

[REDACTED]
[REDACTED]
Kirkbymoorside
[REDACTED]

17/08/24

Dear Sirs,

Re: Application Number 21/00518/MOUT - Mulgrave Developments Ltd and Crossco. Sylatech.

We were alarmed to hear from a neighbour that significant revisions to the above application have been submitted. Some residents in the area received a letter from you dated 6th August but it appeared that others in the neighbourhood, including ourselves, had been kept in the dark. Yesterday morning, 17th August, a letter dated 6th August (franked as second class mail by the Council on 9th August) arrived giving us until 20th August to reply! We therefore reserve our right to make further representations, after your unreasonably imposed deadline of 20th August, should we find other issues as a result of reviewing the 23 new documents and their relevance to the dozens of older documents for this application.

We therefore wish to reaffirm our serious planning **objections** to this application contained in our letter dated 16th June 2023 and expanded and added to in this letter.

The document entitled 'Site Location Plan 27.06.24' shows the red line to include land outside of the applicant's ownership and for which no notice has been received by us, or dialogue has occurred with us as the owners of such land adjacent to the bridge. Indeed, on all other revised submitted plans the red line, where shown, does not correspond with the above site location plan red line. Which is correct and do we comment upon?

With reference to the document entitled 'Proposed site layout plan - 27.06.24

Looking at the revised plans, and in particular the new road layout adjacent to the west and north elevations of the existing factory, there appears to be absolutely no reason why Sylatech cannot use their existing main entrance off the A170 for all their expansion proposals without the necessity for access via West Lund Lane, there is even room to widen this access further or provide further visitor parking.

There is in addition to the above entrance, two other accesses contained within the red line of the application site that could be used for access to and egress from their existing and proposed factory units and parking areas. Firstly, the road running east

passing the Self Storage and Laundry etc commercial businesses from the existing factory to Ings Lane, where on turning left, there is very easy and immediate access over the old railway bridge to the existing roundabout on the A170, passing Grace Lane Vets and Ryedale Printing, both of which are also commercial businesses. This route would therefore keep a commercial businesses traffic (staff, visitors and deliveries) from and into the site passing existing commercial premises. Secondly, there is also an access next to Sycamore House in Ings Lane which could be used for access and egress if the development was to proceed. However, all necessary access and egress to the commercial site should and can be off the existing main Sylatech entrance as it serves the 'existing employer' on the site and the site is reserved for existing employment only. Use of this access minimises any possible adverse impacts on the surrounding rural/residential highway network.

West Lund Lane is a long established residential area in a rural setting with no existing commercial uses in it - it is a place where people live - it should not be used as the access to an industrial/commercial site only for the convenience and apparent corporate image of Sylatech at the expense of the local population.

West Lund Lane is narrow with grass verges fronting many of the residential properties and along each side of the old railway bridge. Widening this road and stripping it of these natural verges would be detrimental to the amenity of this aesthetically pleasing rural/small scale residential area. Residents and walkers often stop on the bridge to look at the rural view across to Broats Farm and beyond to Nunnington top and the Howardian Hills. Furthermore, the proposals show the need to widen the existing road south of and including the old railway bridge. This would certainly create visibility splay issues for some properties nearest to the bridge and with significantly more traffic movements than is currently the case.. To achieve the widening of the road it seems there will be a single narrow footpath created but the road will still be quite narrow and not easily allow traffic to pass each other, particularly larger vehicles such as tractors, removal vehicles, dust carts etc and with no obvious passing places provided.

The amended plans show an area off West Lund Lane for 'Future Commercial Development' ie phase 3. The site is designated in the local plan for existing employment only (ie for Sylatech's sole use) and we strongly object to the applicant's wording as there should be no suggestion of the site being used for general commercial purposes by other businesses. The site is for existing employment only and access and egress should, and can, easily be made via Sylatech's main entrance (see comments and alternatives above) and the site should not be 'opened up' for other potential commercial uses by creating an unnecessary entrance off West Lund Lane. If this development were to occur at some point, strongly worded, legally binding and easily enforceable restrictions need to be placed on the use of any new buildings for 'Sylatech only' to prevent the area becoming a general industrial estate in the event of Sylatech

vacating it in the future. Our concern is that this is a major (over a doubling in size over the existing factory) intrusion into a rural location abutting an existing long standing residential area and the presumption should be against this type of use so close to residential property and certainly **not** using West Lund Lane as its access.

Sylatech already has an abundance of signage at the entrance to its site off the A170 and the presence of similar industrial signage at the end of West Lund Lane would be totally unacceptable at the entrance to and within this solely residential/rural area. The A170 running through parts Kirkbymoorside has already got an unappealing industrial appearance, not helped by the plethora of signage, without adding to it any further.

The number of traffic movements in West Lund Lane resulting from all these proposals would be substantially increased as currently there are close to nil traffic movements beyond (south of) the railway bridge other than by the occasional farm vehicles. House values in the area would almost certainly be detrimentally affected by the proposals in the application, which appear to go against existing planning policies, and there will be safety issues due to the increase in traffic movements and the number of people who currently use the road for purely recreational/quiet amenity purposes. This will of course be even worse if these proposals are approved as there will be an even greater use of the road by pedestrians and more road junctions for them to navigate across.

