



**Report Reference Number:** 2019/1340/FULM

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**To:** Planning Committee  
**Date:** 8 April 2020  
**Author:** Gareth Stent (Principal Planning Officer)  
**Lead Officer:** Ruth Hardingham (Planning Development Manager)

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APPLICATION NUMBER:	2019/1340/FULM	PARISH:	Heck Parish Council
APPLICANT:	Brocklesby Building Products Limited	VALID DATE: EXPIRY DATE:	8th January 2020 8th April 2020
PROPOSAL:	Proposed change of use of existing maintenance and vehicle processing building to include block cutting and processing, erection of 6m high cctv pole, erection of replacement dry dust silo, erect new gates, change existing fencing to concrete fencing and improve HGV parking on site by increasing the areas in which they can park on the existing site		
LOCATION:	Brocklesby Building Products Ltd Unit 1 Long Lane Great Heck Goole East Yorkshire DN14 0BT		
RECOMMENDATION:	Grant		

This application has been brought before Planning Committee as 18 letters of representation have been received which raise material planning considerations and Officers would otherwise determine the application contrary to these representations.

## 1. INTRODUCTION AND BACKGROUND

## **Site and Context**

- 1.1 The site is located north of Green Lane, east of Long Lane and is close to the M62 motorway, which lies to the north. The nearest residential village is Great Heck which lies around 500m to the south/south west. The site is surrounded by a mixture of agricultural land and pepper potted industrial sites, set within the open countryside to the south east and south west. A similar block manufacture and processing plant exists opposite the site (Sellite).
- 1.2 The site is approximately 1.6 ha and comprises a predominantly hardsurfaced yard with a portal framed building with offices in the centre of the site, HGV parking to the south and a smaller portal framed building in the north eastern corner of the site. Access is taken from Long Lane via a large gated entrance.
- 1.3 The application site is operated by Brocklesby Building Products Ltd, which are a company specialising in the cutting, processing and distribution of concrete blocks with ancillary haulage yard. The site was effectively split by a permission in 2011 where half of the western side of the central building, along with the haulage yard were classed as Unit 1. The building in the north western corner and western side of the central building and all the yard to the east was Unit 2. The building in the north western corner of the site is rented out and is used for maintenance, storage and cutting of concrete blocks. The applicant also owns the field to the north which borders the west bound side of the M62.
- 1.4 The haulage yard is used by the current block cutting company and is rented to other HGV operators who use the site as a haulage base in association with the historical use of the site and the certificate of lawfulness issued in 2018 at appeal.
- 1.5 The application is the resubmission of application 2019/0314/FULM, which was for a similar proposal, however originally included the erection of a new mobile batching/bagging plant and biomass boiler. These elements were later removed from the proposal following concerns from nearby dwellings and the local ward member. The application was then withdrawn. This current resubmitted application doesn't include the biomass boiler or batching plant.

## **The Proposal**

- 1.6 This application seeks to change the use of an existing maintenance building (G) to include block cutting and processing. The proposal also involves; the erection of a 6m high CCTV pole at the site entrance (A); the erection of a replacement dry dust silo at the rear of the cutting shed (B); erection of new gates so access can be maintained to the field to the north (E), the change of existing fencing on the northern boundary to concrete fencing (F) and; improved HGV parking by increasing the areas in which they can park on the existing site D). Area D will also be used for outside storage of blocks. The proposal also seeks to retain the use of the former vehicle maintenance building in the north west of the site for block cutting, which is currently rented out (H).
- 1.7 The application site has a lawful authorised sui generis haulage use and part B2 (General Industrial) and B8 (Storage & Distribution) for the handling, cutting, packaging and distribution of concrete blocks on part of the site (unit 1). This application is aimed at extending this use into the remaining eastern part of the existing building and formalising the use of the wider site (Unit 2) and introducing dust extraction measures.

