



Report Reference Number: 2018/0562/FULM

To: Planning Committee
Date: 7 November 2018
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Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2018/0562/FULM	PARISH:	Colton
APPLICANT:	Ibbotsons	VALID DATE:	6 June 2018
		EXPIRY DATE:	5 September 2018
PROPOSAL:	Retrospective change of use of agricultural buildings to B8 (Storage & Distribution); erection of enlarged commercial building (B8) following demolition of existing general purpose agricultural building & improvements to existing site access		
LOCATION:	Ibbotsons, Mill Hill, Braegate Lane, Colton, Tadcaster, LS24 8EW		
RECOMMENDATION:	GRANT		

This application has been brought before Planning Committee having been called in by Councillor Musgrave who states “...that the core business of the site which has expanded exponentially over the last couple of decades, seems now to be food processing and storage as opposed to agricultural and therefore it should be assessed as such.”

1. INTRODUCTION AND BACKGROUND

1.1 Site and Context

1.2 The application site is located outside development limits to the south of Colton and west of Braegate Lane. For the purposes of planning the site lies in open countryside and adjacent to but not within the designated Green Belt. The A64 and Bilbrough Top junction are to the north of the application site. The existing site comprises a potato storage, packing and distribution facility run by Ibbotson's Potatoes. The larger site comprises various buildings, the activities of which are associated with local farmers who grow potatoes on behalf of Ibbotson's who then store and pack potatoes for subsequent distribution. 1.3 Originally the application proposed the demolition of an existing general purpose agricultural building and its replacement with a modern and slightly larger building. The associated adjacent

buildings were initially viewed as being in agricultural use as it was understood that all the potatoes being stored, bagged and distributed were produced by the owners of the site. Since the original submission however, it has now come to light that the potatoes are not produced on the farm but are transported to the site from other local farmers. Whilst the actual operations within the buildings have not altered, the Local Planning Authority have taken the view that because the potatoes are bought in, the site falls under class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and is in fact now a commercial use.

- 1.3 Access is gained via two separate access, both of which are directly from Braegate Lane. One leading directly to the front loading area and the other being gated and leading to the offices with associated parking area. Improvements have recently been undertaken to the existing access, in conjunction with North Yorkshire County Council Highways Authority and for the purposes of transparency, has been included in the application description.
- 1.4 The site comprises a number of buildings, the majority being steel and timber frame; in addition to an office which is timber with brick cladding.
- 1.5 The boundary to the south west and north west adjoin land associated with the unit; the south east boundary adjoins open countryside and in agricultural use; whilst the north east boundary abuts the public highway.
- 1.6 Officer Note: Due to the changes in the application description and in the interests of transparency, the proposal has been re-advertised via the press, site notice and appropriate neighbours (Overall expiry date is 22.11.2018). As of the date of publishing this report (26.10.2018) no additional comments have been received. The comments reported below are as a result of the first round of publicity.

2. The Proposal

- 2.1 Retrospective change of use of agricultural buildings to B8 (Storage & Distribution); erection of enlarged commercial building (B8) following demolition of existing general purpose agricultural building & improvements to existing site access.
- 2.2 The footprint of the proposal would be similar to that it would replace - other than the loading area, which is currently centrally located to the southeast elevation between the replacement building and two existing adjoining buildings (to be retained). This area would be covered as part of the redevelopment, in order to protect the produce from inclement weather.

3. Relevant Planning History

- 3.1 The following historical applications are considered to be relevant to the determination of this application.
 - CO/1985/1121 – Proposed erection of extension to existing general purpose agricultural building - Refused 31.05.1985
 - CO/1985/1122 – Erection of extension to existing general purpose agricultural building - Refused 21.06.1985
 - CO/1986/1226 – Proposed alterations to raise the roof height of existing potato storage building – Approved 24.11.1986
 - CO/1986/1228 – Erection of extension to existing potato storage building – Approved 12.01.1993

- 2008/1118/FUL – Erection of an office building at Ibbotsons Potatoes, Braegate Lane, Colton, Tadcaster, LS24 8EP – Approved 24.11.2008.

