

**Item Number:** 7  
**Application No:** 15/00460/FUL  
**Parish:** Pickering Town Council  
**Appn. Type:** Full Application  
**Applicant:** Moonlight Movies Ltd (Chris Ellis)  
**Proposal:** Use of the land for a drive-in cinema to include a projection/reception building and a steel frame mounted cinema screen  
**Location:** Pickering Showground Malton Road Pickering North Yorkshire

**Registration Date:**  
**8/13 Wk Expiry Date:** 30 June 2015  
**Overall Expiry Date:** 5 June 2015  
**Case Officer:** Rachel Smith **Ext:** 323

#### CONSULTATIONS:

<b>Community Safety</b>	No views received to date
<b>Environmental Health Officer</b>	Concerns raised
<b>Parish Council</b>	No views received to date
<b>Highways North Yorkshire</b>	Further Information Required

**Neighbour responses:** Eden Blyth, Gary Verity, Mr John Allsopp, Mr Mike Potter,

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#### SITE:

The site is situated within Pickering showground, on the western side of the A169 approximately 2 miles south of Pickering. The showground is relatively flat, with boundaries formed by hedges and trees. Whilst the site is surrounded by open countryside, there are some residential properties in the area together with smaller tourist accommodation sites. The current site comprises an area of land to the southern boundary of the site, and to the west of the main entrance.

#### PROPOSAL:

Permission is sought for the change of use of the land for a drive in cinema to include a building to house the projection/reception building, together with a steel frame mounted cinema screen.

The building will comprise a timber clad detached building measuring 4.4m by 4.4m with a ridge height of approximately 5.5m. The building will include a reception area on the ground floor with a projection room at first floor level. The reception area will also be used to serve cold drinks (non alcoholic) and snacks. The screen will measure 20m by 10 metres, and will be sited at the western end of the current application site. The applicants have advised that the cinema will utilise the car parking area approved under application 13/00029/MFUL, after the last bus has dropped off. This will result in operating hours of 19.30 to 01:00 hours in summer and 17:00 to 11:30 hours in winter.

#### HISTORY:

In 2013 planning permission was granted on the larger showground site for the following development:

The erection of 133 holiday lodges, restaurant building, site shops, biomass boiler, touring caravan park, site for camping and camping pods, use of site as an event field and outward bound facilities, formation of a lake, vehicular accesses and a park and ride facility.

## **POLICY:**

### National Policy Guidance

National Planning Policy Framework, 2012 (NPPF)  
National Planning Policy Guidance 2014 (NPPG)

### Local Planning Strategy; Ryedale Plan – adopted 5 September 2013

Policy SP10 - Physical Infrastructure  
Policy SP11 –Community Facilities and Services  
Policy SP13 -Landscapes  
Policy SP14 - Biodiversity  
Policy SP16 - Design  
Policy SP19 - Presumption in favour of sustainable development  
Policy SP20 - Generic Development Management Issues  
Policy SP22- Planning Obligations

## **APPRAISAL:**

The material issues in the consideration of the application are:

- principle of locating the proposed development in policy terms
- impact of the proposed development on the Highway network
- impact on the character of the area,
- impact on the existing amenities of neighbouring occupiers
- ecological considerations.
- consultation responses

### **Principle of development**

The Ryedale Plan, and national guidance in the NPPF and the NPPG support development in principle that secures economic growth in order to create jobs and prosperity. The benefit that tourism plays in this role has long been acknowledged. The applicant has stated that the development will provide 4 full time equivalent jobs. In addition, it is considered that the development will also encourage visitors to the area, who will spend in the locality.

