

**Item Number:** 11  
**Application No:** 07/01162/FUL  
**Parish:** Barton-le-Willows Parish  
**Appn. Type:** Full Application  
**Applicant:** S.A Bell Ltd  
**Proposal:** Change of use of building to include Use Class B1 (light industrial) in addition to existing Use Class B8 (storage and distribution)  
**Location:** S A Bell Old York Road Barton Hill York YO60 7JX

**Registration Date:**  
**8/13 Wk Expiry Date:** 15 February 2008  
**Overall Expiry Date:** 27 March 2014  
**Case Officer:** Gary Housden **Ext:** 307

#### CONSULTATIONS:

<b>Parish Council</b>	Object
<b>Environmental Health Officer</b>	Conditional support
<b>Highways North Yorkshire</b>	Conditional support
<b>Highways Agency (Leeds)</b>	No objection

**Neighbour responses:** H Allen Thew, M J Glen, J Denton & R Harwood, Charlie Charters, Mr R E Polley, Peter Diggle, Graham Allaway, Mr & Mrs Forbister & Mr Dunning, Simon Howard,

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#### SITE:

The site is located to the north of the old A64 and in total, covers approximately (4 acres) 1.6 hectares. There are three large buildings located on the site which have a floor area of approximately 3,200sq. metres.

The site was last used for agricultural storage and haulage around 2005. The use of the site is restricted as set out in the planning history detailed later in this report.

The site has a direct access onto the 'old' York Road known as Spittle Beck Lane which then obtains access onto a local County Road, the C61 that leads to Castle Howard. The junction with the C61 is in very close proximity to the A64 Barton Hill crossroads junction. When the application was originally submitted, the Highways Agency issued a 'holding' direction to the Council preventing the grant of planning permission.

The holding direction remained in effect until 19 November 2013.

#### PROPOSAL:

The application proposes the change of use from the restricted B8 (agricultural storage and distribution use) to Class B1 (light industrial) and also to unrestricted B8 (storage and distribution use).

#### HISTORY:

June 1975: Use of cattle house to agricultural storage - Conditional Approval

June 1981: Construction of building for agricultural storage - Conditional Approval

- March 1997: Raising of roof on existing grain and fertiliser stores - Conditional Approval
- November 1997: Continued use of land and buildings as general haulage and storage depot - Refused
- Appeal dismissed 20.03.1998
  - Appeal against enforcement notice dismissed 20.03.1998
  - A copy of the appeal decision letter is appended to this report

## **POLICY:**

### National Policy Guidance

#### National Planning Policy Framework

##### Section 1 - Building a strong, competitive economy:

**Para 18:** The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

**Para 19:** The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

**Para 20:** To help achieve economic growth, Local Planning Authorities should place proactively to meet the development needs of business and support an economy fit for the 21<sup>st</sup> Century.

**Para 21:** Investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, servicing or housing. In drawing up Local Plans, Local Planning Authorities should:

- set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth;
- set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;
- support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances;
- plan positively for the location, promotion and expansion of clusters or networks or knowledge drivers, creative or high technology industries;
- identify priority areas for economic regeneration, infrastructure provision and environmental enhancement; and
- facilitate flexible working practices such as the integration of residential and commercial uses within the same unit.

##### Section 3 - Supporting a prosperous rural economy:

**Para 28:** Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses;

- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and
- promote the retention and development of local services and community facilities in villages, such as shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

Section 11 - Conserving and enhancing the natural environment:

**Para 109:** The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

**Para 115:** Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.

**Para 123:** Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses and wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

Determining Applications:

**Para 196:** The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions.

**Para 197:** In assessing and determining development proposals, Local Planning Authorities should apply the presumption in favour of sustainable development.

