

**Item Number:** 12  
**Application No:** 15/00153/FUL  
**Parish:** Ampleforth Parish Council  
**Appn. Type:** Full Application  
**Applicant:** Mr John Seeger  
**Proposal:** Erection of 6no. light industrial units (Use Class B1) with associated parking and alterations to access track to include widening of the entrance and formation of passing places (revised details to refusal 14/00114/FUL dated 16.09.2014).  
**Location:** Land North Of Sewage Works Mill Lane Ampleforth

**Registration Date:**  
**8/13 Wk Expiry Date:** 9 April 2015  
**Overall Expiry Date:** 17 March 2015  
**Case Officer:** Alan Hunter **Ext:** Ext 276

#### CONSULTATIONS:

<b>Environmental Health Officer</b>	Recommends conditions
<b>Parish Council</b>	Object
<b>Highways North Yorkshire</b>	Recommend Condition
<b>Land Use Planning</b>	Recommend Condition
<b>Countryside Officer</b>	No views received to date
<b>Tree &amp; Landscape Officer</b>	Recommend a scheme of native shrub underplanting before the decision is made
<b>Howardian Hills AONB JC</b>	Recommend conditions
<b>Sustainable Places Team (Yorkshire Area)</b>	No comments to make

**Neighbour responses:** Robert Thompson,

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#### SITE:

The application site is located on the south western side of Ampleforth, outside the development limits of the village and within the nationally designated Area of Outstanding Natural Beauty (AONB). The site is accessed via a private track off Mill Lane which currently serves the site and the Yorkshire Water treatment plant adjoining the application site to the south.

#### PROPOSAL:

Planning permission is sought for the erection of 6no. light industrial units (Use Class B1) with associated parking and alterations to access track to include widening of the entrance and formation of passing places (revised details to refusal 14/00114/FUL dated 16.09.2014).

The proposed units each consist of a floor area of 47 square metres. The proposed units will have a maximum height, fronting onto the access track of 4.7m. Due to the land levels falling away from the access track, to the frontage of the site, the height to the rear of the buildings is higher (6.5m). The height difference is not visible from the frontage of the track.

The units are proposed to be constructed of blockwork with vertical timber boarding on the exterior under a steel clad roof in a colour to be agreed. The roller shutter doors are to be on the eastern side in a colour to be agreed. A personnel door is proposed to the rear which is purely for fire escape purposes.

## **HISTORY:**

2014: Planning permission refused for Erection of 6 no. general industrial units with associated parking and alterations to access track to include widening of entrance and formation of passing places

## **POLICY:**

### National Planning Policy

National Planning Policy Framework  
National Planning Practise Guidance

### Ryedale Plan - Local Plan Strategy

Policy SP6 - Delivery and Distributing of Employment Land and Premises  
Policy SP9 - The Land-Based and Rural Economy  
Policy SP12 - Implementation and Monitoring  
Policy SP13 - Landscapes  
Policy SP14 - Biodiversity  
Policy SP16 - Design  
Policy SP17 - Managing Air Quality, Land and Water Resources  
Policy SP18 - Renewable and Low Carbon Energy  
Policy SP19 - Presumption in Favour of Sustainable Development  
Policy SP20 - Generic Development Management Issues

## **APPRAISAL:**

The main material considerations in relation to this application are:

- Principle of development in policy terms;
- Design and scale;
- Impact on the character of the area;
- Impact of development on residential amenity;
- Impact on highway safety;
- Impact on Yorkshire Water facilities;
- Ecology; and
- Other issues

The Local Planning Authority refused planning permission for 6 general industrial units last year. The previously refused units sought permission for general industrial use (Use Class B2). That earlier application was refused planning permission because of the potential noise impact of the scheme upon the closest residential properties and due to pedestrian safety issues. The scheme has now been revised to include amendments for pedestrian improvements and the proposed 6 units are to be restricted to a B1 (light industry) use.

### Principle of development

Section 3 (Supporting a prosperous rural economy) of the National Planning Policy Framework, is supportive of the need to promote a strong rural economy in rural areas. Nevertheless, regard is also to be had to the material considerations of the development and the impact the proposal.

Whilst located on the edge of the settlement, the site is within walking distance of the Service Village of Ampleforth which results in an accessible location.

The Ryedale Plan – Local Plan Policy support, small-scale sites in or adjacent to development limits and in particular proposals for new employment (B1) on unallocated sites if they are of an appropriate

scale, capable of achieving suitable highway and access arrangements (commensurate with the nature of the use) and satisfy policies SP12, SP17 and SP18.

Furthermore the proposed units (47m<sup>2</sup>) are likely to support small businesses including new start-up businesses in this rural area, to the general economic benefit of the area.

#### Design and scale

The proposed timber clad units are considered to be an acceptable form of development on this wooded area adjoining the existing sewage treatment works. The scale of the units is not considered to be excessive. It is also noted that there was no objection previously to the scheme in terms of the design and scale of the proposal.