In addition, it is already difficult to get out of the West Lund Lane junction with the A170 as westbound traffic is starting to accelerate, being close to the 40mph speed limit, and turning east, traffic coming out of West Lund, which is diagonally opposite, takes priority. Additional traffic movements from a potential 130+ cars from the new housing, given the two car average per household, in addition to Sylatech's own workers, deliveries and visitors vehicles, which despite the 'visitor only' restrictions proposed, are bound to use West Lund Lane (if the new access were to be granted) is unacceptable in this quiet rural setting. The proposals give no indication as to how Sylatech would police and enforce "unauthorised vehicle movements.

The council's local plan strategy also states that residential development should generally be to the north of the A170 and in the Ryedale District Council Local Plan Sites document for site 259 '*Land East of West Lund Lane and North of Gawtersyke*' it states, '*With the proximity of the industrial activity (which has raised neighbour objections in the past) this site could not come forward [for residential development] without the cessation of the activities on the Sylatech Site.*'

Phase 1 plans show the roof of the proposed building as solid with no protusions through it. No details are provided as to what ventilation or extraction equipment will be installed through it and how noisy this could be.

This is a two storey building which appears to lie on the crest of the hillside and any noise generated will drift westwards down and across and up (northwards) West Lund Lane. The Phase 1 extension details on the web site provide insufficient measurement details for the new building other than it is two storey and gives internal floor to ceiling heights. It is not possible to know how the provided detail compares to the external height of the existing adjacent building and the impact of the land levels. The far southern end of the existing building is currently screened by mature tree/hedgerow etc but no detail is provided as to whether equal or better screening will occur on the western boundary of the phase 1 site (or indeed for phases 2 and 3). For these reasons it is not possible to accurately assess the height, bulking and exposure of the new building particularly when viewed from West Lund Lane and what impact this will have on the visual amenity for West Lund Lane. The plan states the reception area is 'only indicative'. This statement is not acceptable as if this later gets changed, part of the applicant's case for a road and car parking to the west elevation (whether accessed of West Lund Lane or not) is completely undermined and an unnecessary intrusion into an agricultural and rural setting. To have a speculative design on a full application is also totally unacceptable and unreasonable.

As a member of the public and for council officers there needs to be sufficient detail provided to allow a meaningful assessment of the appearance and size of the proposal in relation to the surrounding area and consideration of the neighbours' amenity. It is clear from the comments above that this has not occurred.

We note that in the web document of '2.8.24 Response to EHO' that on several significant points raised by the council's EHO that the applicant's planning team have not given clear, unambiguous responses and, on some, the responses given are either contradictory or plainly ignore the EHO point and merely refer to their report which does not provide an unequivocal response..

Noise is and will be a major issue for local residents. If not addressed comprehensively at the outset, it will be the local residents who will suffer, not the applicant or their team of consultants. Clear, tightly controlled and easily enforceable restrictions need to be in place as to the days and times of allowable operation, maximum noise levels from existing and new roof, wall and ground based plant and extraction equipment.

This same response document is also ambiguous as to the current and proposed days and hours of general operation. Furthermore, it is quite impossible for a member of the public and possibly the planning officer to identify the location of the many and varied bits of plant and extraction equipment from the descriptions provided. We could not find an existing plant and extraction plan identifying the name/location of those items referred to in the document entitled 'Noise improvements commitments by Sylatech for the benefit of both the proposed and existing residential properties - 20-02-2024'. This

level of obfuscation is not acceptable if members of the public have any chance of interpreting and commenting upon such proposals.

We note that the EHO has also picked up serious concerns around noise generation and mitigation. We have noted that there appears to be no consideration to all these noise related issues for residential properties to the West/North West of the site despite current noise generation from Sylatech being noticeable and persistent 6-7 days a week and well into the late evening. The EHO response document 2.8.24 states *the evening period background noise levels might be down to being taken near a tree or early morning dawn chorus*. This is **not** the case. Evenings (up until around 21.30 hrs), noise emanating from the plant at Sylatech can be heard at our property which is west of West Lund Lane and which occurs as a constant, monotonous hum whereas other noises in the environment vary and come and go. At times, you can't hear the birds as they prepare to roost due to the plant noise from Sylatech. The application has clearly fallen short in addressing noise issues to the satisfaction of either the public or the EHO, and at Clause 7 para 2 the response given to the EHO it states that '*with the exception of evening noise...it will be impossible to curtail through this application*'. Dare I say, this must make it almost impossible for council officers to be able to draft effective and robust planning conditions and/or legally enforceable agreements with so many inconsistencies, errors and admissions of their inability to address some noise issues in the application as submitted.

