

Item Number: 14
Application No: 16/01424/FUL
Parish: Rillington Parish Council
Appn. Type: Full Application
Applicant: Mr Stephen Hodgson
Proposal: Change of use of land and buildings to B1 (Business), B2 (General Industry) and B8 (Storage and Distribution) Uses and erection of fuel store, vehicle valet bay, disability toilet and site toilet (part retrospective application)
Location: Sledgate Garage Low Moor Lane Rillington Malton North Yorkshire YO17 8JU

Registration Date:
8/13 Wk Expiry Date: 14 April 2017
Overall Expiry Date: 4 October 2016
Case Officer: Helen Bloomer **Ext:** 328

CONSULTATIONS:

Parish Council	No views received to date
Highways North Yorkshire	Recommends condition
Environmental Health Officer	No views received to date
Network Rail	Request amended redline plan and conditions to be attached

Neighbour responses: Catherine Metham,

SITE:

The application site is located on the site of a former scrap yard and coal depot which is adjacent to the southern side of the railway line at Low Moor Lane Rillington approximately 700 metres to north of the built up area of the village. The access to the site is directly off Low Moor Lane to the south of Station House. The site is slightly irregular in shape with its longest side running adjacent to the main York to Scarborough railway line. The site varies in depth between 30 and 40 metres and contains a number of existing businesses. Several of these are the subject of the grant of earlier planning permissions which are detailed in the history section of this report below.

A row of eight terraced houses known as Railway Cottages are located to the north east of the site on the opposite side of the railway line. The cottages are approximately 70 metres away from the site at their nearest point.

PROPOSAL:

This application has been submitted in order to regularise those parts of the site which are not covered by the grant of earlier planning permissions or by the previous lawful use of the premises. The current application seeks permission for change of use of land and buildings to B1 business, B2 general industrial and B8 storage and distribution uses as well as the erection of a fuel store, vehicle valet bay and on site toilets part retrospective. Uses that are not currently covered by a permission include several external storage areas and a scaffolding business that is located at the eastern extremity of the site.

Arising from the consultation process it has become apparent that part of the application site remains in the ownership of Network Rail. Appropriate notice has been served on Network Rail and any final comments will be reported to Members either on the Late Pages or at Committee.

RELEVANT PLANNING HISTORY:

Change of use of scrap yard and coal depot to garage services including the repair, paint spraying and maintenance of motor vehicles, the standing and storage of motor vehicles awaiting inspection, repair or disposal, the dismantling of vehicles and sale of spare parts, the operation of a breakdown and recovery service , the sale of up to 50 vehicles a year and the erection of workshop Approved 30.10.1992

Erection of extension to workshop Approved 27.07.2004

Change of use of store to office and store Approved 11.02.2005

POLICY:

National Planning Policy

NPPF
NPPG

Local Planning Policy

Ryedale Plan - Local Plan Strategy

Policy SP 6 Delivery and Distribution of Employment Land

Policy SP 9 Land based Rural Economy

Policy SP 13 Landscapes

Policy SP 16 Design

Policy SP 20 Generic Development Management Issues

APPRAISAL:

The following matters are considered to be relevant to the consideration of this application:

Principle of the development;
Landscape impact;
Highway issues;
Residential amenity considerations;
Rail safety; and
Other matters

Principle of the development

The site has along established use for commercial activity previously associated with its use as a coal depot and formerly as a scrap yard. In more recent times activity associated with Sledgate Garage, the repair and recovery and sales of vehicles as taken place from the site which is well contained adjacent to the railway line . the site is set well back from the adjacent highway of Low Moor Lane and there is screening of most if the site from the adjacent railway line by earth banking.

The site has well defined boundaries and as existing contains a number of small scale businesses which are considered to be appropriate in their scale in this wider open countryside location. These businesses are considered to be relatively modest in their scale and in principle, given the previous commercial use of the site, there is considered to be no objection in principle to their retention and expansion subject to meeting the requirements of other policies listed below and the requirements of technical consultees.

