

Item Number: 10
Application No: 15/00723/FUL
Parish: Rillington Parish Council
Appn. Type: Full Application
Applicant: Mr Simon Ellis
Proposal: Change of use of land and buildings (excluding dwelling) to a light steel fabrication business (Use Class B2) and erection of workshop/store (part retrospective application)
Location: Station House Low Moor Lane Rillington Malton North Yorkshire YO17 8JX

Registration Date:
8/13 Wk Expiry Date: 24 August 2015
Overall Expiry Date: 8 September 2015
Case Officer: Helen Bloomer **Ext:** 328

CONSULTATIONS:

Environmental Health Officer	Conditions required
Archaeology Section	No known archaeological constraint
Vale Of Pickering Internal Drainage Boards	No objection
Parish Council	Comments made - evergreen trees should be planted to block view of the proposed development. B2 planning permission should apply.
Network Rail	As workshop already constructed no observations to make. Developer to contact Asset Protection Team if work required to roof or rear wall.
Highways North Yorkshire	Recommend condition
Neighbour responses:	Sam Jeffreys, Mike Jeffrey, Mr Michael Coulthard, Mr Stuart Elvidge, Mr Rob Snowden, Mr Ian Arksey, Mr Lee Hodgeson, Mr Ian Mosey, Nicky Tinkler, Mr Andrew Abbey, Mrs Catherine Metham, S W Prest, Richard Bowes, Mrs Jemma Miller, Mr James Welham, Mr John Bentley, Mr Barry Hesp,

SITE:

The application site is within the amenity space of the applicants property, Station House, Low Moor Rillington.

PROPOSAL:

Planning approval is being sought for the change of use of land and buildings (excluding the applicants dwelling) to a steel fabrication business (B2) and replacement of existing garage/ workshop with a purpose built workshop/ store. The application is part retrospective.

The applicant has been operating from the site and the existing garage since 2011. The application is seeking to regularise the existing use as well as constructing a purpose build workshop/ store which will enable all operations and storage to be carried out in a secure well insulated building.

The applicant is the only employee.

The applicant has proposed the hours of operations to be;
Monday - Friday 08:00 -18:00
Saturdays 08:00- 13:00
No work on Sundays

Following the consultation response from North Yorkshire County Council Highways Authority the applicant has revised the plans to show that the applicant has use of the adjacent yard to allow wagons to turn round. A Certificate B has been served on the adjacent land owner.

HISTORY:

11/00290/HOUSE. Erection of domestic garage (Retrospective). Approved

14/01248/FUL. Change of use of land and buildings (excluding dwelling) to a light steel fabrication business (Use Class B2) and erection of workshop/store (part retrospective application). Withdrawn.

13/00090/UD. Unauthorised change of use and the associated operations. Pending.

APPRAISAL:

The main considerations in assessing this application are;

- i. Principle
- ii. Character and Form
- iii. Neighbour Amenity
- iv. Highway and Safety
- v. Other Issues

Principle

The Ryedale Plan - Local Plan Strategy is the adopted Development Plan and includes a settlement hierarchy, which directs the majority of development in Market Towns and then to service villages. Rillington is identified as a Service Village. However the above address is outside of the Rillington's Development Limits. Policy SP1 (General Location of Development and Settlement Hierarchy) does however support new development within the open countryside when it will support a sustainable, vibrant and healthy rural economy and communities.

Policy SP6 (Delivery and Distribution of Employment Land and Premises) also supports the principle of new buildings for appropriate rural economic activity, providing that it is inline with Policy SP9 (The Land Based and Rural Economy). Whilst Policy SP9 aims to support the development of land-based activity, it also supports in principle, development to support live-work units. The National Planning Policy Framework Section 3 also supports in principle developments which would support a prosperous rural economy. The principle of the change of use is therefore considered to be acceptable.

Character and Form

Policy SP16 (Design) of the Ryedale Plan - Local Plan Strategy requires new development to respect the context provided by its surroundings.

In assessing character and form this has been spilt into two considerations. The first assessment relates to the character of the area in terms of use classes and the surrounding built form, the second relates to the character, design and scale of the proposed building.

The application site forms part of the domestic curtilage of the applicants property. The existing unauthorised works are carried out from the existing garage on site, and because of the restriction of this the applicant currently works and stores the associated equipment within the garden space. The

application site therefore has a mixed use appearance and some of its domestic characteristics have been lost, although it is important that Members note that this has been done through unauthorised operations. To the west of the application site is an independent residential dwelling. East of the application site is a industrial yard. Officers wish to make it clear to Members that the only authorised use on the adjacent site are the Vehicle Repair Workshop (B2) and office (B1). All of the other uses/ buildings on this site such as the scaffolding business are unauthorised. Within the wider context there are two large agricultural/ industrial units east of the application site.