## Relevant Planning History

- 1.8 The site has an extensive history with the original buildings being given permission in the 1990's for a transport depot and storage building. A series of permissions then followed for new buildings and recycling uses and the buildings/site were split into Unit 1 and Unit 2.
- 1.9 A certificate of lawfulness was granted in July 2018 for the existing use of Unit 1 as a sui generis mixed use of a haulage yard and the handling, cutting, processing and distribution of concrete blocks. This was for a much-reduced site area than the current application site.
- 1.10 2004/0778 - In 2004 permission was granted for a dual use of the building: a vehicle recycling depot including the storage of cars (Unit 2) and continued use as a haulage depot (Unit 1).
- 1.11 2005/1465/TEL - Application for the erection of a 20m telecommunications pole with 3 No. antennas, transmission Dish and 6 No. equipment cabinets at Brocklesby Haulage, Approved 27-JAN-06.
- 1.12 2011/0328/FUL - Construction of a steel segmental arch building for use as maintenance workshop, Approved 02-JUN-11. Positioned against the southern boundary and never implemented.
- 1.13 2011/0677/FUL - Erection of a general-purpose commercial building, Brocklesby, Unit 1 Approved 22-AUG-11. Resubmission of 2011/0328/FUL on the south of the site and again never implemented.
- 1.14 2011/1016/COU - Change of use from a vehicle recycling depot to a recycles and vehicle recycling depot, Unit 2, Approved, Decision Date: 14-JUN-12. This was all the site which excluded unit 1 referred to in the 2017 Certificate of lawfulness 2017/0146/CPE.
- 1.15 2015/1278/FUL - Proposed change of use of land to facilitate the expansion of existing commercial uses, to include the construction of an industrial building and creation of on-site hardstanding/parking facilities, Refused 05-FEB-16 due to visual impact concerns. This was on the field to the north adjoining the M62.
- 1.16 2017/0146/CPE - Application for a lawful development certificate for the existing use of the site as B2 (General Industrial) and B8 (Storage & Distribution) for the handling, cutting, packaging and distribution of concrete blocks, Unit 1, Long Lane, Great Heck, Goole, East Yorkshire, DN14 0BT, Decision: Non-determination. Allowed at appeal APP/N2739/X/17/3182568 issued July 2018.

"No enforcement action could be taken in respect of it because the time for taking enforcement action had expired – a material change of use of part of the appeal site to a mixed use of a haulage yard and the handling, cutting, processing and distribution of concrete blocks occurred more than 10 years ago, the mixed use continued thereafter, and there is nothing to show that the use was subsequently superseded or abandoned.

(Officer note: this related to only part of the site.)

- 1.17 2019/0314/FULM - Proposed change of use of existing maintenance building to include block cutting and processing, erection of CCTV pole, erection of replacement dry dust silo, erect new gates, change existing fencing to concrete fencing and improve HGV parking on site by increasing the areas in which they can park on the existing site: Withdrawn.

## 2. CONSULTATION AND PUBLICITY

### 2.1 Parish Council – Objection.

- The villages throughout the Great Heck Parish are already subjected to substantial problems from dust pollution that will be significantly aggravated with the addition of the introduction of block cutting and the provision of a dry dust silo.
- Roads in the region are already impeded by an excess of HGV vehicles accessing the many industrial facilities located in the Parish. The additional HGV's that will be the consequence of the proposed introduction of block processing and the extension of the lorry park will further compound the deterioration of access to the road network in the region.
- Surrounding villages have in recent years been subject to a plague of foul-smelling odours arising from waste dumps on the site. A site that is infested with vermin and a site that is the source of ground water pollution from the rotting of by-products of the block cutting process.
- Approval of the planning application will serve to detrimentally affect the health and quality of life of residents within the local community; noise pollution, air pollution, contamination of aquifers from waste by-products will blight the life and health of residents for years to come.

2.2 **NYCC Highways** - No objections subject to a routing agreement being given for the HGVs.

2.3 **Plan Use Planning Yorkshire Water Services Ltd** – No response received.

2.4 **Danvm Drainage Commissioners Shire Group Of IDBs** – No objections subject to advisories about surface water discharge.