Cinemas are identified as a town centre use, which would require the application of a sequential test. This would normally require such uses to be located in town centres, then in edge-of-centre location, and only if such locations aren't available should an out-of-centre be considered. Nevertheless, Pickering is the closest town to the site, and does not have a cinema. The proposal is for the siting of an open air cinema which requires an out-of-town location by virtue of the land requirement and neighbour amenity considerations. Furthermore, the location of the development in association with other tourism uses, could provide mutual benefits. There is some concern that the development is based entirely on car usage which conflicts with the requirements in the NPPF to promote sustainable transport, and reduce the need to travel. However this aspect needs to be balanced against the benefits to the economy. An alternative approach would be to utilise a 'pop up' cinema which could operate on a temporary basis for a shorter time period.

### **Highway Implications**

The application approved in 2013 for the wider show ground required an upgrading of the main site access, to include a right turn lane, and provision of street lighting. That work has yet to be carried out. It is also noted that the car park identified for use by the park-and-ride has not been provided on site. Whilst the application does not include any information on likely numbers, the proposed development will result in a significant number of vehicular movements within a short time period.

It is considered that this will be likely to result in an increase in potential impact on both neighbouring amenity and the highway network. Accordingly, the Highway Authority has requested the submission of a Transport Statement setting out the expected number of trips and evidence that the existing access arrangements can accommodate this traffic. This information was requested on August 4th 2015, from the agent but no response has been received. There is also concern that the use of the site for the proposed purpose will restrict use of the park and ride. Some people using the park and ride may choose to return to their vehicles later than the time required to prepare the area to show a film. An example of this would be when the war weekend is held in Pickering. As such it is considered that the use could prejudice the implementation of the Park and Ride.

### **Neighbour Amenity**

The immediate area around the application site is not heavily populated. Nevertheless there is a residential dwelling in relatively close proximity to the south of the application site, with further dwellings to the north east and the west. The potential impact from the development is considered to be from traffic noise, general comings and goings associated with the proposed use, including noise from large groups of people congregating and dispersing. Such disturbance could also include noise from car doors, engines running etc and any noise from the cinema projection itself. In relation to highway noise the number of cars arriving and leaving at the same time will impact on immediate neighbours, and also on residential amenity in the wider vicinity of the site. This is of particular concern, given the proposed opening hours of 19:30 to 01:00 hours in summer and 17:00 to 23:30 in winter.

Further information has been requested from the applicant in relation to providing mitigation for potential neighbour amenity issues, but again no response has been received. The Council's Environmental Health Officer has raised concerns regarding potential impacts of the development on the amenity of cinema goers and neighbouring residents. This is in relation to the effects of noise from generators, car engines, traffic movement, late night activities, light pollution, fumes from car engines and the lack of provision of toilet facilities for staff and the public.

### **Character of Area**

The proposed development comprises a relatively small timber building, together with the erection of the screen. Given the existing screening around the perimeter of the site, the building will not be readily visible from outside the site. Nevertheless the screen will be substantially higher, and no evidence has been provided to demonstrate whether the existing planting on the site will be sufficient to mitigate its impact. Furthermore there is concern when the film is being shown the screen will be lit, which will be likely to cause light pollution. No information has been provided as to other general lighting that will also be required. This was a consideration on the application for the main site. As such it is considered that in the absence of appropriate mitigation, the development will be likely to result in light pollution, to the detriment of the character of this rural area.

### **Ecological Considerations**

This area was conditioned to be retained as a nature reserve on the previous application for the wider show ground. The current plans do not include an ecological survey, and indeed appear to require a level site, to enable cars to be parked in a situation where they can view the screen. The Council's Countryside Officer has advised:

*Further to my site visit I strongly object to this development proposal.*

*The proposal does not take into consideration the presence of great crested newt over a large part of the development area. Previous survey work has indicated a population of newts using a breeding pond 20m to the north of the development site. Indeed a previous planning application set aside the area of rubble currently within the red line as terrestrial habitat for newts to forage and over winter. Should this proposal go ahead there is a danger of an offense being committed under The Wildlife and Countryside Act and the European Habitats Regulation as there could be injury to individual newts and harm to the local population due to the loss of habitat.*

