



The countryside charity
North Yorkshire

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Branch President
The Lord Crathorne KCVO
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Authority: Selby District Council

Type of consultation: Planning Application

Full details of application/consultation:

2019/0559/FULM - Retrospective change of use of agricultural buildings to B8 (Storage and Distribution); erection of enlarged commercial building (B8) following demolition of existing general-purpose agricultural building & improvements to existing site

At land at: Ibbotson's Mill Hill, Braegate Lane, Colton, Tadcaster, LS24 8EW

Type of response: Comment

Date of Submission: 30th June 2020

All responses or queries relating to this submission should be directed to the Secretary for the Trustees at the contact details shown above on this frontispiece.

All CPRE North Yorkshire comments are prepared by the charity using professional planners whose research and recommendations form the basis of this response in line with national CPRE policies.

External planning consultant used in this response:



KVA Planning Consultancy
Katie Atkinson, BA (Hons), Dip TP, MA
MRTPI
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Comment

Thank you for consulting CPRE North Yorkshire (CPRENY) on the above application for full and part retrospective planning permission.

Having had the opportunity to consider the documents submitted in support of the proposals including the applicant's Design, Access, and Planning Statement CPRENY has some concerns, particularly relating to highway matters.

An agricultural use has been in operation at this site for many years. However, following the recent sale of the business and growth of the operation, increased activities at the site (as a result in part of the element requiring retrospective permission) have started to cause some concern amongst local CPRE members and residents in the area.

In particular, the volume of vehicular movements associated with the site has increased, particularly the number of large HGVs. Alongside this, the hours of operation including vehicular movements have altered. Whilst vehicles previously visited the site in daytime hours, vehicles are reported to now enter and leave the site in the early hours of the morning and disturbing local residents along on Colton Lane as a result of noise disturbance from the slowing and speeding up of vehicles (depending on direction of travel) and the manoeuvring of heavy vehicles both into and out of the site and light spill from the vehicles headlights.

Furthermore, from the site, the vehicles travel along Braegate Lane to the A64. Until the A64 is reached, both Braegate Lane and Colton Lane are typical rural lanes and whilst residents are used to some large vehicular movements, the number of these movements are now causing distress and intimidation to many local road users.

The NPPF states very clearly that planning decisions should ensure any significant effects on the transport network, including from highway safety, can be mitigated to an acceptable level. It goes on to state that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety.

The applicant has stated that there are no noise concerns related to the proposal given the isolated nature of the site. However, CPRENY believe that prior to determination it would be appropriate for the Council to require noise monitoring to be undertaken at the nearest residential properties along Braegate Lane to determine whether this is indeed the case, given the reports from nearby residents. This should be undertaken to determine existing background levels and especially between the hours of 10pm and 7am which is when noise nuisance is most notable and can impact sleep and thus overall health.

The application includes the erection of a 40m new building, following the demolition of an existing general-purpose agricultural building. It is recognised that whilst the new building is particularly large, it is in-keeping with the remaining buildings on site in terms of scale. CPRENY has no specific comments to make on the building and welcomes the use of solar panels on site in relation to the mitigation of climate change.

In terms of ecological improvements, CPRENY are dismayed that so many boundary trees and hedgerows are to be removed to facilitate the proposals, although understand that the submitted planting plan has included replanting of native species which will provide a good mix of habitats for biodiversity. However, it is disappointing that the applicant has not sought to provide net gain for biodiversity as part of the proposals in line with the revised NPPF (para.170) and the emerging Environment Bill. It is also disappointing that the applicant's ecological survey has referred to the 2012 NPPF and not the revised 2019 NPPF which updates and supersedes that document. 10% net gain in biodiversity is being adopted as best practise and implemented

across the country by many developers ahead of implementation of the Environment Act coming into force.

Whilst CPRENY do not object in principle to the proposals, it is considered that as a minimum conditions should be attached to any future planning permission to secure effective hours of operation which do not include night time vehicular movements, restrictions on daily traffic movements and an appropriate biodiversity management plan. Furthermore, a condition relating to night-time noise control should be attached if proved appropriate. If the Council are not satisfied that the proposal can be made satisfactory by effective conditions then the application should be refused and enforcement action undertaken to ensure that vehicle movements and hours of operation return to the pre-sale level and commencement of operations by the applicant.

CPRENY reserve the right to comment further should additional information or further applications be submitted in relation to this site.