2.5 **SuDS and Development Control Officer** – No response received, however the 2019/0314/FULM stated - no objections to the proposed development. The submitted drainage statement states that the proposals do not involve ground breaking and there is no proposed increase in the impermeable area at the site. A drainage condition is not required in this instance.

2.6 **Environmental Health** – No objections subject to conditions controlling the processing of dust.

2.7 **North Yorkshire Bat Group** - No response received.

2.8 **Yorkshire Wildlife Trust** - No response received.

- 2.9 **County Ecologist** – No objection subject to a condition requiring adherence to the method statement contained in Appendix C of the EclA report (LM Ecology, April 2019), which covers removal of waste piles and vegetation clearance.
- 2.10 **Highways England** – No objection.

### **Neighbour Summary**

- 2.11 The proposal was publicised by a site notice, press notice (Pontefract and Castleford express 30th January 2020) and direct neighbour notification of residents. 18 letters of objection were received. The concerns raised were as follows:

#### Nuisance –noise, dust, air quality

- The proposal will increase noise and dust in the area for residents to breath in.
- Air quality has been compromised by the continued industrialisation of the surrounding area.
- The area already has air pollution from the chimney at Plasmor and do not want any additional pollution into the surrounding environment and atmosphere.
- Why has the mobile batching plant and block making been omitted from the application?
- There are already 4 major block making factories in the vicinity and we do not want another one.

#### Highways

- The proposal will increase traffic movements which will increase chances of speeding, accidents, damaged roads and roadsides and noise from an already overloaded road network. Residents have no respite at all from HGVs. Main Street Heck is busy enough with Plasmor and Fieldside nursery.
- Children cannot play outside or in the swing park due to the traffic also the noise and sleep deprivation as the HGV run constantly, pollution from the vehicles including dust and fumes is extremely unpleasant. Drivers exceed the speed limit and the constant worry of a fatality for a family living in and around our village. The 'C' Road is unable to cope with current traffic.
- As demonstrated by this application showing area D is to be used for lorry parking this considerably increases the available space which will result in more HGVs using the site.
- It appears other companies are using the site for HGV's.

#### Existing pollution - Great Heck Stink

- The landowners have still not cleared the existing 5000 tonnes of waste from the site since 2015 when it was rented to Wagstaff's. Residents are worried that the waste remaining at the site is flammable and still has potential risk but does not remain a priority for the landowner. Residents consider no new permissions should be granted until this is cleared.
- Water is already running away from the site carrying dirt debris blocking the drains under the motorway, this causes issues for safe access to the main road.

### **3 SITE CONSTRAINTS**

#### **Constraints**

- 3.1 The site lies within open countryside.

### **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 would take place early in 2020. 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  
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  
T2 - Access to Roads  
EMP9 - Expansion of Existing Employment Uses  
EMP2 - Location of Economic Development

## **5 APPRAISAL**

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

- The Principle of Development
- Design, Character, Form and Impact of Visual Amenity
- Impact on Residential Amenity
- Highways Safety
- Ecology
- Flooding and Drainage
- Other Issues

### **The Principle of the Development**

5.2 The application site is located outside the development limits of Great Heck and within the open countryside. The site is however an established industrial site, where support is offered both nationally and locally for the continued sustainable development of such sites, particularly where new proposals utilise existing buildings as discussed below.

5.3 Paragraph 84 of the NPPF supports a prosperous rural economy, which supports the sustainable growth and expansion of all types of businesses in rural areas. It states planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent or beyond existing settlements and in locations not well served by public transport. In these circumstances it is important that development is sensitive to its surroundings and does not have an unacceptable impact on local roads.

5.4 Policy SP1 (CS) states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable

development as contained in the NPPF and sets out how this will be undertaken. Policy SP1 is therefore consistent with Paragraph 11 of the NPPF.