In the same response document of 02.08.24 the applicants planning team states at clause 5 para 5 that:-

*'We have further investigated the evening period noise levels and there is a temporary increase in noise levels at around 7.30pm most evenings. **To this end, it should be noted that by this time, most significant noise-generating operations at Sylatech have ceased for the day and so it is highly unlikely that the increases in noise levels at around 7.30pm are attributable to Sylatech**, but possibly bird-song in the nearby trees close to where the background sound survey was undertaken.'* This statement (in **bold** above) is clearly absolutely incorrect and demonstrates a lack of knowledge of what is occurring on the site both during normal hours and outside of such hours.. The consultants also state in the same document (clause 5 para 7) that the factory does operate 24/7 and then tries to convince the council that it can't be Sylatech making noise in the evening. Residents living nearby can and do hear a constant mechanical plant noise at their properties on at least 6 if not 7 days per week, well into the late evening.

At Clause 5 para 8 - Once again the statement here is not capable of being commented upon as we can find no plan that identifies where all the plant/stacks are situated and whether the '*foundry extract stack*' is one that is proposed to have work to reduce its

noise levels and whether that will stop the monotonous, humming noise, that can be heard in West Lund Lane on most days and evenings well beyond the 19.30 hrs which the consultant states is after '*Sylatech have ceased for the day*'. Other noises in the environment come and go but the Sylatech plant noise is monotonous and constant and totally unnatural in this rural environment. Further extensions, as proposed, are only going to make matters worse for existing residents.

We also wish to bring to your attention that we do have a large wildlife pond on our property and the reports contained with this application state that it is inhabited by all three of the UK's newt species including the Great Crested Newt. The pond appears to lie well within 250 metres of the Sylatech site boundary and phases 1 to 3 and new housing proposals. We note that there appears to be no details as to what compensatory measures are to be provided as part of the application as a result of this fact.

We wish to refer you to document '13.09.21 - Response from DPP for applicant L006 Kirkbymoorside response to members'. In the letter DPP state:-

*Sylatech have been located on the same site within Kirkbymoorside since 1964. The relocation of the business has previously been considered and a site was secured in Pickering, however many of the items produced by Sylatech are for critical businesses and commercially very sensitive, particularly those for the aerospace industry. These customers issue site specific certifications for the production of their parts, which sets out in great detail, how the parts must be manufactured **and particularly the location of where they have to be manufactured**. If Sylatech were to relocate, they would be required to undertake a re-certification process on a per part basis, to enable it to continue to produce those parts. The costs involved in undertaking these re-certifications would run into several millions of pounds, which makes the cost of such a move unviable. It was for this reason that Sylatech abandoned its planned move to Pickering and why, if there were another site in Kirkbymoorside, this would also not be viable.'*

The above statements we assume have been verified and the content and legal position of such agreements has been fully established by the council as part of this application, if not it must do so. We can find nothing within the submitted documents that demonstrates, unequivocally, that such restrictions on Sylatech moving elsewhere actually exist. If not, no weight can or should be given to Sylatech's reasons for not moving elsewhere or requiring them to have this application approved. If such agreements with Sylatech customers do actually exist, then as they do not currently own or use the sites/areas of possible expansion in this application, they cannot be part of their existing site. Therefore, those parts which will need to be manufactured on the new site will have to have new site specific certifications for all the parts they are going

to supply to their customers from the new buildings location and later phases. According to the letter from DPP this will cost them millions of pounds and of course completely undermines the business reasons for making this application and cannot carry any weight in determining the application in favour of the applicant. (These idiosyncrasies, specific to Sylatech's business, should and are not, in any event, a material planning issue that carries any weight in this case and certainly not at the expense of the local residents.)

On the Housing element of the application, the use of West Lund Lane for vehicular access has already been commented upon earlier in this letter. The impact on the local rural, quiet amenity visually and from a noise and traffic generation perspective will be significant. This site is outside of the local plan policies and has not been approved for residential development. Irrespective of this very significant policy conflict we have as yet not found any detailed submission by the applicant confirming their proposals for S.106 or CIL contributions towards, but not limited to, health, public transport, education, play provision, public open space, libraries etc.

The plans for the residential site appear to have virtually no meaningful POS area. The small areas that might be POS are, to all intents and purposes, of little material benefit for the use and enjoyment by local residents. We can find nothing in the documents that we have been able to fully read, in the short time we have been given to comment on the revised application, that provides for any on site childrens play area(s) whether they be LEAPs or NEAPs etc.

Overall we believe we have highlighted in this and our previous letter(s) of objection a large number of issues that support our objection which in summary include:-

- Loss of visual amenity
- Significant increase in traffic generation
- Highway safety
- Noise and disturbance resulting from the proposed uses
- Lack of proper design and landscaping details
- Road access concerns
- Conflict with local plan policies as contained in the extant development plan
- Nature conservation

On both the commercial and the housing elements of this application, the level of uncertainty and lack of accurate facts in the application and its many revisions must

cast serious doubt as to what weight can or should be given to much of what is being provided to the council by the applicant's team. It is very concerning that many of the details being provided to the council after approaching four years of this being a live application are still badly lacking sufficient detail, erroneous or missing from the documentation submitted and available to view.

We therefore reiterate that we strongly object to the application and urge the council to **refuse this application in its entirety.**

Yours faithfully,

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To:

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