

**RYEDALE DISTRICT COUNCIL
PLANNING COMMITTEE**

SCHEDULE OF ITEMS TO BE DETERMINED BY THE COMMITTEE

PLANS WILL BE AVAILABLE FOR INSPECTION 30 MINUTES BEFORE THE MEETING

Item Number: 7
Application No: 15/01012/MFUL
Parish: Scampston Parish Council
Appn. Type: Full Application Major
Applicant: Ryetec Ltd (Mr Mark Harrison)
Proposal: Change of use and alteration of farm building to form office and small parts storage, erection of attached office building with three bedroom on-site managers apartment to first floor together with erection of warehouse building and workshop building, formation of parking and upgrading of vehicular access - all works to form a commercial dealership for agricultural, forestry and horticultural equipment (revised details to approval 14/00900/MFUL dated 13.11.2014)
Location: Mill House Scarborough Road East Knapton Malton North Yorkshire YO17 8JA

Registration Date: 3 September 2015
8/13 Wk Expiry Date: 3 December 2015
Overall Expiry Date: 2 November 2015
Case Officer: Rachel Smith **Ext:** 323

CONSULTATIONS:

Highways England	Recommend conditions
Countryside Officer	Comments and conditions recommended
Land Use Planning	No views received to date
Environmental Health Officer	No objection
Sustainable Places Team (Yorkshire Area)	Comments made
Building Conservation Officer	No views received to date
Parish Council	No views received to date
Highways North Yorkshire	No objection
Archaeology Section	Advised a scheme of archaeological mitigation recording - and additional comments made

Neighbour responses: None

SITE:

Mill House is situated on the northern side of the A64 at East Knapton. It originally comprised a farmhouse and outbuildings set within a 2.6 hectare site. The farmhouse is set back approximately 90m metres from the main road and is accessed via a track. Its most recent use was as a guest house. Planning permission was granted in November 2010 for alterations and extensions together with the demolition of the farmhouse to form a 12 bedroom hotel and restaurant. Revised details were approved in June 2011 to increase the number of rooms to 20. The relevant conditions were discharged, and worked commenced on site.

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This included the partial demolition of the existing farmhouse, and other buildings, together with the concrete base for the new build aspect of the hotel. Work subsequently ceased and the site was sold.

The area is predominantly agricultural, however there are three residential buildings to the east of the site, one of which was previously associated with a large scaffolding company. It is noted that an outbuilding associated with a neighbouring dwelling lies on the boundary with the application site. The access track is well screened by existing mature trees. The existing buildings are visible from the A64, but partially screened by a mature hedge.

PROPOSAL:

Planning permission was granted in October 2014 for the re-location of an existing business which sells specialist machinery for farming, forestry and general amenity use. This included:

- The change of use and extension of the former farmhouse at Mill House to provide exhibition space, parts department and offices on the ground floor, together with a three bedroom managers flat, meeting room, and first floor parts department at first floor level. The extensions will be rendered at ground floor level with timber boarding above, and a slate roof.
- Erection of workshop to the rear of the above mentioned building. It will have a footprint of 15m by 36m with a ridge height of 8.4m. It will be constructed from steel sheeting above a 2metre high plinth and a fibre cement roof
- Erection of warehouse at right angles to the workshop. It will have a footprint 25m by 42m, with a ridge height of 9.7m. It will also be constructed from steel sheeting above a concrete plinth under a fibre cement roof. This building will be adjacent to the eastern boundary of the site where it abuts the former commercial scaffolding business.
- The area between the buildings will be used as secure external storage.
- The plans also show a planting strip to the rear of the neighbouring domestic property, together with parking for 14 vehicle.
- Area for the demonstration of machines to members of the public.

During the consideration of the application, it became apparent that alterations and extensions to the former farm house could have implications for ecology. The application was considered at a time that was sub-optimum for ecological surveys. Accordingly, the part of the proposed development that related to the former farmer house was withdrawn.