- 5.5 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.
- 5.6 Policy SP13 of the Selby District Core Strategy (2013) provides that in rural areas, sustainable development (on both Greenfield and Previously Developed Sites) which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprises will be supported.
- 5.7 Policy SP13 (C) of the Selby District Core Strategy (2013) states that in rural areas sustainable development which brings sustainable economic growth through local employment opportunities or expansion of business will be supported including for example
1. The reuse of existing buildings and infrastructure
  2. The redevelopment of existing and former employment sites and commercial premises.
- 5.8 Policy SP 13 D) states that in all cases development 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.
- 5.9 The site (a former transport yard) is already an established industrial use with the operator being present for 13 years. The 2018 appeal referred to in the Planning History section above confirms that part of the site already has permission for block cutting, processing, storage and distribution of blocks via a certificate of lawfulness. This relates to part of the yard area to the south of the site and the eastern most part of the of the general-purpose building on site (the certificate plan is shown within the supporting information that accompanied the application). The land excluded from this certificate forms part of this application, as the applicant plans to extend the operations, i.e. block cutting, into the western part of the former maintenance building. This will provide better working conditions and a more spacious environment for the block cutting activity. The proposal also to use the remainder of the land to the east for block storage and loading, once the waste left over by a former tenant is clear. The southern part of the site (Area D) will remain for HGV parking in association with its historical use.
- 5.10 The business is well established having operated from the site for 13 years. The eastern part of the site, which included part of the building G was previously let out to a recycling company who left in July 2015 and left large amounts of waste on the site. This is being removed under consultation with the Environment Agency and has generated significant concern in the letters of representation. The decaying matter is said to have caused the 'Great Heck stink' which residents refer to in their submissions.
- 5.11 The new CCTV pole, fencing and dust extraction system are all minor in nature and will improve operations and security for the business going forward. The dust extraction system will help to minimise nuisance and contaminants from leaving the

site so should be viewed as an enhancement of current activities. The dust extraction system will also improve the working conditions for employees of the company and ensure its continued success.

- 5.12 In terms of the HGV use, the agent has clarified that the application is to provide additional outside storage of blocks and HGV haulage facilities for the applicant's existing business, which handles concrete building blocks and which in turn are completely inert and are simply made good, packaged and shipped out by HGV to customers who are predominantly building firms involved in construction generally in the Yorkshire/Lincolnshire area but serving a wider area as needed. The remainder of the yard is rented out for HGV storage in association with its historical use.
- 5.13 In terms of Local Plan Policy (2005) Policy EMP 9 states that applications for the expansion and/or redevelopment of existing industrial and business uses outside development limits will be permitted provided that they meet the 4 criteria listed below. These will be assessed in the remainder of the report.
- 1) The proposal would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity;
  - 2) The nature and scale of the proposal would not have a significant adverse effect on the character and appearance of the area, or harm acknowledged nature conservation interests;
  - 3) The proposal would achieve a high standard of design, materials and landscaping which complements existing buildings; and
  - 4) Proposals involving expansion onto adjoining land would not result in the loss of best and most versatile agricultural land and the site would be well related to existing development and well screened and/or landscaped.
- 5.14 Policy EMP2 of the Selby District Local Plan (2005) states that new employment development will be concentrated in and around Eggborough, Selby, Sherburn in Elmet and Tadcaster. However, it also emphasises that encouragement will be given to proposals for small-scale development in villages and rural areas in support of the rural economy, which this proposal is.
- 5.15 The proposal and block processing is not reliant upon a rural location, however it is already established on the site and therefore the reconfiguration and utilisation of the remainder of the building is consistent with national and local policy in that it supports the sustainable expansion of existing rural businesses and is therefore compliant with SP1, SP2 and SP13 of the Core Strategy and Local Plan Policy EMP2 and EMP9. The next sections of this report will go on to consider what the potential impacts of the proposal will be having had regard to the policy tests set out in the development plan and the NPPF.

### **Design, Character, Form and Impact on Visual Amenity**

- 5.16 Relevant policies in respect to design and the impacts on the character of the area include Policies ENV1 (1) and (4) and EMP9 (1) of the Selby District Local Plan, Policy SP13 and Policy SP19 of the Core Strategy.