Planning Conditions and Obligations:

**Para 203:** Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

**Para 205:** Where obligations are being sought or revised, Local Planning Authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

**Para 206:** Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects.

#### National Planning Policy Guidance

Use of Planning Conditions Grampian conditions

#### Ryedale Local Plan

#### **Policy SP6 - Delivery and Distribution of Employment/Industrial Land and Premises**

Major industrial processes involving the extraction, utilisation, working or harnessing of natural materials or land assets will be supported where:

- They are required in that location and no other suitable sites are available in the locality
- They can be satisfactorily accommodated on the highway network and will not lead to significant adverse highway impacts
- They do not adversely affect the amenity of neighbouring occupants of the site in line with Policy SP20
- They can be satisfactorily accommodated in the surrounding landscape in line with Policies SP13 and SP16
- The economic benefits to the District outweigh any adverse impacts

#### **Policy SP9 - Land Based and Rural Economy**

Ryedale's land-based economy will be sustained and diversified with support for:

- New buildings that are necessary to support land-based activity and a working countryside, including for farming, forestry and equine purposes
- Replacement dwellings for land management activity if no other existing available buildings suitable or capable of conversion
- Replacement of non-traditional general-purpose storage buildings to support farming, forestry or equine related activity
- Conversion of traditional buildings for tourism or residential uses (subject to the occupancy conditions set out in Policy SP21)
- Conversion of existing buildings and provision of new buildings to support appropriate small-scale rural economic activity in line with Policy SP6
- Appropriate farm and rural diversification activity including innovative approaches
- Local food production and sales. Farm shops which will meet a demand for local produce and which contribute to the local economy will be
- supported where they do not adversely affect easily accessible convenience shopping.
- Appropriate new uses for land including flood management and energy production related research and education in this field
- Small-scale extraction of local building stone and limited aggregate provision

And indirectly by supporting:

- The retention of a livestock market within Ryedale on a site which is convenient to users, well related to the main road network and in a
- location which is close to a Market Town but will not harm its character, landscape setting or the amenities of nearby residents
- Local weekday and Saturday markets, farmer's markets and events
- Proposals or actions that would assist in utilising and retaining traditional rural skills including land and woodland management, farming,
- Conservation, local traditional building techniques

**Policy SP13 - Landscapes**

**Policy SP19 - Sustainable Development**

**Policy SP20 - Generic Development Management Issues**

**Character**

New development will respect the character and context of the immediate locality and the wider landscape/townscape character in terms of physical features and the type and variety of existing uses

Proposed uses and activity will be compatible with the existing ambience of the immediate locality and the surrounding area and with neighbouring land uses and would not prejudice the continued operation of existing neighbouring land uses. The cumulative impact of new development on the character of an area will also be considered

**Design**

The design of new development will follow the principles established in Policy SP16. Extensions or alterations to existing buildings will be appropriate and sympathetic to the character and appearance of the existing building in terms of scale, form, and use of materials

**Amenity and Safety**

New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence

Developers will be expected to apply the highest standards outlined in the World Health Organisation, British Standards and wider international and national standards relating to noise

New development proposals which will result in an unacceptable risk to human life, health and safety or unacceptable risk to property will be resisted. Developers will be expected to address the risks/potential risks posed by contamination and/or unstable land in accordance with recognised national and international standards and guidance

All sensitive receptors will be protected from land and other contamination. Developers will be expected to assess the risks/ potential risks posed by contamination in accordance with recognised national and international standards and guidance

**Access, Parking and Servicing**

Access to and movement within the site by vehicles, cycles and pedestrians would not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists. Information will be required in terms of the positioning and treatment of accesses and circulation routes, including how these relate to surrounding footpaths and roads

Access into and within buildings will be expected to be of a standard that allows all to access the building unimpeded

Development will be expected to comply with the relevant standards in place at the time a planning application is made to the Local Planning Authority. A Travel Plan may be required to set out how the use of the building can be made more sustainable by reducing the need to travel by private car

Where applicable, proposals will need to demonstrate the inclusion of safe and effective vehicular servicing arrangements

#### **APPRAISAL:**

The key issues in relation to the consideration of the current application relate to:-

- application of local and national policy;
- impact on highway safety;
- impact on amenity; and
- impact on landscape

Members will be aware that this site has an extensive planning history spanning many years, culminating with decisions taken on appeal in 1997 in the context of the former PPG's 4 and 7, the County Structure Plan 1995 and the deposit draft of the former Ryedale Local Plan.