The building proposed would measure 14 metres (length)x 12 metres (width) x 4-6 metres(high). The walls of the building would be rendered to match the existing residential property, with Yorkshire boarding cladding to give it an acceptable visual relationship with the existing agricultural building to the east. Officers acknowledge the scale of the proposed building is significant in a domestic setting. However from the public vantage points it will be seen in the wider context of the existing authorised buildings. Furthermore a larger building which would serve all of the needs of the applicants business would negate the need for any works or materials to be stored outside of the proposed building. Officers consider that a condition requiring the further submission of a landscaping plan would provide a positive enhancement to the visual amenity of the area.

Residential Amenity

Policy SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy expects that new development would 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 the ... 'use, location and proximity to neighbouring uses'. The National Planning Policy Framework Paragraph 17 seeks to secure ...a good standard of amenity for all existing and future occupants of land and buildings.

The area surrounding the application site is a mix of existing B2 use and Residential(C3). The proposed addition of a further B2 use is unlikely to adversely impact on the existing B2 use on the adjacent site. Officers are concerned with the addition of another B2 use in such close proximity to a separate dwelling, most notably The Sidings (west of the application site) and to a lesser extent the row of terraced properties to the north east of the application site beyond the railway line.

A Noise Survey was carried out on the 18 June 2015, and this formed part of the submission of the application. The Noise Survey concluded that due to the build specification, as (outlined within the report) that the development would not adversely affect the amenity of the neighbouring properties. The Council's Environmental Health Officers have considered the proposal. Whilst no objection was raised this was on the basis of a number conditions being imposed relating to operating hours, restricting all operations to be carried out within the buildings (of which the doors and all openings shall remain closed), and a ventilation system being proposed to ensure the building can be operated with all the doors closed.

Subject to the recommended conditions being imposed, officers consider that the granting of a change of use would not have a material adverse affect the amenity of the neighbouring properties. Officers can sympathise with the neighbouring properties concern over the impact of noise, dust etc (based on the current situation). However Environmental Health Officers have raised no objection and consider that the aforementioned matters can be controlled by conditions, which are enforceable. It is not considered that a reason for refusal on this basis could be sustained.

Due to the close proximity of the proposed building to the applicant's own property, a further condition is recommended to ensure that the business is tied to the residential unit. Officers consider that to separate the two in future would be detrimental to the principle of granting consent to allow home-based working within the wider open countryside. Furthermore the shared access if separated would also result in an adverse relationship with likely disturbance from vehicles that are unconnected.

Due to the distance of the proposed building from the neighbouring property's boundary and the separation distance beyond a railway line it is not considered that the proposed development would impact on the residential amenity of the neighbouring properties amenity in terms of loss of light, privacy or result in an overbearing presence.

Highway Safety

Following receipt of the revised plans (to show that the applicants use of the adjacent yard to allow wagons to turn round), North Yorkshire County Council Highway Authority has raised no objection to the proposed development and change of use subject to the imposition of the recommended condition is relation to car parking spaces.

A number of the objectors have raised concern regarding the impact of the existing unauthorised use on the highway. However as the Highway Authority have raised no objection to the proposal, it would be difficult to sustain a reason for refusal on this basis.

Other Issues

Archaeology

The application site is within a known area of archaeological interest. North Yorkshire County Council Historic Team had been consulted and have concluded that the proposed development site has no known archaeological constraints.

Drainage

The Vale of Pickering International Drainage Board have concluded that the proposed development would not affect the IDB ditch network.

Trains

Network Rail have raised no objection to the proposed development, as they note that a workshop had already been constructed, and therefore have recommended an informative is attached to an approval regarding future maintenance and alteration.

Members will not that the application is to demolish the existing workshop/ garage and replace it with a purpose built unit. Officers have tried to contact Network Rail to clarify this matter but at the time of writing had been unable to make contact. Members will be updated if Network Rail require any further conditions/ informatives in relation to the application.

Consultation

Rillington Parish Council have raised no objection to the proposed development but have made the following recommendations; evergreen trees should be planted to block the view of the proposed development and reduce noise, they also propose a condition restricting the use be in relation to the applicant.

At the time of writing six letters of objection had been received. Whilst the full version of the letters can be seen on public access, a summary has been included below.