- 5.17 Policy EMP9 of the Local Plan (2005) states that applications for the expansion and/or redevelopment of existing industrial and business uses outside development limits will be permitted provided that the scale and nature of the proposal would not have a significant adverse effect on the character and appearance of the area. Similarly Policy SP13 of the Core Strategy (2013) states that in all cases, development should be sustainable and be appropriate in scale and type to its location and not harm the character of the area.
- 5.18 In looking at the character of the area it is noted that the application site is comprised of a self-contained industrial premises. To the north of the site lies a field then the M62 motorway, across which are open, expansive views across the flat, predominantly arable landscape of the Humberhead Levels. There a number of industrial/mineral extraction facilities in the area, including the nearby Plasmor site and further afield the power stations at Drax and Eggborough. The predominant character is that of the open flat, arable landscape of the Humberhead Levels characterised by large fields interspersed by blocks of woodland. The site is partially screened from the M62 by the conifer hedge on the northern boundary.
- 5.19 The proposal would not cause any new loss to the character of the countryside as the site remains within its current boundaries. No new buildings are to be constructed, rather the buildings and land will be used differently. The southern part of the site is also screened to some degree by the existing boundary treatment and by the current building when viewed from the M62. Control over the heights of block storage are added as a condition (max 4m).
- 5.20 The application seeks permission for several new structures each of which require assessment.

#### CCTV (A)

- 5.21 The new CCTV unit is pole mounted and positioned on the entrance to the site to provide the entrance with coverage. The pole is relatively slim, is 6m in height and has a small domed camera on top of the pole. Whilst this will project above the existing fence line, its slender nature and position within the site means that it will have a neutral impact on the character and appearance of the countryside. Such infrastructure is commonplace on industrial sites and the applicant describes it as a necessity due to a number of recent thefts from the site.

#### New concrete fencing and Gates (E & F)

- 5.22 The site currently has a mixture of boundary types all of which provide different levels of security. The northern boundary is predominantly concrete panelling except for the north western corner, which is a less secure chain link fence. The proposal is to replace the existing fencing and with a 25m length of concrete fencing and gates in the north western corner of the site at 2.4m in height. The new fencing will be similar in appearance and materials to that of the remainder of the northern boundary and if reduced to 2m would be permitted development. This will provide a secure northern elevation and will not be overly visible from Long Lane as it runs at right angles to this road and is screened from the south by the existing buildings and operations ongoing on the site.
- 5.23 A new internal roadway is created leading to a 6m gateway in the northern boundary which is the same height as the fencing. This will allow access to maintain the field which is also within the applicant's ownership. The access to the

field will move marginally to the east and as a result some existing fir trees (conifers) will have to be removed as these straddle the boundary. The loss of this small section of conifers isn't significant as the majority of the northern boundary screening will remain. The conifers are not protected, nor a native British tree and therefore the loss of these trees isn't regarded as being significant. These could also be removed without the need for consent.

#### Dust Extraction system (B)

- 5.24 This is a 2m x 4m structure that sits to the north of the main buildings. The oblong shaped structure, whilst having a relatively small footprint, extends 8m tall. This sits above the eaves of the main building and protrudes like a chimney would. The structure sits below the ridge height of the main buildings which is 9m. Whilst being slightly irregular in its design and form, it is positioned such that it will be visible from the south due to the ridge of the main building and will be viewed against the backdrop of the main building when viewed from the north and north west. Overall, it is considered to have a relatively neutral impact on the character and form of the area.

#### New Parking

- 5.25 The proposal also includes a new car parking area to the south west corner of the site for staff vehicles and a new lorry parking area to the south east (area D). This has no real impact on the character of the countryside as these vehicles current park in a more haphazard manner on the site and this will formalise the parking in the interests, the applicant says, of running a safer and more orderly site. This parking of vehicles in association with the primary use wouldn't require permission in any event as the use of the land isn't changing. The extended HGV parking area does however need permission, as this reintroduces parking to the south east of the site. This area was historically used for parking in association with the transport yard use, however was replaced by the 'Wagstaff's' recycling permission in application 2011/1016/COU.
- 5.26 In assessing the changes overall, it is noted that the site does sit within an existing industrialised landscape with other premises within view of the site. The proposed improvements are well related to existing buildings and would not result in any unacceptable or material impact upon the landscape or the visual qualities of the area in accordance with Policy ENV1 (1) and (4), and ENV15 of the Selby District Local Plan, Policy SP19 of Core Strategy and national policy contained within the NPPF.