## Consultation Responses

Four consultation responses have been made in relation to the application from interested parties. Welcome to Yorkshire has expressed support for the proposed development and includes the following statement;

*"This is an exciting proposal and one which would give a unique offer to locals and visitors in the Ryedale District and beyond. In the last 10 years there has been a resurgence of the drive-in cinema, led by the Americans and more latterly adopted by developers in the UK. At the moment we are not aware of a permanent drive-in cinema in the region. Some occasional screenings take place at sites in Yorkshire and prove to be very popular.*

*Welcome to Yorkshire leads from the front and is delighted when developers invest in facilities which will demonstrate to our visitors that we have the most up to-date and innovative attractions for them to enjoy. It's all about enhancing the visitor experience in Yorkshire and we feel that the proposal by Moonlight Movies will make a significant contribution to this."*

A further letter of support has been received from a local businessman. He supports the proposal on the basis that money spent in local businesses passes round the local economy several times before leaving the area, and therefore the proposed development will help the local economy. He further states that Scarborough has an as-yet unresolved lack of quality, current cinema provision. This will help.

A letter of objection to the proposed development has also been received in relation to the lack of information. In particular in relation to how the sound system will affect neighbours, lack of detail on the impact of the screen on the character of the area, and lastly of how the nature area shown on the previously approved application has been subsumed into the Park and Ride car park.

Pickering and District Civic Society has also expressed concern regarding the lack of information. This response also makes reference to the fact that the submitted plan does not match that previously approved in relation to the application on the wider show ground. Furthermore no information has been provided in relation to lighting, toilet provision, sound system, or screening of the projection screen. The concerns raised have been addressed elsewhere in the report.

## Conclusion

The application makes reference to the planning permission approved on the wider show ground. It also states that it will utilise the park-and-ride car park during the evenings. There is concern that this development could restrict the hours that the Park and Ride could operate, and it would also necessitate the removal of part of the area required as newt habitat. No alternative habitat or mitigation has been proposed.

Officers have taken account of the benefits to the economy and the tourism industry in Ryedale, by virtue of the proposed development. Indeed, there is potential to review the proposed development in the future, once the upgrade to the existing access has been carried out and the car park associated with the proposed park and ride has been implemented. This will however require the submission of a new application, with information included to address the concerns raised, in particular in relation to ecology, and neighbours amenity. However at this stage, the applicant has failed to provide the necessary information to demonstrate that:

- the existing access is acceptable,
- the development will provide appropriate mitigation in respect of protected species
- the proposed development will not have a significant adverse impact on the existing amenities of neighbouring occupiers.
- the development will not result in light pollution which will harm the character of this rural area.

Accordingly, the recommendation is one of refusal for the following reasons:

**RECOMMENDATION:                      Refusal**

- 1            The proposed development will be likely to generate a significant number of vehicular movements during a condensed time period. The applicant has not submitted a Transport Statement to demonstrate that the existing access can safely accommodate the increase in traffic numbers. As such, the development is contrary to the provisions of Policies SP10 and SP20 of the Ryedale Plan - Development Plan Strategy, and part 4 of the NPPF.
  
- 2            In the absence of an updated ecological survey, the applicant has failed to demonstrate that the proposed development will not result in the loss of a site identified as a habitat for protected species. As such the development is contrary to Policy SP14 of the Ryedale Plan - Local Plan Strategy, the NPPF and The Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.
  
- 3            The applicant has failed to demonstrate that the development will not result in a significant adverse impact on the existing amenities of the occupiers of nearby residential properties or the amenities of cinema goers. As such the development is contrary to the provisions of Policy SP20 of the Ryedale Plan - Local Plan Strategy.
  
- 4            The applicant has failed to demonstrate that the development will not harm the ambience of the area by virtue of the likelihood of additional light pollution caused by the development. As such the proposal is contrary to the criteria contained within Policy SP13 of the Ryedale Plan - Local Plan Strategy.

**Background Papers:**

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