- Future uses of the B2 Use Class
- Already a number of existing industrial units in Malton/ Norton which would be better suited
- The proposed use in conjunction with the existing uses on the adjacent site would create a mini industrial site, of which planning permission has not been obtained.
- Planning permission would set a precedent.
- Potential impact of an future security lighting

- Uncertainty over compliance with working hours, given the site already operates without planning consent
- Increased operations
- Storage of materials outside of the proposed building
- Lack of Ventilation
- Damage to the public highway from deliveries
- Impact of noise on existing residents
- Concern over scale and visibility of the proposed building
- Concern over the existing access and increased highway movements
- Concern over use of Yorkshire Boarding

At the time of writing nine letters of support had been received. Whilst the full version of the letters can be seen on public access, a summary has been included below.

- Existing 24 hour industrial yard adjacent to the application site and applicant's dwelling
- Concluded to have no concerns over any additional traffic as the highway is more than capable of supporting it
- Enabling the applicant to work from home
- The business would not be viable if it had to move to an industrial site. Should support small businesses
- The business supports the local economy
- No concerns over current noise levels
- The ranges of different industries/ business in the area mean that the area has already been busy
- Purpose built area will improve security and reduce noise level and prevent materials having to be stored outside
- Site backs onto a railway track
- Effort has been made to ensure the building would blend in with the applicants dwelling house
- Access was previously approved for commercial use
- Set working hours would prevent amenity issues
- Deliveries only occur every 6-8 weeks

In light of the above assessment, the recommendation to Members is one of approval subject to the following attached 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

2 The building shall not be used for working activity outside the hours of 0800h to 1800h (Monday to Friday) and 0800h to 1300h (Saturday). The building shall not be used on Sundays; Bank Holidays; and on Saturdays when Christmas Day or Boxing Day falls on this day of the week.

Reason: To protect the residential amenity of nearby occupiers from noise and in accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and teh NPPF

- 3 All working activity, including the use of machines and hand tools, shall be undertaken inside the building. All doors and windows must be kept closed at all times when any machine tooling and/or hand tooling operations are being undertaken.
- Reason: To protect the residential amenity of nearby occupiers from noise and in accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and the NPPF
- 4 Prior to the commencement of the development hereby approved detailed proposals for a mechanical ventilation system shall be submitted to and agreed in writing by the Local Planning Authority.
- Reason: To protect the residential amenity of nearby occupiers from noise and in accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and teh NPPF
- 5 Industrial processes associated with the development hereby permitted shall not take place anywhere on the site except within the building covered by this permission.
- Reason:- To ensure that noise from the premises does not cause a nuisance to adjoining residents and in accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy and the NPPF.
- 6 Prior to the commencement of the development hereby approved, precise details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority and there after any lighting shall be carried out in accordance with the approved scheme
- Reason:- In order to protect the amenity of the neighbouring properties, and to satisfy Policy SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.
- 7 The premises shall be used for B2; and for no other purpose (including any other purpose in Use Class B2; of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument re-enacting that Order).
- Reason:- It is not considered that any other use would be appropriate because of the relationship with other existing uses in the locality
- 8 Before the commencement of development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, details of the proposed boundary treatment, including a schedule of materials and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development is first brought into use, unless otherwise agreed in writing with the Local Planning Authority.
- Reason:- To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality.
- 9 Notwithstanding the provision of any Town & Country Planning General Permitted or Special Development Order for the time being in force, the areas shown in red and red with green edging on the revised 1:1250 scale Ordnance Survey Plan as notified by Ryedale DC by letter dated 5 August 2015 to the Highway Authority for parking spaces, turning areas and access shall be kept available for their intended purpose at all times. No HGV associated with the development shall be permitted to reverse out of the site onto the public highway Low Moor Lane
- Reason:- In accordance with Policy SP20 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.

- 10 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: in the interest of good design and to ensure the materials are in accordance with the details within Section 2.03 of the submitted Noise Impact Assessment and in accordance with Policy SP16 and Policy SP20 of the Ryedale Plan - Local Plan Strategy

- 11 The B2 building hereby approved shall be retained in the same ownership as Station House, and not sold or let separately.

Reason: It is considered that the close proximity of the approved to the existing dwellinghouse would result in a loss of amenities for the occupiers of the existing dwelling if occupied independently, and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

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

1:1250 scale Ordnance Survey Plan as notified by Ryedale DC by letter dated 5 August 2015.

Proposed Floor Plan Dated 27 April 2015 Drawing No 1

Proposed Front and Back Elevation Dated 27 April 2015 Drawing No 2

Left and Right Side Elevations Dated 27 April 2015 Drawing No 3

Proposed Elevations Dated 27 April 2015 Drawing No 4

Ariel View Dated 6 May 2015 Drawing No 5

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

Background Papers:

Adopted Ryedale Local Plan 2002

Local Plan Strategy 2013

National Planning Policy Framework

Responses from consultees and interested parties