#### Impact on Residential Amenity

- 5.27 Objectors have raised concerns that the proposal is likely to generate increased noise, odours and disturbance which would be detrimental to those nearby residential properties. Policy ENV2 of the Selby District Local Plan (2005) states that proposals 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. Other relevant policies in respect to impacts on residential amenity include Policies ENV1 (1) and ENV3 of the Local Plan and Policy SP13 of the Core Strategy (2013).

- 5.28 In respect to the NPPF it is noted that one of the Core Principles of the framework is to always seek to secure a good standard of amenity. Therefore, the key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking, overshadowing and overbearing to neighbouring residential properties and whether their amenity would be affected by virtue of noise, odour or dust.
- 5.29 The nearest residential property is 500 metres to the north and south of the proposed application site. It is not considered that the proposal would have any implications of overlooking, overbearing, or overshadowing on this residential property given the relative separation distance and that the M62 also separates the application site from residential properties to the north.
- 5.30 The Lead Officer-Environmental Health has been consulted on the proposals and raised no objection. The officer noted that the cutting of blocks already occurs on site and that it's known to be a dusty operation and the blocks arrive on site in a dusty condition. Also that the dust that will be extracted during the cutting process will be fine and easily entered into the atmosphere. It is, therefore, essential that the dust handling system is enclosed at all points once the dust has been extracted during the unwrapping and cutting process.
- 5.31 The applicants have also previously clarified that 'processing' consists of "bringing the blocks to the yard via LGV delivery then off loaded and stacked into rows ready for cutting. Then they are taken by fork lift inside the cutting shed all strapping and packaging removed and then loaded onto a multi cut saw which cuts them into the specified sizes and then re-strapped and packaged and then taken back outside some are stacked until required by customers and others loaded immediately onto trailers to be delivered to our customers."
- 5.32 Having considered the information provided, no objections were raised by the Environmental Health officer providing a condition was imposed that seeks to ensure that the system installed is fit for purpose and is regularly maintained with the necessary alarms and filters working. This is imposed as a suggested condition.
- 5.33 For the reasons outlined it is considered that the proposals, subject to conditions attached to any permission granted, would not result in any significant detrimental impact on residential amenity and that the proposal would be in accordance with Policies ENV1, ENV2 and ENV3 of the Selby District Local Plan (2005), Policies SP13 and SP19 of the Selby District Core Strategy Local Plan (2013) and the NPPF.

### **Highways Safety**

- 5.34 Relevant policies in respect to highway safety and capacity include Policies ENV1(2), EMP9 (1), T1 and T2 of the Selby District Local Plan and criteria (c) and (d) of Policy SP19 of the Core Strategy. These Development Plan policies should be afforded substantial weight as they are broadly consistent with the aims of the NPPF para 109 which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.
- 5.35 Objectors have raised concerns in relation to the impact of the proposals on highway safety. There have been strong concerns particularly in regard to the potential increase in HGVs as a result of the proposal.

