

Item Number: 6
Application No: 15/01109/MFUL
Parish: Kirkbymoorside Town Council
Appn. Type: Full Application Major
Applicant: Rack Systems (Engineering) Ltd (Mr Richard Field)
Proposal: Erection of factory building with associated offices and staff facilities together with car parking and section of access road.
Location: Land West Of Kirby Mills Road Kirkby Mills Kirkbymoorside

Registration Date:
8/13 Wk Expiry Date: 25 December 2015
Overall Expiry Date: 10 December 2015
Case Officer: Rachel Smith **Ext:** 323

CONSULTATIONS:

Sustainable Places Team (Yorkshire Area)	Object
Environmental Health Officer	No objection subject to condition
Public Rights Of Way	No views received to date
Land Use Planning	Conditions to be added
Flood Risk (Stuart Edwards)	Comments made
Highways North Yorkshire	Amended documents awaited
Highways North Yorkshire	Conditions recommended
Flood Risk (Stuart Edwards)	No further comments to make
Sustainable Places Team (Yorkshire Area)	Object
Highways North Yorkshire	Need to consult with internal colleagues
Parish Council	Supports application
Tree & Landscape Officer	Recommend conditions

Neighbour responses: Mr And Mrs Simon Wilson,

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SITE:

The site comprises a parcel of land measuring approximately 90m by 42m and is situated to the south of Kirby Mills industrial estate. It was last in use as a scrap yard. It is bounded to the north by the existing Rack Systems factory, to the south by agricultural land, and to the east by the southern extent of Kirby Mills Lane. The land to the immediate west is the subject of a separate application for two industrial buildings. The nearest neighbour is Dove Farm which lies approximately 135m. The southern boundary of the site is formed by a hedge.

PROPOSAL:

Permission is sought for the erection of an industrial building together with associated officing, a new access off Dove Way, and parking. The building will have a footprint of approximately 34m by 64m, and a ridge height of 11.2m. It will be clad in Moorland Green, to match other buildings on the industrial estate. The entrance area will be constructed from brickwork. 27 parking spaces will be provided. The ridge height is approximately the same as the existing building, albeit with higher eaves.

POLICY:

Ryedale Plan - Local Plan Strategy

Policy SP1 - General Location of Development and Settlement Hierarchy
Policy SP6 - Delivery and Distributing of Employment Land and Premises
Policy SP10 - Physical Infrastructure
Policy SP13 - Landscapes
Policy SP16 - Design
Policy SP17 - Managing Air Quality, Land and Water Resources
Policy SP19 - Presumption in Favour of Sustainable Development
Policy SP20 - Generic Development Management Issues.

National Policy Guidance

National Planning Policy Framework
National Planning Policy Guidance

APPRAISAL:

In terms of the location of the site, part of the site lies within Flood Zone 2 , and part in Flood Zone 3.

It was allocated in the Ryedale Local Plan as an extension to the existing industrial estate. It was acknowledged at the time that the environmental improvements to the area would justify allocation of the site despite being included in the approximate extent of the area liable to flood. The site has not however been submitted through the production of the Local Plans Sites Document.

Material Considerations

- Appropriateness of location of site
- Flood Risk
- Design considerations
- neighbour impact
- highways
- Landscaping

Appropriateness of Location

The NPPF includes a presumption in favour of sustainable development. The three strands to sustainable development are economic, social and environmental. In terms of the economic role, the proposed building is to provide expansion space for Rack Systems who currently employ 50 people. The expansion is necessary for the business, and is likely to result in further jobs. The site was allocated in the Ryedale Local Plan 2002, as an extension to the existing industrial estate. It was acknowledged at the time that the environmental improvements to the area would justify allocation of the site, despite being included in the approximate extent of the area liable to flood.

The site has not however been submitted through the production of the Local Plans Sites Document. Part of the site lies within Flood Zone 2, and part in Flood Zone 3. The Environment Agency has objected to the application on the basis that the NPPG makes it clear that this type of development is not compatible with Flood Zone 3. Given the importance of the site for economic purposes, discussions are ongoing with the applicant and the Environment Agency. It is considered that there is potential to move the building to the west, which would ensure that it lies entirely within Flood Zone 2. The access will however remain in Flood Zone 3. If the Environment Agency remove their objection, mitigation will still be required. Members will be updated on the outcome of the ongoing discussions at their meeting.