The levels change is not ideal but its impact is not considered to be noticeable from public vantage points and an additional planting scheme of underplanting should soften any impact of the proposal.

#### Impact on the character of the area

The site is located within the Howardian Hills Area of Outstanding Natural Beauty, a nationally designated landscape. Policy SP13 permits new development in such locations providing it does not detract from the natural beauty and special qualities of the nationally protected landscapes or their settings.

The site is situated within an existing wooded area. The proposal will, however, result in the loss of a number of trees which could ultimately result in an adverse impact to the surrounding area. However, the Tree and Landscape Officer considers that due to the extent of the land within the applicant's ownership additional under planting could be achieved to mitigate any unacceptable loss. A plan has been submitted with details of this planting. The views of the Tree & Landscape Officer are awaited on this proposed planting scheme and Members will be updated at the meeting. If this is considered to be acceptable, a condition is required to ensure this additional planting takes place. Furthermore, a condition is recommended to control external lighting.

The AONB Joint Advisory Committee consider that the proposals are acceptable subject to a condition requiring a dark coloured roof material, the additional under planting and a management plan for the existing woodland area.

In view of the location of the site within this wooded area, its visual impact from public vantage points will be largely minimised. Subject to the additional planting the proposals are not considered to detract from the natural beauty of the area or its special qualities.

#### Impact of development on residential amenity

The proposed use is considered to comply with the requirements of SP6 and SP9 in terms of the principle of the Local Plan Strategy, subject to the potential impact of the proposal upon nearby residential amenities.

The application was submitted with an accompanying noise assessment. The EHO Officer has commented that the proposal with the restriction to B1 use is considered to be acceptable in terms of residential amenity impacts. It is noted that the nearest residential property is approximately 180m from the site. The EHO does however recommend conditions in respect of the hours of use for deliveries and the use of machinery be limited to 7am-6pm Monday to Friday and 8am – 1pm on Saturdays. It is also recommended that there should be no on-site outside working or storage of materials, and a condition is recommended to this effect.

In view of the advice from the EHO there are considered to be no sustainable grounds to object to the proposal in terms of its impact upon residential amenity.

### Impact on highway safety

The proposals include a widened access of 7.5m in width onto Mill Lane, and this is proposed to be extended 10m into the site. Two passing places are also proposed along the lane leading to the site, together with a new pedestrian path from the lane entrance onto Mill Lane. The proposal will also provide parking and turning facilities for the six units.

The Local Highway Authority has considered the proposals and recommends standard conditions relating to the improvement works, the provision of on-site parking and measures to prevent mud on the highway. The proposal therefore has overcome the previous reasons for refusal and subject to conditions is not considered to be prejudicial to highway safety.

### Impact on Yorkshire Water facilities

There is a 225mm diameter combined water sewer that runs through the red line denoting the application site. Yorkshire Water has considered the proposal and on this occasion considers that its asset can be adequately protected by a planning condition requiring their agreement for any works within 3m of this pipe.

### Ecology

An Ecological Assessment has been undertaken which identifies no impact upon protected wildlife. The Council's Countryside Officer has been consulted but no response has been received at the time of writing this report. Members will be updated with the Countryside Officers comments at Committee. There is a section with the Ecological Assessment relating to mitigation, this suggests under-planting as detailed above should be undertaken and suggests that no clearance works are undertaken during the bird breeding season. It also suggests bollards to protect the woodland and the introduction of bird and bat boxes. A condition regarding the details of the mitigation measures proposed is recommended.

### Other issues

The Parish Council has objected to the proposal as they are not convinced there is a need for the proposed units. The Parish Council also state that they have the same concerns as expressed in their consultation response to the earlier application. There has also been 1 letter of objection received. The issues raised comprise following points:-

- Highway safety due to an increase in the amount of traffic on a narrow rural lane(s);
- Loss of amenity to neighbours and overlooking of garden;
- Noise;
- The method of construction of the proposed 6 units;
- Whether a future change of use application could be made;
- Loss of view;
- Lack of control in terms of the use of the units;
- No feasibility study submitted in support of the application;
- Inappropriate development in the AONB;
- Visual impact of the units; and
- Need for the proposal

Highway safety, residential amenity, noise, hours of use, and visual amenity and the impact upon the AONB have all been appraised above. The method of construction, loss of view and whether any future change of use applications could be submitted are not material planning considerations. This low level business use is supported by both National and local planning policy.

## Conclusion

In view of the above, the recommendation is 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            Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials to be used on the exterior of the building the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy H7A (ii) of the Ryedale Local Plan

3            The site shall be used for the approved use between 0700 hours and 1900 hours on Mondays to Fridays; and between 0730 hours and 1900 hours on Saturdays. It shall not be used at all for the approved use on Sundays or Public Holidays.