Current National Policy and more detailed guidance is set out in the NPPF and NPPG.

The Government is committed to serving economic growth and developing planning policies that support economic growth in rural areas in order to create jobs and to promote a strong rural economy. As part of this, plans should promote the development and diversification of agricultural and other land-based rural businesses.

The key local policies in the Council's Local Plan Strategy (which was adopted following the NPPF) are SP6 and SP9. SP6 states that:-

“Processes in open countryside locations will be supported where:-

- They are required in that location and no other suitable sites are available in the locality
- They can be satisfactorily accommodated on the highway network and will not lead to significant adverse highway impacts
- They do not adversely affect the amenity of neighbouring occupants of the site in line with Policy SP20
- They can be satisfactorily accommodated in the surrounding landscape in line with Policies SP13 and SP16
- The economic benefits to the District outweigh any adverse impacts”

In principle, the further change of use of these premises accords with the thrust of both national and local policy subject to satisfying site specific criteria. These centre around highway safety, local amenity and landscape impact.

#### Highway safety

Members will note that this application was originally submitted in December 2007 and was subject to objections from both NYCC Highways and the Highways Agency. The Highways Agency issued a ‘permanent’ holding direction because of safety concerns in respect of the nearby junction on the A64, at the Barton Hill crossroads.

However, the holding objection from the Highways Agency was lifted in November 2013 and in March 2014, the Council was able to re-consult all statutory consultees on the basis of an improvement scheme for the junction that had been produced by the HA (see attached plan). The HA have recently confirmed that detailed design work has been commissioned on the junction improvement with work anticipated to start in Spring 2015.

Following receipt of the plan, NYCC have confirmed that they also no longer object to the proposal subject to conditions, including the carrying out of the works specified in the proposed HA improvement scheme and localised improvements to signage and additional haunching (widening) of the carriageway on Spital Beck Lane to 5.5 metres. The full comments of NYCC Highways are appended for Members information.

Officers consider that the highway implications of this proposal are a key consideration and that the proposed additional uses are only acceptable in highway terms of the required improvements to the local road network and to the A64 were carried out in full before the uses proposed commence on site.

This can be delivered by way of a 'Grampian' style condition and as set out in the recommendation from NYCC Highways. It is considered that the commitment from the HA and the likelihood of the works going ahead within the 'life' of the permission mean that the imposition of a Grampian condition satisfies the current advice set out in the NPPG in respect of the use of planning conditions.

Members will note the comments received from Barton-le-Willows Parish Council. However, the A64 scheme is funded, detailed designs have been commissioned and a Spring 2015 start is anticipated. Once constructed, the improvement scheme makes safe provision for large vehicles to exit and to re-enter the A64 (including right turning movements), therefore, resolving the previous objections from both Highway Authorities.

#### Impact on local amenity

Concern had previously been raised in respect of adverse impacts on local residents, in terms of a general haulage use. This proposal includes B1 (light industrial use), which by definition only relates to 'non-polluting' business uses that can be carried out in residential areas.

The Council's Environmental Health Officer has been re-consulted on the proposal and concluded that there will be no increased noise impact on residential properties based on how the site could legally operate now and the existing noise impact from the adjacent A64.

The proposed use is, however, more extensive and in the absence of a noise impact assessment, the Environmental Health Officer has recommended hours of loading/unloading and deliveries and the operation of vehicle refrigeration units and diesel engines should be prohibited between the hours of 11pm at night and 6am in the morning.

On balance, subject to the mitigation of the above restrictions, the uses are considered to be acceptable in terms of impacts on residential amenity.

#### Impact on landscape

The site is located in open countryside close to the Howardian Hills Area of Outstanding Natural Beauty. It is also visible from the adjacent Malton-to-York mainline railway and a Public Right of Way crosses the site. It is noted that previously in 1997 (on appeal), a 'No outside storage' condition was considered to be appropriate by the Planning Inspector. In the light of the Inspector's previous assessment of the case and the rural character of the surrounding area, it is considered necessary to similarly re-impose a 'No open storage' condition on this permission in order to mitigate the impact of the proposed uses.

