whitemoor Business Park which is outside the access only weight limit restriction (and therefore vehicles should be using the A163 only) or as a general cut through. JPT wish to reiterate that the specific complaint from the resident in Cliffe (2/6/2021 or 3/6/2021) that there were no vehicles entering or exiting JPT premises at that time, in the hours before or proceeding 2:45am on both days. Its therefore likely that the vehicles passing through Cliffe in the early hours are not associated with JPT.

- 5.43 The proposal is not therefore of a scale that would require a specific routing agreement and the proposed extension is not considered to cause any significant increase in movements. Therefore, on consideration of the application and the comments from the Highways Officer, the proposal is considered to accord with Policies ENV1(2), EMP6(A), EMP9 and T1 of the Local Plan and Policy SP19 of the Core Strategy.

Drainage and Flood Risk

- 5.44 Relevant policies in respect to drainage and flood risk include Policy ENV1(3) of the Local Plan and Policies SP15 and SP16 of the Core Strategy. The application site is located in Flood Zone 1 (low probability of flooding). As such a sequential flood risk test is not required. The application form and flood risk attenuation statement details that no foul drainage will be required, and the surface water will be via 2 new underground attenuation tanks to manage the outflow of surface water into the adjoining dyke.
- 5.45 The report indicates that discussions regarding surface water drainage have already taken place with the York Consortium of Drainage Boards and advice provided on the design calculations have been provided by a specialist drainage company. There have been no comments from any of the statutory drainage consultees to suggest this would not be appropriate and therefore no further control is necessary. The proposal is therefore considered to be in accordance with Policy ENV1 of the Local Plan, Policies SP15 and SP16 of the Core Strategy and the advice contained within the NPPF.

Ecology

- 5.46 Policy in respect of impacts on nature conservation interests and protected species is provided by Policy ENV1 (5) of the Local Plan, Policy SP18 of the Core Strategy and paragraphs 170 to 177 of the NPPF. The presence of a protected species is a material planning consideration as is tree loss and landscaping.
- 5.47 The site is currently grassed and of low ecological value and none of the existing boundary vegetation is being removed. No ecological assessment was submitted; however, the county ecologist considered the application and had no significant concerns as there is a standoff from the drainage ditch and this also provides a standoff from the hedgerow. The ecologist requested details of a lighting scheme to be secured by way of condition, with light spill onto the north and west boundary hedgerows and wider habitats should be avoided. This will ensure compliance with Selby District Local Plan Policy ENV1(5) and Policy SP18 of the Core Strategy.

6 CONCLUSION

- 6.1 Having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposed development is appropriate in policy terms and would not have a detrimental effect on the character or appearance of the open countryside, residential amenity, highway safety, drainage, flood risk or ecology.
- 6.2 The proposal is therefore considered to be in accordance with Policies ENV1, ENV2, EMP2, EMP6, EMP9, CLF/1 and T1 of the Selby District Local Plan, Policies

SP1, SP2, SP13, SP15, SP18 and SP19 of the Core Strategy and the advice contained within the NPPF.

7 RECOMMENDATION

This application is recommended to be Granted subject to the following conditions:

01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

02. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

PL960_01_2_A_JPT_Location Plan
PL960_02_2_A_JPT_Existing Site Plan
PL960_03_2_A_JPT_Proposed Site Plan
PL960_04_2_A_JPT_Site Elevations
PL960_05_2_A_JPT_Building Floor Plan
PL960_06_2_A_JPT_Building Roof Plan
PL960_07_2_A_JPT_Building Elevations 01
PL960_08_2_A_JPT_Building Elevations 02

Reason

For the avoidance of doubt.

03. The materials to be used in the construction of the external surfaces of the warehouse hereby permitted shall match those as stated within section 7 of the application form and those permitted and used on the adjoining building permitted under 2016/0792/FUL.

Reason:

In the interests of visual amenity and in order to comply with Policy ENV1 of the Selby District Local Plan.

04. Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on drawing number PL960_03_2_A_JPT_Proposed Site Plan for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

Reason:

In accordance with Policies ENV1(2), EMP6(A), EMP9 and T1 of the Local Plan and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

05. Prior to the use of the building becoming operational, a detailed lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. Once agreed the lighting shall be installed in accordance with the agreed details and thereafter be so retained.

Reason:

In accordance with Policies ENV1, EMP6, EMP9 of the Local Plan and Core Strategy policy SP18 to ensure that lighting does not spill out from the application site and cause harm to the living conditions of neighbouring dwellings, the character of the countryside and the ecological value of the countryside setting.

Informative

It should be noted that rural commercial businesses are vulnerable to burglary. Consequently, it is recommended that the proposed warehouse doorsets, shutters and any roof lights fitted must be to a good security standard. For example, the doorsets to comply with PAS24:2016, and roof lights and roller shutters as a minimum standard, comply with LPS1175 Issue 8 Security Rating 2, or to the same standard of a similar rating scheme.

8 Legal Issues

8.1 Planning Acts

This application has been determined in accordance with the relevant planning acts.

8.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

8.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However, it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

9 Financial Issues

Financial issues are not material to the determination of this application.

10 Background Documents

Planning Application file reference 2021/0400/FULM and associated documents.

Contact Officer:

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Appendices: None