Landscape impact

The site is located on the southern edge of the Vale of Pickering and is some kilometres to the north of the village. As mentioned above the site is well established locally in the landscape and benefits from well established boundaries. Some concern has been raised from one the residents of Station Cottages in relation to activities of the scaffold company located at the eastern end of the site. However these relate in the main to early morning hours of use and the impact of lighting on the site at hours of darkness which are visible above the top of the earth embankment. These amenity issues are discussed in more detail later in the report.

The site can only be seen at close quarters and it is not considered that there are any wider landscape impact issue arising from the development which mainly relates to change of use of land and buildings within the site. In these circumstances no objection is raised in relation to Policy SP 13.

Highway Considerations

NYCC Highways not the lawful use of the site associated with a 24 hour motor vehicle repair breakdown and recovery business. Subject to the parking spaces, turning areas and Access being kept available for their intended purpose no objection is raised on highway grounds. The highway considerations relating to Policy SP20 are considered to be satisfied if a condition is imposed as requested.

Residential Amenity Considerations

Whilst the site has a history of commercial use and benefits from the grant of planning permissions as listed earlier in this report it is necessary to consider the amenity impacts of the additional uses that comprise the current application and to assess their impacts in relation to adjacent residential properties. Aside from the entrance to the site itself the nearest residential properties are located on the opposite side of the railway line, around xx metres away. The site is relatively well screened along its northern boundary by an earth embankment. However the occupier of No.8 Station Cottages has raised an objection on grounds of noise and light pollution issues. The particular concern relates to early morning activity (sometimes as early as 6.30) and lighting and glare particularly in the winter months and hours of darkness. The concern appears to centre on the activity of the scaffolding business which is located at the eastern end of the site nearest to the dwellings in question.

The applicant's agent has submitted further information in relation to the range of activities on site and had suggested that the limitation of start times could address-mitigate the residential amenity concerns raised by the objector. The Councils Environmental Health Specialists have identified potential issues relating to noise because of the remote location of the site. Whilst the site is located next to a railway line that source of noise is intermittent and at early morning, early evenings and night time the ambient noise level is low. It has been recommended that start times are restricted to prevent activity on the scaffold yard site before eight am in the morning and after eight pm at night on week days. Weekend activity is proposed to be limited to eight am to one pm on Saturdays with no other weekend working permitted.

In terms of light pollution matters it is recommended that all light sources are cowled and/or screened to mitigate the impacts of glare from the site adversely impacting upon the residents of the adjacent Station Cottages. A condition is recommended if permission is granted to require the submission of a scheme within 1 month of the permission being issued with its implementation on site within a further month.

Subject to the imposition of appropriate conditions it is considered that the amenity impacts of the proposal are satisfactorily mitigated and the requirements of Policy SP20 are satisfied.

The objectors full response can be seen on the Council's website. Other concerns raised include highway matters and other potential future uses of the site and the fact that this is in part a retrospective application. The highway matters have already been addressed in this report above. Any future uses that require further planning permission would be assessed on their merits at the time. The fact that this is a partly retrospective application is not material to the consideration of the application.

Railway Safety Matters

Network Rail have responded and whilst raising no objection in principle to this type of development at this location currently are unable to support the application because they believe part of the application site is still owned by themselves and not the applicant. Members will be aware that an ownership issue is not necessarily a matter to concern the Local Planning Authority provided that the correct ownership certificates have been submitted and notice served on the owner. This has now been done and the further comments of Network Rail are awaited.

Network Rail have made a number of observations relating to surface water disposal, location of 'fail safe' activities, safety procedures in the vicinity of the crossing, and observation in relation to no further encroachment and maintenance of existing access to railway owned land.

Other issues

The Parish Council have not made any response to the consultation on this application.

Recommendation

Approval subject to the following conditions and the outstanding comments of Network Rail.

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 Hours of limitation on operation of scaffolding business to be limited to 8am to 8pm Mondays to Fridays; 8am - 1pm Saturdays and No Sunday working.

3 Scheme of lighting to be submitted within 1 month of the decision and implementation within one further month. No other lighting on site unless otherwise agreed with the Local Planning Authority. Use to cease if details not submitted and agreed within the prescribed timescales.

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

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