- 5.36 The access to the site remains unchanged, however the intensity and the use will increase as the block processing and storage will filter into the land not covered by the certificate of lawfulness thus increasing the capacity of the business. These movements will however replace that of the former recycling permission on the eastern part of the site, where vehicle movements would have occurred in association with the former use. Also the entire site was once a haulage yard, however the eastern part was lost as a haulage yard by the 2011/1016/COU permission. This proposal aims at reintroducing this use in part of the Area identified as area D on the submitted site plan. The haulage yard is used by the Brocklesby's and is also rented out to other operators under the historical permission. The applicant has confirmed how the site is run i.e.
- 5.37 "The yard has always been a transport depot and they have rented areas to other companies long term and since then have rented out the top shed to Rodger Petch transport, six spaces to Bimson haulage and Andrew dean haulage who they rented 5 spaces to has now bought his own premises (he parks his trucks near Pollington now and has to travel through heck to get there) whereas when he parked them in their yard he never went through heck. None of the companies who park in their yard turn left when leaving their depot. Our client's trucks are the only trucks which do go through Heck as they have to travel through to get to Celcon."
- 5.38 North Yorkshire County Council Highways have raised no objections to the application, however, have requested a condition covering routing agreement for HGVs. This is added as a condition however officers note this is only relevant to the extended area to the east within the area marked D as the part of the site either operates under a historical permission or through the certificate issued where this issue wasn't controlled. The above condition will give residents some comfort knowing that HGVs routing can be controlled to ensure they do not pass through the village.
- 5.39 Given the above it is considered that there is sufficient information to assess the potential impacts of the proposal on highway safety in respect to the requirements of Policies ENV1 (2), EMP9 (1) T1 and T2 of the Selby District Local Plan and Policies SP13 and SP19 of the Selby District Core Strategy Local Plan (2013).

### **Impact on Ecology**

- 5.40 Protected Species include those protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. The presence of protected species is a material planning consideration. Relevant policies relating to nature conservation include Policy ENV1 (5) of the Selby District Local Plan and Policy SP18 of the Core Strategy.
- 5.41 The proposal was accompanied by an Ecological Impact Assessment (EclA) by LM Ecology dated April 2019. This noted that the site, given its industrial nature and hard surfaced areas, had little ecological value. An assessment of the site for amphibians, reptiles and nesting birds was undertaken. The report noted that there will be some loss of fir trees from the northern boundary. These are of little ecological value and would not result in any net loss to diversity. The appraisal produced method statements for each element of the permission, which if adhered to would ensure the ecological value of the site isn't compromised.
- 5.42 The NYCC Ecologist has been consulted on the application and raised no objections. The ecologist recognised this is a working industrial site and there are

very few ecological concerns. There is a low risk that reptiles or amphibians might be present in piles of rubble, which would be cleared as part of the proposed development and any pruning or removal of conifers on the site boundary needs to be undertaken with due care to avoid nesting birds. A condition was recommended requiring adherence to the method statement contained in Appendix C of the EclA report (LM Ecology, April 2019), which covers removal of waste piles and vegetation clearance should be adhered to. On this basis, it is considered that the proposal would not harm any known nature conservation interests or protected species and would therefore meet the relevant requirements of Policy SP18 of the Core Strategy, Policy ENV1 of the Local Plan and Section 11 of the NPPF in this regard.

### **Flooding and Drainage**

- 5.43 Relevant policies in respect to flood risk, drainage and climate change include Policy ENV1 (3) of the Selby District Local Plan, and Policies SP15 and SP16 of the Core Strategy. Section 14 of the NPPF deals with flood risk, drainage and climate change.
- 5.44 The whole of the application site is located within Flood Zone 1 which is at the lowest risk of flooding. No sequential or exception test is necessary. The industrial use is regarded as 'less vulnerable' as per the Environment Agency's Table 2 on the vulnerability classification of different land uses. The proposed application site exceeds 1ha in size and therefore should have been accompanied by a Flood Risk Assessment, however this wasn't provided. Instead a drainage statement was supplied, which describes that the existing site is entirely impermeably surfaced and the site will remain structurally unchanged. The proposed works will not increase the sites impermeable area and the existing surfaces are not proposed to be changed. As a result, the surface water runoff from the site will not be increased and the flood risk vulnerability from the proposed operations will not be increased.
- 5.45 Local residents have raised concerns in regard to drainage in the area with the dust running from the site into drains clogging up the route under the motorway. This however is a network management issue and is an existing situation that is unlikely to be intensified by the proposal, especially given the new dust extraction system being proposed.
- 5.46 The Internal Drainage Board have been consulted on the drainage proposals, with no objections being received. Likewise, the LLFA Officer raised no issues (taken from the 2019/0314/FULM application) given the drainage situation isn't to change as a result of this proposal. The proposed development raises no opportunities for renewable energy. Therefore the proposed scheme is considered to be acceptable in terms of flood risk, drainage and climate change and therefore accords with Policies SP15, SP16 of the Core Strategy and Local Plan Policy ENV1 (3).