4. CONSULTATION AND PUBLICITY

4.1 The initial application as referred to in Section 1 of the report was advertised by site notice; press and neighbour notification letters, with objection letters received from two residents stating the following concerns and general comments:

- Loss of amenity due to existing and future extent of goods vehicles
- Existing and continued impact on highway safety due to poor junction between the old Colton Lane and the realigned Colton Lane – lack of sight lines and vehicles turning are crossing onto opposite side of road causing major traffic safety issue when egress taken from our property
- Stated vehicle movements is inaccurate in regards to actual usage
- Plans misleading in regards to ownership and use of the larger site – major food processing site and external storage area are not shown on the plans
- HGVs use the road from 4.00am until 9.00pm every day and when dark this presents additional safety issues, particularly for pedestrians
- Vibrations to our house when lorries are passing and we now have settlement cracks appearing
- Destruction of the verges and breaking up of road – cracks and ruts
- Disturbance from workers playing music – normally on night shifts or at weekends; in addition to noise from high pitched vehicle beepers
- Landscaping is inadequate for such a huge site and visibly intrusive when looking north and some trees have been taken down which I believe form part of the original planning permission.

4.2 General Comments

- No objection in principle
- Acoustic barriers would reduce noise impacts to Lingfield if incorporated to the frontage near Braegate Lane, in addition to the rear along the ditch side and from Pack House to the new engineering works building
- Sound insulation should be incorporated to the interior walls and roof
- No artificial lighting to the Lingfield side or toward Lingfield
- High risk of fire near the trees from smoking areas – fire prevention barriers at 6-7m high would help
- 10m high acoustic barrier to whole boundary to Lingfield.

4.3 Bolton Percy Colton & Steeton Parish Council

The following are the comments from the councillors of the above Parish Council:

1. *This site is apparently not an agricultural site now, all this side of the business is being transferred to a building on Acaster Airfield.*
2. *This site is mainly used as a potato processing and packaging plant which entails large amounts of potatoes being transported in high volumes by huge articulated lorries to and from the site along Colton Lane, connecting to the A64.*

3. *Colton Lane is a narrow country road, with sharp bends and is not suitable for use of these wagons, which have been using it over the past years, but with the proposed implementation of yet more of this type of traffic. Planners must look seriously into straightening out the road and widening it before any further planning applications are granted.*
4. *It must be noted that pedestrians have to use this road, which has no footpath on either side, together with local traffic which is making the road very dangerous, and councillors feel an accident waiting to happen.*
5. *This site is a large industrial development, which has been expanded over the years, in the middle of open countryside and planners must look into how much further expansion should be granted in this open area.*

The councillors hope you will take into consideration the above concerns.

- 4.4 **Local Highway Authority** – Conditions to be attached to any permission granted
- 4.5 **Lead Officer Environmental Health and Housing** – “Concerns have been raised by neighbouring receptors regarding light spill arising from the proposed development.” Planning condition is therefore recommended to control levels of lighting. (12.10.2018)
- 4.6 **Principal Archaeologist (North Yorkshire County Council)** - “I have no objection to the proposal and have no further comments [to] make.”
- 4.7 **Ainsty (2008) Internal Drainage Board** - No objection subject to a condition to secure a satisfactory drainage strategy.
- 4.8 **Natural England** - “Natural England has no comments to make on this application.”
- 4.9 **Lead Local Flood Authority** - No objection subject to conditions.
- 4.10 **North Yorkshire Bat Group** – No response within statutory consultation period.
- 4.11 **Public Rights of Way** – No response within statutory consultation period.
- 4.12 **Yorkshire Water Services** - No response within statutory consultation period.

5. SITE CONSTRAINTS AND POLICY CONTEXT

5.1 Constraints

- 5.2 The application site is situated within open countryside.
- 5.3 The application site is located in an area of potentially contaminated land the contaminant being from factory works but the use is not specified.
- 5.4 The application site is located in flood zone 1 with a low probability of flooding.

6. National Guidance and Policy – National Planning Policy Framework (NPPF)

- 6.1 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 revised NPPF (July 2018), with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.

6.2 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.

6.3 Selby District Core Strategy Local Plan

6.4 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework. As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, the guidance in paragraphs 212 and 213 of the NPPF noting that the NPPF should be taken into account in determining applications, and that existing policies should not be considered out of date simply because they were adopted prior to the publication of the NPPF and that due weight should be given to them according to their degree of consistency with the Framework, so the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

6.5 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
SP18	Protecting and Enhancing the Environment
SP19	Design Quality

6.6 Selby District Local Plan

The relevant Selby District Local Plan Policies are:

ENV1	Control of Development
ENV2	Environmental Protection and Contaminated land
ENV21	Landscaping Requirements
EMP7	Employment Development in the Countryside
EMP9	Expansion of Existing Employment Uses in the Countryside
T1	Access to Roads

6.7 National Guidance and Policy

National Planning Policy Framework (NPPF) Updated August 2018, National Planning Practice Guide (NPPG)

6.8 As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004 applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 2 of the National Planning Policy Framework (NPPF) must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

7. APPRAISAL

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

- Principle of Development
- Visual Impact on the Locality
- Impact on Residential Amenity
- Highway Matters
- Drainage
- Other Matters.

