

**Item Number:** 15  
**Application No:** 14/00896/FUL  
**Parish:** Malton Town Council  
**Appn. Type:** Full Application  
**Applicant:** Rainbow Equine Hospital  
**Proposal:** Erection of a steel framed building to incorporate 30no. stables for use in association with The Rainbow Equine Hospital to include demolition of existing former dog kennels and new vehicular access point.  
**Location:** Rainbow Cottage Westgate Lane Old Malton Malton North Yorkshire YO17 6SG

**Registration Date:**  
**8/13 Wk Expiry Date:** 5 December 2014  
**Overall Expiry Date:** 28 November 2014  
**Case Officer:** Rachel Smith **Ext:** 323

#### **CONSULTATIONS:**

<b>Parish Council</b>	No views received to date
<b>Highways North Yorkshire</b>	No objection
<b>Environmental Health Officer</b>	Verbally advised no objection
<b>Sustainable Places Team (Yorkshire Area)</b>	No views received to date
<b>Public Rights Of Way</b>	Recommends informative

**Neighbour responses:** R And A Shipley,

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#### **SITE:**

The site comprises a detached house and former kennels, and is located in an area of open countryside to the north of Malton. It can be accessed via an unadopted lane from both Rainbow Lane, and Westgate in Old Malton. Access from both directions is single width. It is noted however that the directions for the existing equine hospital which is situated on the adjacent site are via Westgate in Old Malton.

Rainbow Equine Hospital is situated to the west, with the A64 trunk road forming the northern boundary.

It is noted that in August this year, Members resolved to grant planning permission for approximately 50 dwellings on land to the immediate south west of the existing equine hospital which will result in improvements to the access from Rainbow Lane. The application is subject to a Section 106 Agreement.

#### **PROPOSAL:**

The adjacent equine hospital has recently purchased the site, and permission is sought for the demolition of the kennels, and the erection of a steel framed building to accommodate 30 stables for use in connection with the equine hospital. The building will be located to the north eastern boundary of the site which is screened from the lane by mature planting. The building will have a footprint of 18m by 39m. The eaves height is 4.4m and the ridge height 6m. It will be constructed from concrete panel to a height of 2.4m with cladding above. Permission is also sought for a new access at the south eastern corner of the site.

## **HISTORY:**

There is no recent planning history for the kennels which were approved in 1979. The following history relates to the adjacent equine hospital.

86/00020/OLD - Erection of four loose boxes and conversion of farm building into veterinary store and office - Application Permitted

94/00018/OLD - Erection of extension to veterinary practice buildings - Application Permitted

03/01286/FUL - Erection of two bedroom dwelling for use in connection with the equine business

09/00823/FUL - Erection of 1 bedroom annexe

10/01410/FUL - Erection of a steel framed building to provide extra stabling facilities - Application Permitted

11/00878/FUL - Permission granted for the erection of 3 stables

## **POLICY:**

Ryedale Plan - Local Plan Strategy (Ryedale Plan)

Policy SP6 - Delivery and Distributing of Employment Land and Premises

Policy SP9 - The Land Based and Rural Economy

Policy SP13 - Landscapes

Policy SP16 - Design

Policy SP19 - Presumption in Favour of Sustainable Development

Policy SP20 - Generic Development Management Issues

## **APPRAISAL:**

The main issues in the consideration of the application are:

- The principle of the business in this location.
- Appropriateness of design
- The impact of the development on the character of the open countryside
- Access considerations
- Environmental considerations
- Neighbour impact

### Principle of use

The veterinary practice occupied the adjacent site since 1986, and has continued to grow since that time. The principle of the use in this location has therefore been accepted. The applicant has advised that the business is a tier 3 accredited equine hospital, and one of only 17 RCVS accredited equine hospitals in the county. The application site itself has also been occupied by buildings since 1979. It is also accepted that because the hospital specialises in large animals, a town centre location would not be appropriate.

The business employs 31 members of staff, and as such is of significant benefit to the rural economy. It is also considered that whilst situated in the countryside, the site is in walking and cycling distance of both Malton and Old Malton, which will enable sustainable access for staff at the practice. Accordingly, it is considered that the principle of the business in this location is acceptable.

### Appropriateness of the Design, and impact on character of open countryside

Policy SP16 of the Ryedale Plan states that development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which:

- Reinforce local distinctiveness;
- Provide a well-connected public realm which is accessible and usable by all, safe and easily navigated; and
- Protect amenity and promote well being.

The proposed building is of modern construction and proportions, including a shallow pitched roof. Nevertheless the site is relatively well screened by existing mature planting, and the ridge height of the building is relatively low. From more distant views it would have the appearance of a farm house with associated farm buildings. As such it will not be dissimilar to other small farm steads in the wider area. The applicant has proposed the use of green walls under a mushroom grey roof. It is recommended however that the roof colour is changed to dark grey, which would be less obtrusive through most of the year.