A detailed ecological survey has now been carried out, and permission is now sought for the alteration and extension of the former farmhouse to form a parts department and exhibition/meeting room, together with revised details to include an increase in the size of the maintenance building, together with a reduction in the size of the warehouse building.

HISTORY:

1999: Permission granted for demolition of dwelling and change of use of barns to B1, B2 and B8

2003: Permission granted for change of use of agricultural building to bed and breakfast

2010 Permission granted for the change of use and demolition of former farmhouse and barns to form a 12 bedroom hotel, together with managers accommodation and leisure facilities

2011: Revised details approved to increase bedrooms to 20

2014: Permission granted for the change of use of farm buildings to form office, parts storage, site managers accommodation and warehouse and workshop building.

POLICY:

National Planning Guidance

National Planning Policy Framework
National Planning Policy Guidance

Ryedale Plan – Local Plan Strategy

Policy SP 1 - General Location of development and Settlement Hierarchy
Policy SP 6 - Delivery and Distribution of employment Land and premises
Policy SP 9 - The Land Based and Rural Economy
Policy SP 10 - Physical Infrastructure
Policy SP 14 - Biodiversity
Policy SP 16 - Design
Policy SP 19 - Presumption in favour of sustainable development
Policy SP 20 - Generic Development Management Issues

APPRAISAL:

The principle of the proposed use has been accepted. The main issues in the consideration of the application relate therefore to the changes to the size of the proposed buildings together with the principle of the parts department, meeting room and exhibition space:

Principle of use

Both local and national policy provides support for businesses that benefit the local economy.

Section 3 Para 28 of the National Planning Policy Framework (NPPF), states:

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 local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

In relation to the Ryedale Plan –Local Plan Strategy, (Ryedale Plan), Policy SP 6- Delivery and Distribution of Employment/industrial Land and Premises is particularly relevant. This states that new land and buildings for employment will be supported from the following sources in the following locations:

Wider Open Countryside

Expansion land for existing major employers/ established businesses; small scale conversion of existing buildings or provision of new buildings to support appropriate rural economic activity in line with the provisions of Policy SP9

The following extract from Policy SP 9 is also particularly relevant to this application:

SP9 The 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.

The previous application was approved in this countryside location for operational reasons in relation to the needs of the business. It relates to large pieces of agricultural machinery and therefore needs to be located on a site where there is good access to major transport routes. There is also a requirement for enough space to enable large machinery to be demonstrated when required. During consideration of the previous application it was considered that few opportunities exist within or adjacent to existing employment areas due to their restricted site area. Whilst the meeting room, and parts department was excluded from the previous application, it is considered that it relates well to the needs of the business. It is also considered that the development on the site relates to one planning unit, and indeed a condition on the previous application restricted the occupation of the site to a commercial dealership for agricultural, forestry and horticultural equipment. As such the individual buildings cannot be utilised by separate companies. It is therefore considered that the principle of the proposed use is in accordance with both local and national policy, subject to other material considerations being satisfied.

Neighbouring Amenity

The impact of the proposed development on neighbouring amenity was a significant issue during the consideration of the previous application. It was acknowledged that the site is located in a predominantly rural area. Nevertheless, there are two neighbouring properties that are situated in close proximity to the application site, together with further dwellings to the east. Concerns were raised from neighbouring occupiers regarding noise and light disturbance. At that time, the case officer visited the site, with the Council's Environmental Health Officer to consider noise from the development. The applicant positioned a tractor on the site with a piece of machinery for slicing and splitting timber. Noise levels were taken and compared to background levels. Taking account of the levels, the Environmental Health Officer advised that subject to appropriate conditions, the development would not have a significant adverse impact on the existing amenities of neighbouring occupiers. Such mitigation included;

- Operations on the site restricted to 7.30am until 6pm Monday to Friday and Saturdays 7.30am until 1pm.
- Demonstrations of machinery restricted to a limited number of hours per week. With the exception of two exhibition events.
- A set location for the demonstration of most equipment to be identified away from neighbouring residences. The exception to this would be grass cutting equipment which will operate within restricted hours to the front of the site.
- All repairs and assembly of machinery to take place in the workshop with doors closed.