7.2 Principle of Development

7.3 Relevant policy is referred to in the Core Strategy (SDCS) and the Local Plan (SDLP) and policy SP1 (SDCS) states that *'when considering development proposals the Council will take a positive approach which reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.'*

7.4 Policy SP2 (SDCS) plans for the spatial development strategy in the district and states that development in the open countryside and outside development limits shall be limited (amongst other things) to the replacement or extension of existing buildings and well-designed new buildings of an appropriate scale which would contribute toward and improve the local economy and enhance and or maintain the vitality of rural communities in accordance with policy SP13. Additionally, criterion c) supports the re-use of existing buildings (preferably) for employment purposes.

7.5 Policy SP13 (SDCS) positively promotes the development and revitalisation of the local economy and criterion c) states that development which brings sustainable economic growth in rural areas through (amongst other things) the re-use and expansion of businesses and infrastructure of an acceptable scale and under criterion d) would not harm the character of the area, with no adverse impacts on amenity and appropriate to its location, would be encouraged. The revised NPPF supports the principles referred to in the above policies (paragraph 83) and paragraph 84 adds that *"...policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements..."*, subject to the same criteria as policies SP2 and SP13.

7.6 Policy EMP9 (SDLP) allows for the expansion of businesses outside development limits, subject to accordance with set criteria. This includes no significant adverse impact on the character of the area achieved through a high standard of design and use of materials, which would complement existing buildings. Additionally, criterion 4) adds that the development must be well related to existing development. The proposal would replace an existing building within a well-established group, with a small extension which would encompass existing working areas within the site.

- 7.7 The proposed development comprises the demolition of an existing building which is no longer fit for purpose due to the internal arrangement and degrading of the existing materials. This is to be replaced with a larger building which would enable more efficient processing; better movement around the site and the protection of goods.
- 7.8 Questions have been raised in regards to the actual use of the site and that it appears to be more of a commercial activity than an agricultural unit. The Design, Access and Planning Statement advises that there has been major growth in terms of the customer base which includes a number of major retailers as well as food processors. The existing plans also indicate that a larger building which is adjacent to the proposal to the west, is used for the storage, grading and bagging of the potatoes. The adjoining building to the south, is used for storage and loading. There are no other processes taking place on or within the site other than those stated above.
- 7.9 In order to establish whether the unit should be classed as commercial or agricultural, confirmation was requested as to where the potatoes come from. The agent has, following discussions with the applicant, confirmed that potatoes are no longer grown by Ibbotson's and local farmers grow set varieties and set amounts which are then bought, stored, packaged and distributed from this facility. On the basis of the above information, the facility would be classed as commercial and not agricultural.
- 7.10 It is an established business which has had a positive impact on the local economy through the provision of a number of jobs. This development would allow for the improvement and small expansion to an established, progressive business. On this basis, the principle of the proposal is acceptable, subject to all other matters being satisfactory.
- 7.11 Visual Impact on the Locality
- 7.12 Comments submitted by neighbours and the Parish Council are acknowledged with regards to the development proposal.
- 7.13 The development would require the removal of some self-seeded trees and scrub. These are impacting on the stability of the buildings and causing damage to the existing drainage run. The field adjoining the site to the north has been planted with thousands of various species of trees, most of which are approximately 2m in height. However, in order to mitigate the loss of existing boundary treatment and soften the impact of the proposal in terms of wider views, a mixture of mostly indigenous replacement trees and shrubs would be planted along this boundary. Planting would include hawthorn, blackthorn, shrub/compact lilacs; wild cherry; rowan and rhododendrons. The agent has also given assurances that the rhododendrons would comprise of non-invasive species, in accordance with the Wildlife and Countryside Act 1981.
- 7.14 Materials for the proposed building would comprise a plastisol coated profile steel composite roof and wall panels, both in goosewing grey and over shallow precast concrete plinth panels. The proposed loading entrances would comprise insulated roller doors and the personnel doors would be steel faced in a grey finish.
- 7.15 External dimensions of the proposed building would be 84.7m long by 27.4m wide; height to eaves would be 6.4m (max) and to ridge 9.3m (max) and with a net gain of

294 sqm additional internal floor space. The proposed new building would be higher than the existing to be removed but no higher than the adjoining building to the south and equal in height at eaves level.