As stated the site is reasonably well screened from most locations, however it is recommended that should permission be granted, it be subject to a condition requiring the planting of further native species to re-enforce some areas of the hedge that are less substantial. This includes in particular part of the frontage to the site, and the northern boundary where views are glimpsed from the A64 trunk road. The proposed access will create an opening on the corner of the site; however this will only give glimpsed views into the site.

The development of this site has been established since 1979, and accordingly, the development will not have a significant adverse impact on the character of the area.

### Access to the site

The site can be accessed via Rainbow Lane, which is a single track unadopted road, or via Westgate in Old Malton, and again onto an unadopted road. There is concern that the Rainbow Lane approach is regularly used by adults and children walking, and the visibility is very poor. The website for the adjacent Equine Hospital, directs customers via Westgate in Old Malton. It is considered that this access is preferable. It is noted that a letter of objection has been received from a resident of Westgate who considers that there has been a significant increase in horse boxes and associated traffic since the Equine Centre's last expansion. They further state that in the light of the recent planning approval for residential development of the former Highways Depot and Coronation Farm site, the residents and general public would be in great danger due to the size and number of horse boxes involved.

It is clear that the site has grown significantly in recent years, and the addition of a further 30 stables is likely to result in more vehicular traffic. The capacity of the road network is therefore a significant material consideration. The previous use of the site as a kennels, however, would also generate vehicular movements if it was brought back into full use, and indeed the former highways depot would have resulted in additional traffic from larger vehicles. Farm traffic also uses this access to the open countryside. It is acknowledged however that the access is through a residential area, and horse boxes are significantly larger than most traffic that passes through such areas.

The applicant has also provided additional information regarding the operation of the equine hospital:-

'The building of further stabling capacity is expressly designed to try and decrease the numbers of horses that are having to come back and forth to and from the hospital base for repeat diagnostics and treatments as we have no room left for them with our current stabling capacity. As such, would like to clarify that far from increasing traffic; a new stabling facility would help to reduce the volume of horse related traffic moving to and from the premises as it would enable horses to remain on site until diagnostics and treatments had been completed.

The hospital is a fully functional equine hospital unrivalled in the north-east of England. As such, we currently employ 31 members of staff all of whom will drive to work. This presents a 20% increase in staffing numbers in the past 6 years. This will account for an increase in numbers of vehicles passing through Westgate over the past six years.

As a fully equipped referral equine veterinary hospital, we only accept horses that are referred to pre-arranged appointments between the hours of 8am to 6pm. We must accommodate for emergency treatment of horses 24 hours a day 7 days a week, however, the building of the new barn will not increase the numbers of horses arriving for emergency treatment, as it is being used for a different purpose. Our current facilities are used to accommodate the emergency referrals and the proposed new barn is not intended to be used for expansion of this service which is sufficiently met with our current capacity'.

The Highways Authority has not objected to the proposed development, and advises that the public highway element of Westgate Lane is considered acceptable for the proposed use. The views of the Public Rights of Way Officer has also been consulted, but has not objected subject to the inclusion of an informative advising that no works be undertaken which create an obstruction to the Public Right of Way.

#### Neighbour Impact

There are no near residential properties to the site itself. It is therefore considered that the neighbour amenity impact relates to the access to the site. The Council's Environmental Health Officer has advised that any approval should be conditioned to restrict the burning of stable waste, together with details of waste disposal.

#### Conclusion

It is considered that the principle of the development accords with policy, and the recommendation is therefore one of approval.

#### **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            Notwithstanding the submitted details, the roof of the building hereby approved shall be dark grey, details of which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason:- In the interests of visual amenity and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

3            There shall be no burning of stable waste.

Reason:- In the interests of the amenity of neighbouring properties, and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

4            Unless otherwise agreed in writing by the Local Planning Authority and before any part of the development hereby approved commences, plans showing details of landscaping and planting schemes shall be submitted to and approved in writing by the Local Planning Authority. The schemes shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed where appropriate to the development.

The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs including existing items to be retained.. All planting, seeding and/or turfing comprised in the above scheme shall be carried out in the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the character of the area, and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 5 Unless otherwise agreed in writing by the Local Planning Authority, a Transport Plan shall be submitted to and agreed in writing by the Local Planning Authority which restricts vehicular access to the site, to Westgate Lane only.

Reason:- In the interests of highway and pedestrian safety, and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 6 The development hereby approved shall be operated in accordance with the Rainbow Equine Hospital and shall not be sold or let off separately.

Reason:- It is considered that the independent use of the site could give rise to greater vehicular movements, to the detriment of pedestrians safety and neighbouring amenity, and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 7 Any conditions at the request of the Environment Agency

- 8 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Revised site plan, scale 1:2500;  
Drawing No. 14-1043-2 - Layout;  
Drawing No. 14-1043-2 - Elevations; and  
Drawing No. 14-1043-3 - Block Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

#### **INFORMATIVE:**

- 1 No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development.

Applicants are advised to contact the County Council's Access and Public Rights of Way Manager at County Hall, Northallerton on 0845 8727374 to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

**Background Papers:**

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