- Agreed location for any generator/ extraction unit.
- Any lorries needing to enter or leave the site outside office hours will be parked away from neighbouring residences.

It is recommended that the same conditions will be imposed on the current application. As such, it is not considered that the revisions to the application will have a significant impact on the existing amenities of neighbouring occupiers. It is of note that the current application includes details that discharge the requirement of some of the conditions previously imposed. This includes 750m² of planting against the eastern boundary, and 800m² against the southern boundary. The plan also shows identified areas for the equipment demonstration, the generator position, and lorry routing.

In relation to the increase in the size of the workshop, this is in the form of an extension on the buildings western boundary which is situated on the far side of the site to neighbouring properties. Accordingly it is not considered that the increase in size of the workshop nor the siting of the parts building and exhibition/meeting room will have a significant adverse impact on the existing amenities of neighbouring occupiers.

Design

The design of the proposed buildings is considered acceptable, and will not look dissimilar in the landscape to a farm house and associated agricultural buildings. The parts building will be constructed from rendered block work under a pantiled roof. The workshop and warehouse will be a dark green. It is considered that the colour reflects the agricultural nature of the business, and its dark colour will ensure that the buildings recede into their setting. The site is well screened from the A64, and the existing and proposed landscaping will screen the buildings for much of the year. Whilst there may be some views of the site from footpaths to the south, these are likely to be of the roofs of the buildings, and also partly screened by existing planting belts in the vicinity of the site.

Ecology

The bat survey undertaken at the property has detected two bat roosts for pipistrelle and brown long eared bats. Accordingly a European protected species licence will be required. In view of this, the Council's Countryside Officer has not objected to the application. However he has recommended a number of conditions. These include the prohibition of any work to the relevant building until a licence has been issued by Natural England, or they have stated that a licence is not required. Provision for barn owls is also required.

Contamination

During consideration of a previous application on the site for the change of use of the buildings to a boutique hotel, land contamination surveys were carried out. These comprised 8 borehole locations around the buildings and yard. Analysis of soil samples showed no elevated levels of contaminants. As such the report concludes that there is no significant risk to the end users and therefore no protective measures were required. Whilst the Environmental Health Officer requested further information on the choice of location of the bore holes it is not considered that any further survey or mitigation work is required, given the use proposed in the current application.

Archaeology

The proposed development lies in an area of archaeological interest and potential. The wider landscape is of high archaeological significance. In the immediate vicinity of the site, the Historic Environment Record contains evidence of a number of prehistoric features including ring ditches, round barrows, enclosures and ditches. Accordingly it is recommended that if planning permission is granted it is subject to a condition requiring the submission of a scheme of archaeological mitigation and recording.

Access

The site is accessed by a single unmade track direct from the A64. The previous application required the upgrading of the access. The views of the Highways England have yet to be received. Nevertheless it is not considered that the revisions proposed would result in a change in the access requirements. It is therefore recommended that any approval is subject to conditions requiring the upgrade of the access.

Recommendation

It is not considered that the revisions to the previously approved scheme raises any material considerations that would warrant refusing the application. Accordingly, and in view of the compliance with policy, 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 buildings the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted for approval to the Local Planning Authority shall include sound installation to the maintenance building.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

3 The development hereby approved shall only be used as a commercial dealership for agricultural, forestry and horticulture equipment and parts, together with the servicing of machinery sold by the dealership, and for no other purpose.

Reason: To ensure compliance with Policies SP6, SP7, SP9 and SP20 of the Ryedale Plan - Local Plan Strategy.

4 Operations on site shall be restricted to 7.30am until 6pm Monday to Friday, and 8am until 1pm Saturdays, with no working on Sundays and bank holidays. The exception to these hours is when emergency servicing of equipment purchased from the commercial dealership at Mill House, is required. Such repairs shall be carried out in accordance with an emergency repair management plan, which shall first be submitted to, and approved in writing by the Local Planning Authority.