7.16 When viewed as a group, the new building would be seen in context with the existing buildings as a backdrop. In addition, the materials would be similar, which would ensure that the proposal would sit comfortably within the existing group as a whole and therefore would not be visually dominant in regards to the adjoining and wider landscape.

7.17 The development would be acceptable in regards to its visual impact and therefore in accordance with the provisions of Policies ENV1 (SDLP) and Policies SP13, SP18 and SP19 (SDCS) and the provisions of the revised NPPF.

7.18 Impact on Residential Amenity

7.19 The proposed replacement building is on an existing established site and would be situated close to the northern boundary. There are no residential properties immediately adjoining the site but the heavily landscaped (trees) land adjoining to the north is attached to the domestic curtilage of a dwelling situated 125m north of the site.

7.20 Noise

7.21 The Environmental Health Officer (EHO) has not raised any objections to the proposal, nor has he referred to any complaints made in respect of noise etc. from the site.

7.22 One objector has suggested that a 10m high acoustic barrier be installed to the northern boundary facing his residential property; also to the rear of the site; in addition to acoustic barriers to the site frontage. Given that the application site is situated in open countryside, barriers of such a scale would have an unacceptable and detrimental visual impact both in regards to the site as well as the adjacent landscape. Furthermore, the installation of the barriers to the site frontage would not only be visually dominating but would reduce visibility in respect of access to and from the site and therefore impact on highway safety.

7.23 Light Pollution

7.24 The application proposes the inclusion of external lights which would be low power LED flood lights. These would be wall mounted over access points and aimed at the yard surface area and therefore not cause direct glare to the neighbouring residential property to the north of the site. A condition would however be included (should permission be granted) which would restrict the candela (brightness) level of the lights in order to prevent light pollution to the adjacent open countryside and therefore the adjacent neighbour as a result of the proposal.

7.25 Subject to a specific condition to protect the amenity of the nearby residents, the scheme can be considered acceptable. The development is therefore in accordance with policy ENV2 (a) (SDLP) and SP19 (SDCS) and with the provisions of the NPPF.

7.26 Highway Matters

7.27 Paragraph 108 (point b) of the NPPF stipulates that planning decisions should take account of whether:

'Safe and suitable access to the site can be achieved for all users.'

7.28 Paragraph 109 adds that Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.29 Policy T1 (SDLP) advises that (amongst other things) development proposals 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."* The development includes improvements to the existing areas within the site frontage and also includes the widening of the existing internal access within the site.

7.30 The development comprises of a replacement building which would be larger than the existing but is for the improvement to, rather than expansion of operations. The existing layout and height of the building is unsuitable and structurally unsound and internally the floor surface is (due to an uneven waffle effect timber floor) unacceptable for loading of vehicles and raises health and safety issues. The replacement building proposes an additional covered area to the south side, as produce is currently being stored outside due to lack of appropriate space within the existing building. In addition, the existing yard layout is causing some congestion from the internal movement of loading vehicles. The new building would ensure that no produce is left outside as is the current scenario, which would also improve the flow around the remainder of the site.

7.31 The adjacent neighbour to the north has raised a number of objections to the proposal, particularly highway safety due to the extent of HGVs frequenting the site and the hours of use. Having looked at the site history there is no evidence of a restriction on the timing of HGVs using the site. There are conditions restricting the use of machinery which states machinery can be used between the hours of 7.00am to 7.00pm during week days *'...nor at any time on Sundays.'*

7.32 The submitted Design and Access Statement advises that the traffic flow would remain at existing levels with no increase and the aims are to improve the traffic flow within the site by reducing the pedestrian traffic mix. In addition, the proposal includes widening of the existing access to raise site safety by further separating the HGVs accessing the storage buildings, from cars parking within the office car park.

7.33 The Highway Officer has, following the above comments, conducted an incident search over the last five years which showed three recorded collisions over the period. These were due to driver error and not an issue with the road or HGV related.

7.34 The adjacent neighbour has advised that the stated vehicle movements to and from the site do not reflect the actual usage. The Design, Access and Planning Statement includes the extent of vehicle movements to and from the site each day and states that this level would not increase. Additionally, the Highway Officer having received correspondence from the objector has advised that the County Council does not have the resources or the time to check the vehicle movements declared and adds

that it is unlikely that Selby District Council (SDC) are minded to check this information.

