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Branch Chair
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Authority: East Riding of Yorkshire Council

Type of consultation: Planning Consultation

Full details of application/consultation: 22/03433/CM - Construction of an asphalt plant and associated works, erection of an office block and toilet block, siting of a container to be used as a workshop and ancillary use of existing buildings and dwelling

At land at: Land South Of Catfoss Pig Farm, Catfoss Lane, Brandesburton, East Riding Of Yorkshire

Type of response: Objection

Date of Submission: 14th March 2023

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 and East 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
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Comment

CPRE North and East Yorkshire ('CPRENEY') welcomes the opportunity to comment on this application for the Construction of an asphalt plant and associated works, erection of an office block and toilet block, siting of a container to be used as a workshop and ancillary use of existing buildings and dwelling at land South Of Catfoss Pig Farm, Catfoss Lane, Brandesburton, East Riding Of Yorkshire, submitted to East Riding of Yorkshire Council ('the Council') on behalf of Newlay Asphalt ('the applicant').

The proposed site is 2.39Ha and is accessed off Catfoss Lane. Following the dismissal of an appeal for the same development, the applicants have submitted this application at a different location. The proposal is located adjacent to the Brandesburton Industrial estate.

The proposed development requires various Environmental Permits to be awarded which are the subject to a different regulatory regime and are being applied for out with the planning process. In addition to the proposed plant structure, the scheme also includes associated storage areas, a weighbridge, office space and staff welfare facilities. No material changes are proposed to the workshop and dwelling onsite. Parking provision has been included for both on-site staff and delivery vehicles within the proposals.

The applicant proposes to operate the plan between 05:00 to 16:00 Monday to Friday and 05:00 to 12:00 on Saturdays, with no operations on Sundays or Bank Holidays. It is estimated that on a typical day, it is estimated that 30 HGVs will visit the site for deliveries and/or collections (60 movements in total), with potential for approximately 15 visits from smaller lorries (7.5 tonne or less) (30 movements in total). In total there will typically be 62 movements (in/out) per day from the site.

CPRENEY object to the principle of development at this site at this location. It is considered that the proposed development would not sit comfortably within the existing industrial estate given the nature of the proposal and existing businesses which consists mainly of storage facilities. CPRENEY are concerned about the implications of noise and air pollution from the plant on existing businesses, their employees but also on the residential amenity of neighbouring properties. Furthermore, it is thought that the access road is not suitable for the number of daily movements as a result of the proposed plant.

Planning Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application should be determined in accordance with the development plan unless material planning considerations indicate otherwise. The planning system should contribute to achieving sustainable development. The National Planning Policy Framework ('NPPF') (2021) aims to deliver sustainable development through the implementation of its policies. Paragraph 11 states that for decision making this means:

c) *'approving development proposals that accord with an up-to-date development plan without delay;*
or

d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

I. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

II. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

Paragraph 219 of the NPPF clarifies that existing policies should not be considered out-of-date simply

because they were adopted or made prior to the publication of the Framework. Weight should be given to them according to their consistency with the NPPF. (The closer the policies in the plan to the policies in the Framework, the greater the weight that should be attributed).

The Development Plan relevant to this application consists of:

- Strategy Document (adopted April 2016); and
- Allocations Document (adopted July 2016).

It is understood that the Council are in the process of preparing a new Local Plan which will replace a number of existing adopted planning policy documents with a single policy document, the Regulation 19 version of the draft Local Plan is currently out for public consultation. However, until such time as the Plan has been through examination and is progressing towards adoption, no weight can be attributed to the new Local Plan in the determination process and as such, full weight should be given to the saved Local Plan policies and other material considerations as necessary including the NPPF.

The site is not allocated within the Council's plan. The applicant has not demonstrated any overriding need for the proposals within the submitted planning documents to justify the proposals at this location. CPRENEY are concerned that there are residents and existing businesses in close proximity of the plant whom may be affected by noise, diminished air quality and odour from the plant - including a successful cattery and kennels business which does not appear to feature within assessments completed by the applicant.

It is considered that dust arising from the site will be a significant issue, especially for surrounding businesses and residences. Equally through the hours of operation noise associated with the activities of the site including vehicular movements and processing there is the potential for noise to impact the surrounding environment.

Paragraph 174 of the NPPF sets out that decisions should contribute to and enhance the natural and local environment by *'preventing new and existing development from contributing to, being put at unacceptable risk from or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should wherever possible help to improve local environmental conditions such as air and water quality..'*

Furthermore, it is understood from members in the vicinity that they are concerned about odour arising from the plant and impacting their amenity. Policy ENV6 of the adopted LPS sets out that *'other forms of pollution will be managed to ensure that development does not result in unacceptable consequences to its users, the wider community and the environment.'*

Conclusion

CPRENEY welcomes the opportunity to comment on this detailed planning application for a large new asphalt plant at Brandesburton.

Having been contacted by several members in the locality regarding this proposal, CPRENEY object to the principle of development at this site at this location which is not allocated for this type of development in the local plan. Furthermore, the applicant has not justified the need for this proposal at this location. It is considered that the proposed development would not sit comfortably adjacent to the existing industrial estate given the nature of the proposal and existing businesses which consists mainly of storage facilities and a large successful kennels business – where members of the public pay to drop off their pets to enjoy the open spaces and fresh air as part of the facilities. CPRENEY are concerned about the implications of

noise and air pollution from the plant on existing businesses, their employees but also on the residential amenity of neighbouring properties. Furthermore, it is thought that the access road is not suitable for the number of daily movements as a result of the proposed plant. As such the proposals are contrary to Local and National Planning policies.

CPRENEY reserves the right to comment further should any additional information be submitted in support of the proposal.