Design and Landscape Considerations

The building is relatively large, and there is little room for any meaningful landscaping. Nevertheless, the design and proposed materials are broadly in line with existing buildings on the industrial estate, and in particular with the applicant's existing building to the immediate north. As such, it is considered that the design approach for the building itself is acceptable. In terms of landscaping, the building and parking spaces cover much of the application site. The applicants are unable to reduce

the footprint, due to the operational needs of the company. Indeed once the machinery is in place, there will be no 'spare' floorspace. It is considered that on the basis of the economic benefits of the expansion of the company, together with the relationship with existing the buildings, the lack of more extensive areas of landscaping is not sufficient to warrant refusing the application.

Nevertheless, the Council's Tree and Landscape Officer has visited the site, and has advised that:

The available planting area along the southern boundary varies in width being approximately 3m wide along the western half of this boundary and 2m wide along the eastern side. This boundary is currently formed by a overgrown native hedge containing numerous gaps. The individual shrubs that make up the hedge have recently been reduced in height to about 2m. It is therefore recommended that the gaps in the hedge are planted up with a double staggered row hawthorn at the rate of 6 plants/metre protected in individual plastic spirals and supported on a stout cane.

The available planting width along the eastern boundary is consistently 2m wide and therefore could only support a hawthorn hedge planting in accordance with the description above. However, if the building is to be constructed on a pad type foundation it may be possible to include a number of trees within the hedge trained as pleached specimen to provide a higher screen.

The applicant has confirmed his agreement to providing any landscaping required.

Neighbour Impact

The application has not resulted in any objections from any occupiers of surrounding industrial buildings. A letter of concern has however been received from the nearest residential property to the south. The dwelling is between 125m and 135m from the site depending on how the distance is measured. The occupiers have expressed concern regarding the view of the building, the removal of hedges and trees, security and noise. Right to a view is not a material consideration. It is acknowledged that the building will extend the industrial estate closer to their property. It is however separated by a further agricultural field. Whilst it is regrettable that more landscaping cannot be provided, the proposed additional planting in the southern boundary hedge will improve their outlook, and help to address the security issues raised.

In relation to noise, the Council's Environmental Health Officer visited the site with the case officer. It is accepted that there will always be some noise from industrial processes, and the existing building does not impose many restrictive conditions. However officers endeavoured to assess which parts of the industrial process created the noise currently heard on occasion by the neighbouring occupiers. The buzzing noise referred to is likely to be from the extraction to the powder coating plant. This will remain in the existing building, and the applicant has advised that they do not object to the imposition of a condition restricting the relocation of the unit to the new building. It is also considered that the new building could provide a buffer to restrict some of the noise from existing extraction plant. Another particular noise source is a machine that punches out holes in metal. Whilst this will be located in the proposed building, it is considered that better insulation associated with the construction of the new building will provide some mitigation. In addition, it is considered that any approval be conditioned to require a noise survey once the building and equipment is in place, with further mitigation where required.

Highways

It is considered that the proposed access to the building is acceptable in terms of its location and appearance. North Yorkshire Highways advised that the building size was below the threshold which would ordinarily trigger a requirement for a transport assessment. However, in this case they considered that a statement should be provided. The applicant provided further information in relation to buses operating in the area, and details of a cycle-to-work scheme. The formal comments of the Highway Authority are awaited, and Members will be updated at their meeting. However verbal discussions have indicated that there is no Highway objection to the proposed development.

Planning Balance

It is considered that the location of the site adjacent to the existing Kirby Mills industrial estate accords with the locational requirements of the Ryedale Plan - Local Plan Strategy in principle. It is also considered that neighbour concerns can be mitigated. Nevertheless, the location of the building on land that is partly within Flood Zone 3 has currently resulted in an objection from The Environment Agency. As stated earlier in the report, negotiations are on-going, to ascertain whether a revision to the location will enable the Environment Agency to remove their objection.

The recommendation is therefore one of approval subject to the resolution of flood risk considerations.

RECOMMENDATION: **Approval subject to resolution of flood risk considerations**

Background Papers:

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