Reason: In the interests of maintaining the existing amenities of neighbouring occupiers, 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, the demonstration of all machinery and/or equipment shall only be carried out on the area identified on Drwg 02 rev G (site plan). Thereafter, with the exception of the open days all demonstration and operation of external machinery and other noise generating equipment shall be carried out in accordance with the approved plan.

Reason: In the interests of maintaining the existing amenities of neighbouring occupiers, and to satisfy the requirements of Policy SP20 of the Ryedale Plan – Local Plan Strategy.

- 6 With the exception of the identified open days, the external operation/running of machinery and other noise generating equipment shall be limited to a maximum of 10 hours per week between the hours of 8am until 6pm Monday to Saturday. A maximum of two hours of which can be on Saturdays between the hours of 8am until 1pm. Such running/operation of equipment and machinery shall be limited to those areas approved under condition 5.

Reason: In the interests of maintaining the existing amenities of neighbouring occupiers, and to satisfy the requirements of Policy SP20 of the Ryedale Plan – Local Plan Strategy.

- 7 A management plan for the operation of any open days held to enable the public to view the machinery and equipment shall be submitted to, and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, such open days shall be restricted to two events per year.

Reason: In the interests of maintaining the existing amenities of neighbouring occupiers, and to satisfy the requirements of Policy SP20 of the Ryedale Plan – Local Plan Strategy

- 8 Any lorries leaving or arriving outside the approved hours of operation identified in condition 4, shall be parked in the vehicle dispatch holding area identified on dwg 02 rev G (proposed site plan). There shall be no loading or unloading of such vehicles outside the approved hours of operation stated in condition 4 and all engines shall be switched off.

Reason: In the interests of maintaining the existing amenities of neighbouring occupiers, and to satisfy the requirements of Policy SP20 of the Ryedale Plan – Local Plan Strategy.

- 9 Precise details of the type and siting of any generators to be used on the site shall be submitted to, and approved in writing by the local planning authority prior to their installation on site. Thereafter such generators shall only be operational during the approved hours of operation, and in accordance with the location and details shown in the approved details.

Reason: In the interests of maintaining the existing amenities of neighbouring occupiers, and to satisfy the requirements of policy SP20 of the Ryedale Plan – Local Plan Strategy.

- 10 There shall be no external lighting, unless precise details together with a lighting management plan have first been submitted to, and approved in writing by the Local Planning Authority. Thereafter, all lighting shall be operated in accordance with the approved details.

Reason: In the interests of maintaining the existing amenities of neighbouring occupiers, to reduce light pollution, and to satisfy the requirements of Policy SP20 of the Ryedale Plan – Local Plan Strategy and para 125 of the National Planning Policy Framework.

- 11 Before the development hereby approved is first brought into use, a close boarded boundary fence shall be erected along the eastern boundary of the site, where it adjoins the domestic curtilage of the neighbouring property, details of which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of maintaining the existing amenities of neighbouring occupiers, and to satisfy the requirements of Policy SP20 of the Ryedale Plan – Local Plan Strategy

- 12 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 appearance of the development hereby approved and to comply with the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 13 Unless otherwise agreed in writing by the Local Planning Authority, prior to commencement of the approved use, a workplace transport plan shall be submitted to, and approved in writing by the Local Planning Authority. The plan shall include procedures to reduce potential reversing movements, and to minimise the need for audible warning systems. Thereafter the site shall be operated in accordance with the approved plan.

Reason: In the interests of maintaining the existing amenities of neighbouring occupiers, and to satisfy the requirements of Policy SP20 of the Ryedale Plan – Local Plan Strategy

- 14 No construction work shall operate outside the hours 7.30am until 6pm Monday to Friday, and 8am to 1pm on Saturdays, with no working Sundays or bank holidays

Reason: In the interests of maintaining the existing amenities of neighbouring occupiers, and to satisfy the requirements of Policy SP20 of the Ryedale Plan – Local Plan Strategy

- 15 The flat hereby approved shall only be occupied by a person or persons and /or the dependents of such persons, whose main employment is in the business hereby approved.