### **Other Issues**

- 5.46 Most issues raised by the local community are dealt with in the appropriate sections above, however much of the concern also relates to the ongoing investigations about the waste left on the applicant's land by a former tenant. Residents feel no new permission should be given until this is resolved. This however cannot be a consideration or prejudice the determination of this current application. The waste is being gradually removed (130 tonnes removed in early March 2020) through

consultation with the Environment Agency and licensing regimes and will in time be completely removed.

## **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 proposal is acceptable. The applicant has removed the matters which generated the most concern to local residents at the time of the 2019/0314/FULM application i.e. the biomass boiler and mobile batching plant.
- 6.2 The principle of the development is considered acceptable given it represents the growth and expansion of an established local business in the countryside as supported by the NPPF. The proposals will facilitate a more effective and secure site, which will not have a significant impact on the character of the area.
- 6.3 In addition, the proposal will cause no significant harm to the living conditions of neighbouring occupiers. Furthermore, the proposals are considered to be acceptable in respect of flood risk, drainage, highway safety and nature conservation. The proposal is therefore considered to be acceptable in accordance with Policies SP1, SP2, SP13, SP15, SP18 and SP19 of the Core Strategy, Policies ENV1, ENV 2, T1 and T2 of the Selby and District Local Plan and the NPPF.

## **7 RECOMMENDATION**

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

1. 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.

2. The development hereby permitted shall not be carried out otherwise in complete accordance with the approved plans and specifications.

Existing Site Plan LIGH 017

Existing Floor Plan LIGH 021

Proposed site plan LIGH 027 (Amended – dated March 2020)

Proposed elevations LIGH 026

Existing Elevations LIGH 019

Drainage Statement Dec 2019

Fence and Gate Elevations LIGH 029

Extraction system layout QN-3164-001 - Rev A- 23.1.20

CCTV details - HIK Vision system (Pole mounted 4m Max height)

Location Plan LIGH013

Lawful development certificate Plan LIGH 029 March 2020

Reason:

To ensure that no departure is made from the details approved and that the whole of the development is carried out, in order to ensure the development accords with Policy ENV1.

3. The dust silo hereby permitted shall operate in the following ways as per the details supplied:
  - 1) The dust silo shall feed to an enclosed screw conveyor feeding to an enclosed skip. Once full the skip shall be sealed before movement either on or off site.
  - 2) The dust silo and attached screw conveyor shall be fitted with high level alarms and an automatic cut off to prevent overfilling.
  - 3) The air filtration system shall ensure that the dust level in the emitted air is less than 10mg/m<sup>3</sup> of dust.
  - 4) The extraction system shall ensure that fugitive dust emissions are removed from the air inside the shed.

Reason:

In the interests of maintaining the air quality for the workforce and maintaining the amenities of surrounding land uses with regards to air pollutants leaving the site.

4. The development hereby approved shall be carried out in accordance with method statement contained in Appendix C of the EclA report (LM Ecology, April 2019), which covers removal of waste piles and vegetation clearance.

Reason:

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

5. Any outside storage of blocks shall not be stacked or deposited on the site above a height of 4 metres measured from ground level.

Reason:

In the interests preserving the character and appearance of the area in accordance with Policies ENV1 (1), (4) and EMP9 (1) of the Selby District Local Plan, Policy SP13 of the Core Strategy (2013).

6. No part of the development shall come in to use until details of the routes to be used by HCV traffic have been 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 site.

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.

## **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 2019/1340/FULM and associated documents.

#### **Contact Officer:**

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**Appendices:** None