

Item Number: 13
Application No: 14/00150/FUL
Parish: Rillington Parish Council
Appn. Type: Full Application
Applicant: Ellis Patents Ltd
Proposal: Installation of a 10,000 litre capacity fuel oil tank on agricultural land immediately adjacent to existing commercial site boundary (retrospective application).
Location: Ellis Patents High Street Rillington Malton North Yorkshire YO17 8LA

Registration Date:
8/13 Wk Expiry Date: 3 April 2014
Overall Expiry Date: 12 March 2014
Case Officer: Charlotte Cornforth **Ext:** 325

CONSULTATIONS:

Parish Council No views received to date
Environmental Health Officer No views received to date
Archaeology Section Concerns raised

Neighbour responses: Mr Adrian Dukesell,

SITE:

The application site is located partially within the Rillington Development Limit to the southern fringe of the village and lies within a designated archaeologically sensitive area. The site contains an industrial unit of a steel clad design, set within a curtilage of approximately 10,000 square metres. Dwellings within 'Woodlands Road' and 'Woodland Grove' are located to the north of the site.

HISTORY:

There is extensive planning history with regard to the site. The most recent, relevant planning application is:

10/01074/FUL- Planning permission granted- Erection of single-storey office building to infill existing enclosed courtyard area and erection of two-storey office extension to the south of existing offices.

PROPOSAL:

Installation of a 10,000 litre capacity fuel oil tank on agricultural land immediately adjacent to existing commercial site boundary (retrospective application).

APPRAISAL:

Retrospective planning permission is sought for the installation of a 10,000 litre capacity fuel oil tank on agricultural land immediately adjacent to existing commercial site boundary. This oil will be used as heating oil. The main considerations to be taken into account are:

- i. Character and form
- ii. Impact upon neighbouring amenities
- iii. Impact upon the archaeological sensitive area
- iv. Other matters

i. Character and form

The fuel oil tank that has been erected on agricultural land immediately adjacent to the existing commercial site boundary has the capacity to store 10,000 litres of oil. It measures 2.7m in height, 3m in diameter, set on a concrete plinth and is coloured black. The small scale nature of the tank is considered acceptable in this location.

ii. Impact upon neighbouring amenities

A letter of objection has been received from a neighbour that lies adjacent to the north of the oil tank. They have raised the following concerns / objections.

- The unsightly nature of the oil tank
- Land contamination to the adjacent agricultural land
- Health and safety risks that the oil tank could impose to residents
- Early morning oil deliveries can cause noise nuisance
- Insufficient tree screening

The oil tank is not considered to be unsightly in this location. It is located approximately 20m from the objectors dwelling and because of its small scale, it is not considered to be intrusive. This in terms of being overbearing in presence as defined in Policy SP20 (Generic Development Management Issues) of the Ryedale Local Plan Strategy. Contact has been made with the Environment Agency and they have confirmed that the applicant has a duty to adhere to the Oil Storage Regulations. This will be attached as an informative to the decision notice. The tank being twin skinned and it is therefore unlikely that the oil tank will pose risks to land or health risks to nearby residents. The applicant has advised that the oil tank will only need to be filled 4 times a year. The associated vehicular movements of this is not considered to be detrimental to neighbours in terms of noise nuisance from the operation of filling the oil tank. The existing landscaping belt on the north boundary of the site is yet to mature. Over time, this will increase the screening between the residential properties and industrial site. Due to the small scale nature of the oil tank, it is not considered that this type of development would warrant more landscaping to be planted.

iii. Impact upon the archaeological sensitive area

The site of the oil tank is within an area of archaeological interest and is in close proximity to the Scheduled Monument of the Iron Age barrow cemetery at Eastfield. The Historic Environment Team has been consulted as part of the planning application. They have stated that there is a high potential for deposits of archaeological interest in this area including human remains. They have not objected to the planning application but have stated that if an application for further new works to be submitted, a scheme of archaeological mitigation would need to be carried out. Member should note that the applicants are aware of the importance of the archaeological deposits in this area and the legal requirement for proper treatment of human remains if they are present.

iv. Other matters

There has been no response from Rillington Parish Council with regard to the proposal.

In light of the above conclusions, the proposal is considered to satisfy the relevant policy contained in the National Planning Policy Framework and Policies SP12, SP16, SP19 and SP20 of Local Plan Strategy. The proposal is therefore recommended for approval subject to the following conditions.

RECOMMENDATION: Approval

- 1 The development hereby permitted shall be begun on or before .

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

INFORMATIVE:

- 1 The development would have to adhere to the Oil Storage Regulations. The link below takes you to our website page relating to these regulations.
<http://www.environment-agency.gov.uk/business/topics/oil/default.aspx> to discuss this matter further, please contact Richard Greenley from the Environment Agency on 01709 312936

Background Papers:

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