7.35 Based on the evidence supplied by the Highway Officer in relation to accidents and that traffic flows remaining at current levels, the proposal is considered to accord with policy T1 and policy ENV1 (SDLP) and the relevant advice in the revised NPPF. The Highway Officer has also requested three pre-commencement conditions which relate to the highway improvements but as these works have already been undertaken and inspected by NYCC Highways Officers, it would be pointless including them.

7.36 Drainage

7.37 The site is in Flood Zone 1 (low probability of flooding) and as such it is not at risk from flooding. The Environment Agency's flood maps indicate however, that a small portion of the site close to the loading area is affected by some low level flooding from surface water. The submitted information advises that drainage channels have been added to minimise this.

7.38 There is no requirement for foul drainage and surface water run-off would be to an existing surface water dyke. In addition, all rainwater pipes would be sealed at ground floor level in order to prevent contamination of the surface water drain and dyke.

7.39 Both the Internal Drainage Board (IDB) and the Lead Local Flood Authority (LLFA) have made comments on the proposal. The LLFA advise that the submitted information is limited but consider that risk can be controlled by suitable conditions. They also refer to the fact that the rainwater pipes will be sealed at ground level to prevent contamination entering surface water drains and the dyke and state that the applicant needs to advise "*...what these contaminants are and what steps are being or will be taken to prevent them entering the watercourse network with surface water from the yard areas.*" In response, the agent has submitted a brief statement advising that since receiving advice from the Environment Agency all rainwater pipes are sealed in any new agricultural or industrial development he has submitted. He adds that this prevents the tipping of any type of liquid contaminant (including milk) and also prevents vermin from entering, which is critical on a site storing food.

7.40 Subject to no further comments from the LLFA and the inclusion of relevant conditions, it is considered the proposals are acceptable in respect of flood risk and drainage and therefore accord with policy ENV2 (b) (SDLP) and the advice within the NPPF.

7.41 Impact on Biodiversity

7.42 Protected Species include those protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. The presence of a protected species is a material planning consideration.

7.43 The site and its immediate surroundings are not included in any designation for nature conservation interest. There are no European or nationally designated sites within 2km of the survey site. No impacts to designated sites are therefore anticipated.

- 7.44 A phase 1 Ecological Appraisal has been submitted with the application which advises that there are low roosting opportunities for bats and therefore a survey is not required. It adds that as there are trees to the site boundary, there may be some use by bats and recommends that a number of bat boxes be fitted to trees around the site.
- 7.45 There are two lagoons within 70m of the site which are polluted from washing potatoes and the water is regularly disturbed. The lagoons do not contain suitable aquatic plants which might support a breeding ground for Great Crested Newts or any other native amphibians.
- 7.46 No nesting birds were seen during the survey and no evidence of badgers. Furthermore, the report states that as the majority of the site is on a hard standing, there is a negligible presence of flora and therefore no requirement for mitigation.
- 7.47 Subject to a condition requiring the proposed development to be carried out in accordance with the mitigation and compensation measures, method statement and recommendations for ecological enhancement contained within the Ecological Impact Assessment undertaken by Yorkshire Ecology Surveys and dated 5 June 2018. It is considered that the proposal would not detrimentally impact upon nature conservation interests and therefore complies with Policy ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and the advice contained within the NPPF.

8. CONCLUSION

Having assessed the proposal against the relevant policies, it is considered that the proposal is considered to be an acceptable form of development in this location and in respect of the principle of such development. The impact on the character and appearance of the immediate and wider area; flood risk; surface water drainage and climate change; residential amenity; highway safety; landscaping and biodiversity and protected species.

9. RECOMMENDATION

- 9.1. Subject to there being no additional material considerations arising as a result of further publicity, the Planning Development Manager has delegated authority to **GRANT** this application in accordance with the conditions and reasons set out below:

1. The development must be begun not later than the expiration of three years from the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. This permission relates to the following plans and documents:

Drawing No. 1259.1 – Location plan
Drawing No. 1259.2 – Wider site location plan
Drawing No. 1259.3.1Rev A – Part existing site/building plan
Drawing No. 1259.3 Rev A – Existing site plan
Drawing No. 1259.4 Rev A – Existing part site/building plan

Drawing No. 1259.5 – Existing elevations
Drawing No. 1259.6 Rev A – Part/proposed site/building plan
Drawing No. 1259.7 Rev A – Part proposed site/building plan
Drawing No. 1259.8 – Proposed elevations
Drawing No. 1259.9 – Proposed sections
Drawing No. 1259.10 – Roof plan
Shrub & Tree Planting Specification

Except as provided for by other conditions to this permission, the development shall be carried out in complete accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the Selby District Council Core Strategy, saved policies in the Selby District Local Plan and the provisions of the National Planning Policy Framework.