#### Conclusion

Subject to the conditions recommended by consultees and control over external storage, the application is considered to satisfy both Local and National policy.

**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

2            Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:

(i) The details of the required highway improvement works, listed below, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

(ii) A programme for the completion of the proposed works has been submitted.

The required highway improvements shall include:

(a) Haunching (widening) of the carriageway of Spital Beck Lane to give an overall width of 5.5 metres from the junction with the C61 southwards over Spital Beck bridge up to and including the local link road up to the A64 eastbound carriageway (formally the route of the C61 to Barton Hill railway crossing) and in accordance with Standard Detail No. HAU.1a and specification of the local Highway Authority.

(b) Introduction of a northbound priority one-way traffic system on Spital Beck Lane over Spital Beck bridge way of prescribed traffic signs and road markings in accordance with the requirements of the Traffic Signs Regulations and General Directions 2002.

(c) Improvement on the road junction with the C612 Main Lane by way of construction of the carriageway widening to accommodate left turn vehicle movements at a minimum radius of 10 metres as shown on the Highways Agency drawing number 430547-SK-05 and the junction road markings as shown on drawing number 430547-SK-06 and in accordance with the specification of the local Highway Authority and Traffic Signs Regulations and General Directions 2002.

(d) Improvement to driver v. driver inter-visibility by removal of the existing hedgerow in order to provide for item (c) with new stock-proof fencing/hedgerow on a revised position at an agreed position clear of the new widening carriageway kerbing in accordance with the specification of the local Highway Authority.

Reason:- In accordance with Policy and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

3            Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under Condition 2:

(a) Haunching (widening) of the carriageway of Spital Beck Lane to give an overall width of 5.5 metres from the junction with the C61 southwards over Spital Beck bridge up to and including the local link road up to the A64 eastbound carriageway (formally the route of the C61 to Barton Hill railway crossing) and in accordance with Standard Detail No. HAU.1a and specification of the local Highway Authority.



(b) Introduction of a northbound priority one-way traffic system on Spital Beck Lane over Spital Beck bridge way of prescribed traffic signs and road markings in accordance with the requirements of the Traffic Signs Regulations and General Directions 2002.

(c) Improvement on the road junction with the C612 Main Lane by way of construction of the carriageway widening to accommodate left turn vehicle movements at a minimum radius of 10 metres as shown on the Highways Agency drawing number 430547-SK-05 and the junction road markings as shown on drawing number 430547-SK-06 and in accordance with the specification of the local Highway Authority and Traffic Signs Regulations and General Directions 2002.

(d) Improvement to driver v. driver inter-visibility by removal of the existing hedgerow in order to provide for item (c) with new stock-proof fencing/hedgerow on a revised position at an agreed position clear of the new widening carriageway kerbing in accordance with the specification of the local Highway Authority.

Reason:- In accordance with Policy and in the interests of the safety and convenience of highway users.

- 4 Unless otherwise approved in writing by the Local Planning Authority, there shall be no HCV's brought onto the site until a survey recording the condition of the existing highway has been carried out in a manner approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason:- In accordance with Policy and in the interests of highway safety and the general amenity of the area.

- 5 Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:

- (i) the appointment of a travel co-ordinator
- (ii) a partnership approach to influence travel behaviour
- (iii) measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
- (iv) provision of up-to-date details of public transport services
- (v) continual appraisal of travel patterns and measures provided through the travel plan
- (vi) improved safety for vulnerable road users
- (vii) a reduction in all vehicle trips and mileage
- (viii) a programme for the implementation of such measures and any proposed physical works
- (ix) procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.

Reason:- In accordance with Policy and to establish measures to encourage more sustainable non-car modes of transport.

- 6 No part of the site outside any building shall be used for the storage of any equipment, materials or produce without the prior approval in writing of the Local Planning Authority.
- 7 No loading/unloading; deliveries; operation of vehicle refrigeration units and/or diesel engines after 11pm and before 6am.

**INFORMATIVE:**

- 1 There must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and the Highway Authority.

**Background Papers:**

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