Reason: It is not considered that an independent residential property would be acceptable in this location, and to satisfy the requirements of Policy SP20 of the Ryedale Local Plan – Local Plan Strategy.

- 16 Notwithstanding the submitted details, precise details of both surface water and foul drainage shall be submitted to and approved in writing by the Local Planning Authority. Such details shall demonstrate that if surface water is to drain to soakaway, an appropriate assessment is carried out in accordance with BRE Digest 365. If satisfactory results are not achieved, alternative methods of surface water drainage shall be submitted to, and approved in writing by the Local Planning Authority.

- 17 The development shall be carried out in accordance with the details contained in section 7 of the Extended Habitat Survey for Mill House, East Knapton (Wold Ecology 2014) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reason: To satisfy the requirements of the Wildlife and Countryside Act, and the Habitats Direction.

- 18 Unless otherwise agreed in writing by the Local Planning Authority no part of the site outside any building shall be used for the storage or display of any goods or parts.

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

- 19 Unless otherwise agreed in writing by the Local Planning Authority all repairs, servicing and assembly of equipment and machinery shall be carried out in the workshop shown on the approved plans, with the windows and doors closed during such works.

Reason: In the interests of maintaining the existing amenities of neighbouring occupiers, and to satisfy the requirements of policy SP20 of the Ryedale Plan – Local Plan Strategy

- 20 Before the site is first brought into use, the access to the site shall be upgraded in accordance with details which have first been submitted to, and agreed in writing by the Local Planning Authority in conjunction with Highways England. The design shall be appropriate for HGV access and comply with DMRB standards.

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

- 21 Unless otherwise agreed in writing by the Local Planning Authority the development of the site shall be commenced in accordance with the written scheme of investigation by York Archaeological Trust March 2011.

Reason: To satisfy the requirements of Policy SP12 of the Ryedale Plan - Local Plan Strategy and to satisfy the requirements of the NPPF.

- 22 The following works – roof stripping, scaffolding, pointing, stone repair, new doors/windows, internal roof works shall not in any circumstances commence unless the local planning authority has been provided with either: a) A license issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010, authorising the specified activity/development to go ahead; or b) A statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a license.

Reason: to secure the long-term protection of the species, and to satisfy the requirements of the NPPF and the Wildlife and Countryside Act 1981

- 23 A Barn Owl roosting/nesting box shall be provided for Barn Owls within 200 metres of the development to which this consent applies at least 30 days before any part of the site used by Barn Owls is altered in any way. This provision should be made at the earliest possible stage, not subjected to direct disturbance and remain in place until at least 30 days after permanent provision has been made, in accordance with the Natural England guidance and in accordance with details that shall have first been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To secure the long-term protection of the species by maintaining continuity of occupation (by providing temporary additional roosting/nesting places on-site), and to satisfy the requirements of the Wildlife and Countryside Act 1981, and the NPPF.

- 24 No building and construction work shall be commenced unless evidence has been provided to the Local Planning Authority that no birds are nesting (at the development site to which this consent applies) immediately prior to work commencing.

Reason: to ensure that nesting Barn Owls are not disturbed by development works and to enable the Local Authority to fulfil its obligation under Section 25 (1) of the Wildlife and Countryside Act 1981.

- 25 A permanent accessible nesting space for Barn Owls shall be provided within one or more of the developed buildings to which this consent applies, and thereafter maintained, in accordance with details that shall have first been submitted to, and approved in writing by, the Local Planning Authority, and in line with Natural England guidance.

Reason: to secure the long-term protection of the species, and to satisfy the requirements of the NPPF and the Wildlife and Countryside Act 1981

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

Dwg 02 – Site plan revision G
Dwg 05 – Office building and dwelling details revision G
Dwg 06 – Maintenance building revision G
Dwg 07 – Warehouse building Revision G

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

INFORMATIVES:

- 01 The applicant is advised that an environmental permit from the Environment Agency may be required for water discharge activity.
- 02 The applicant is advised that a European protected species license is required prior to work on the site.

Background Papers:

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