3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors;
 - ii. hours of construction working;
 - iii. loading and unloading of plant and materials;
 - iv. storage of plant and materials used in constructing the development;
 - v. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vi. wheel washing facilities;
 - vii. measures to control the emission of dust and dirt during construction;
 - viii. a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - ix. delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: In accordance with policy ENV1 of the Selby District Local Plan and in order to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the demolition and construction phase.

4. Development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority and shall account for the following:
 - The flowrate from the site shall be restricted to greenfield runoff rate and/or a minimum 30% reduction of the existing positively drained runoff rate for the 1 in 1, 1 in 30 and 1 in 100 year rainfall events.
 - Storage volume should accommodate a minimum of a 1:100 year plus climate change critical storm event.

- A 30% allowance for climate change should be included in all calculations and a further 10% for urban creep for the lifetime of the development.
- The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme have been completed.
- The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology.

The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Reason: To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere.

5. The premises shall be used for the storage, packing and distribution of potatoes and for no other purpose (including any other purpose in Class B8) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In accordance with policies SP2 and SP13 of the Selby District Core Strategy and EMP13 of the Selby District Local Plan as the proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

6. No industrial processes shall be carried out, or plant/machinery/power tools used within the building(s) or within the curtilage of the site outside the following times:

7.00am – 7.00pm Monday to Friday

8.00am – 1.00pm Saturday

Nor at any time on Sundays and Bank/Public Holidays unless previously agreed in writing by the Local Planning Authority.

Reason: to comply with Policy ENV1 of the Selby District Local Plan and to ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

7. No fixed mechanical ventilation or refrigeration /air conditioning plant shall be installed until full and precise details have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be constructed and installed in accordance with the approved scheme and shall thereafter be maintained in accordance with the approved scheme. Details will include the following:

- Full noise specification including sound power levels and frequency analysis for the equipment to be installed
- Details of noise mitigation measures to be utilised to prevent the proposed system from causing disturbance to immediately adjacent premises
- A scale plan showing the positioning and orientation of the equipment in relation to adjacent premises.

Reason: This condition is imposed in accordance with policy ENV1 of the Selby District Local Plan and in order to safeguard the amenities of the area in which the development is located.

8. All soft landscaping comprised in the approved plans shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

Reason: In accordance with policy ENV21 (A) of the Selby District Local Plan and because a well-designed landscaping scheme can reduce the impact of the development on the amenities of existing residents and help to integrate the development into the surrounding area.

9. The development hereby permitted shall be implemented in strict accordance with the Phase 1 Ecological Appraisal dated 5 June 2018 and prepared by Yorkshire Ecology Surveys and any variation thereto shall be agreed in writing by the Local Planning Authority before such change is made.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010.

10. Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone - E2 contained within Table 1 of the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005.

Reason: In order to safeguard the amenity of adjacent residential occupants and prevent light pollution to the surrounding open countryside.

Informatives

Wildlife

Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In addition, certain species such as the Barn Owl are included in Schedule 1 of the Act and are protected against disturbance while nesting and when they have dependent young. Offences against birds listed in Schedule 1 of the Wildlife and Countryside Act are subject to special penalties. An up-to-date list of the species in Schedule 1 is available from Natural England: <http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/speciallyprotectedbirds.aspx>.

Further information on wildlife legislation relating to birds can be found at www.rspb.org.uk/images/WBATL_tcm9-132998.pdf.

Surface Water to Adjacent Watercourse

The Applicant states that surface water is to be discharged to an adjacent watercourse. The condition and ability of this watercourse to accept this flow should be determined by the Applicant prior to works commencing, in order to ensure that the receiving watercourse is capable of accepting the increased discharge without detriment to other users.

10. Legal Issues

10.1 Planning Acts

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

10.2 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.

10.3 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.

11. Financial Issues

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

12. Background Documents

12.1 Planning Application file reference 2018/0562/FULM and associated documents.

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