

Item Number: 12
Application No: 14/00135/73A
Parish: Wombleton Parish Council
Appn. Type: Non Compliance with Conditions
Applicant: P T W & S R Rooke (Mr T Rooke)
Proposal: Variation of condition 01 of approval 13/00805/FUL dated 11.12.2013 to add the following operating hours to those approved "between 08:00hrs and 17:00hrs on Sundays or Bank Holidays with a period between 07:30hrs and 08:00hrs to allow warm up and between 17:00hrs and 18:00hrs to cool down" removal of operation restrictions on Sundays and Bank Holidays.
Location: Wombleton Grange Farm Common Lane Wombleton Kirkbymoorside

Registration Date:
8/13 Wk Expiry Date: 9 April 2014
Overall Expiry Date: 13 March 2014
Case Officer: Matthew Mortonson **Ext:** 332

CONSULTATIONS:

Environmental Health Officer No objection - recommend conditions
Parish Council Recommends Refusal

Neighbour responses: Cris, Berenice, Harry, Elizabeth, Olivia Bellamy, Mrs Foster, Mr And Mrs R S Ham,

SITE:

The site lies in the open countryside, approximately 190m north of Wombleton Airfield and 170m west of Wombleton Caravan Park. The site comprises two large agricultural buildings which are used for general purpose storage and storage of grain. The applicant has additional farm holdings at Nunnington and Stonegrave.

PROPOSAL:

The proposal seeks planning permission to vary condition 01 of approval 13/00805/FUL to remove the operation restrictions on Sundays and Bank Holidays. The following operating hours to those approved are proposed "*between 08:00hrs and 17:00hrs on Sundays or Bank Holidays with a period between 07:30hrs and 08:00hrs to allow warm up and between 17:00hrs and 18:00hrs to cool down.*"

HISTORY:

10/00325/MFUL: Erection of a general purpose agricultural storage building - Approved 26.05.2010

11/01291/FUL: Erection of agricultural storage building to include the occasional use for housing of livestock and installation of solar photovoltaic panel array to south elevation roof slop - Approved 01.03.2012

13/00805/FUL: Siting of a free standing grain dryer (retrospective application) - Approved 11.12.2013

POLICY:

National Planning Guidance

National Planning Policy Framework
National Planning Practice Guidance

Ryedale Local Plan Strategy

Policy SP9 - Land Based and Rural Economy
Policy SP20 - Generic Development Management Policies

APPRAISAL:

This application is presented to the Planning Committee because 3no. letters of objection have been received which include nearby residents and the Wombledon Caravan Park.

Members are requested to refer to planning application ref. 13/00805/FUL which was considered by the Planning Committee on 17 November 2013. At that time, Members were minded to approve the application subject to a number of conditions which sought to protect the amenities of nearby properties (see appendix for decision notice). Condition 01, the subject of this current application, restricted the use of the grain dryer on Sundays and Bank Holidays, whilst conditions 02 and 04 required further details of the noise barrier and emissions of the grain dryer to be submitted to the Local Planning Authority for approval. A 3 month period (until 11 March 2014) was given to provide those details but to date nothing has been received. This matter is under further investigation.

In considering this current application, Members will note that the hours sought in this variation of condition application reflect the hours originally proposed by the Council's Environmental Health Officers (EHO) for planning application ref 13/00805/FUL. The views of Environmental Health Officers remain unchanged since the previous application as, in their view (providing the grain dryer is operated in accordance with the times proposed), any adverse impact on nearby properties would be sufficiently mitigated.

The supporting documents of the application identify that (since the previous proposal) "*Works have subsequently been undertaken to the dryer in order to alter the exhaust design so that less noise is produced when running.*" The planning consultant has been asked to expand on this statement but no details have been received. If further details are received these will be reported to Members at the Planning Committee Meeting.

In light of the comments of the Environmental Health Officer, the application is recommended for approval.

National Planning Policy Framework
Local Plan Strategy -Policy SP9 The Land-Based and Rural Economy
Local Plan Strategy - Policy SP20 Generic Development Management Issues

RECOMMENDATION: Approval

- 1 Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall only be operated between the hours of 07:00hrs and 21:00hrs Monday - Saturday, with a period between 06:30hrs and 07:00hrs to allow warm-up and between 21:00hrs and 22:00hrs to cool down; between 08:00hrs and 17:00hrs on Sundays or Bank Holidays with a period between 07:30 and 08:00hrs to allow warm up and between 17:00 and 18:00hrs to allow cool down.

Reason:- To protect the amenity of occupiers of neighbouring properties from noise generated by the grain dryer and directly associated activities and to comply with Policy

SP20 of the Ryedale Plan - Local Plan Strategy.

- 2 Within 1 month of the date of this permission, precise details of a bale stack noise barrier including position and dimensions of the barrier shall be submitted to and approved in writing by the Local Planning Authority. The barrier shall then be erected and maintained in its entirety at all times in accordance with the approved details.

Reason:- To protect the amenity of occupiers of neighbouring properties and to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 3 Unless otherwise approved in writing by the Local Planning Authority the development hereby approved shall only be used for drying wheat, rape, barley and oats by the applicants in relation to crops grown on land either owned or controlled by them. The development shall at no time be used by any third parties or for the drying of any other crops without the grant of a further specified planning permission.

Reason:- In order to protect the amenity of the adjoining properties and to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 4 Within 1 month of the date of this permission, proposals for the control of particulate emissions from the grain dryer shall be submitted to and approved in writing by the Local Planning Authority. The approved proposals shall thereafter be maintained in their entirety during the operation of the grain dryer.

Reason:- To protect the amenity of occupiers of neighbouring properties and to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

Background Papers:

Adopted Ryedale Local Plan 2002
Local Plan Strategy 2013
Regional Spatial Strategy
National Planning Policy Framework
Responses from consultees and interested parties