Reason:- To ensure that the amenities of nearby residents are not unreasonably affected.

4            The development hereby approved shall only be used for Use Class B1 and for no other purpose (including any other Use Classes within the Schedule to the Town & Country Planning (Use Classes) Order 1987), or in any provision equivalent to that Class in any statutory constraint revoking or re-enacting that Order with or without modification. Furthermore, no change shall be permitted by the Town & Country Planning (General Permitted Development) Order 1997 as amended, unless otherwise approved in writing by the Local Planning Authority following a specific application to that effect.

Reason:- In order to protect the amenity of the surrounding properties, the character and appearance of the area, and in the interests of highway safety, and to satisfy Policy SP13 and SP20 of the Ryedale Plan - Local Plan Strategy.

5            Planting - to be confirmed

6            The development hereby approved shall be undertaken in accordance with the mitigation measures contained within Section 11 of the Ecological Assessment prepared by MAB dated January 2014, with details to be submitted to and approved in writing by the Local Planning Authority.

Reason:- In order to fully take account of protected species, and to satisfy Policy SP14 of the Ryedale Plan - Local Plan Strategy.

7            Prior to the commencement of development, a 20-year Woodland Management Plan shall be submitted to and approved in writing by the Local Planning Authority, for the surrounding woodland within the blue line.

Reason:- In order to maintain the integrity of the surrounding woodland to soften the impact of the proposal, and to protect the natural beauty of the area and to satisfy Policies SP13 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 8 No clearance works shall be undertaken during bird breeding season (March - August inclusive).

Reason:- In order to comply with Policy SP14 of the Ryedale Plan - Local Plan Strategy.

- 9 No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the times of 0700 and 1800 hours Monday - Friday and 0800 and 1300 hours on Saturdays, nor at any time on Sundays; Bank Holidays or Public Holidays.

- 10 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 until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

(ii)(b) The existing access shall be improved by widening and improvement in construction specification, as laid out on Drawing No 1.33, to form 7.5 metre entrance radius kerbs, giving a minimum carriageway width of 6 metres over the first 10 metres, measured from the edge of carriageway, plus minimum 1:3 taper beyond, and that part of the access extending 10 metres into the site from the edge of carriageway shall be constructed in accordance with E7var.

(iii) Any gates or barriers shall be erected a minimum distance of 20 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.

(vi) The final surfacing of any private access within 20 metres of the public highway shall not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

- 11 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) An independent Stage 2 Safety Audit has been carried out in accordance with HD19/03 - Road Safety Audit or any superseding regulations.

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

The required highway improvements shall include:

(a) Provision of tactile paving

(b) Construction of a 1.5 metre nominal width footway from the end of existing footway on the opposite side of Mill Lane up to the improved site entrance, to include a pedestrian

crossing point of Mill Lane all as generally shown on Drawing No. 1.33 and in accordance with the appropriate specification of the Highway Authority.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

- 12 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.

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

The required highway improvements shall include:

(a) Provision of tactile paving

(b) Construction of a 1.5 metre nominal width footway from the end of existing footway on the opposite side of Mill Lane up to the improved site entrance to include a pedestrian crossing point of Mill Lane, all as generally shown on Drawing No 1.33, and in accordance with the appropriate Specification of the Highway Authority

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

- 13 Notwithstanding the provision of any Town & Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on Drawing Numbers 1.24 Rev. B & 1.30 Rev B for parking spaces, turning areas and access (including passing places) shall be kept available for their intended purpose at all times.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

- 14 Unless approved otherwise in writing by the Local Planning Authority, there shall be no establishment on a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction of the site, until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

(i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway

(ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

Reason:- In accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and to provide for appropriate on-site vehicle parking and the storage facilities, in the interests of

highway safety and the general amenity of the area.

- 15 Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3.0 metres either side of the centre line of the sewer, which crosses the site.

Reason:- In order to protect the public sewer that crosses the site and to satisfy Policy SP17 of the Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework.

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

Drawing No. 1.24 Rev B;  
Drawing No. 1.28 Rev A;  
Drawing No. 1.30 Rev B; and  
Drawing No. 1.33

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

- 17 There shall be no on-site working outside of the units hereby approved.

Reason: In order to protect the amenities of the nearby properties and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 18 There shall be no on-site storage of materials outside of units hereby approved.

Reason: In order to protect the character and appearance of the area and to satisfy Policy SP13 and Policy SP20 of the Ryedale Plan - Local Plan Strategy.

#### **INFORMATIVES:**

- 1 You should satisfy yourself, prior to commencement of any work related to this project, that no part of the works hereby approved (including foundations and/or guttering) extended onto or over adjoining land unless you have first secured the agreement of the appropriate landowner(s).
- 2 The applicant/developer is advised to consider the consultation response of Yorkshire Water dated 18 March 2015 prior to commencing this development.
- 3 In relation to Condition 10. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.
- 4 In relation to Condition 12. 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