

**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**

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**Item Number:** 7  
**Application No:** 17/00636/MFUL  
**Parish:** Amotherby Parish Council  
**Appn. Type:** Full Application Major  
**Applicant:** Mandale Homes North Ltd  
**Proposal:** Erection of 12 no. three bedroom dwellings and 3 no. two bedroom dwellings with parking and amenity areas on land occupied by former petrol station  
**Location:** Malton Road Garage Amotherby Malton North Yorkshire YO17 6TG  
**Registration Date:** 26 June 2017  
**8/13 Wk Expiry Date:** 25 September 2017  
**Overall Expiry Date:** 18 October 2017  
**Case Officer:** Alan Hunter **Ext:** Ext 276

**CONSULTATIONS:**

<b>Yorkshire Water Land Use Planning</b>	Recommendations
<b>Environmental Health Officer</b>	Object
<b>Sustainable Places Team (Yorkshire Area)</b>	Recommendations
<b>Highways North Yorkshire</b>	Recommend conditions
<b>Parish Council</b>	Objection
<b>Lead Local Flood Authority</b>	Views awaited
<b>Countryside Officer</b>	Objection
<b>Housing Services</b>	Recommend Conditions

**Neighbour responses:** Ms Rachel Thackrah, Mr Michael Brown, Miss Sara bath, Miss Elisabeth Arridge, Walton & CO, Mr John Campbell Ricketts, Mr Gyles Parkin, Miss Natasha Pearse, Miss Elisabeth Arridge, Mr David Brown,

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**SITE:**

The application site comprises a former garage and associated buildings. It is located on Malton Road Amotherby, a classified Road (B1257). Opposite the site are established dwellings, with detached dwellings along Malton Road to the west of the site frontage. Along the eastern boundary is the access road for Malton Foods, which also extends across the rear boundary of the site. The Malton Foods site is a designated Employment Site. The application site is also located within the development limits of Amotherby. The rear side of the site includes a very steep slope estimated to be between 4-5m in height with a fence on the higher side. There are unused buildings along the frontage of the site and to the rear. The application site is located within the development limits of Amotherby, the frontage of the site measures 30m in width and the rear part is 66m at its widest, the site is 66m in depth at its greatest.

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**PLANNING COMMITTEE**

**19 December 2017**

## **PROPOSAL:**

Planning permission is sought for the erection of 15 dwellings comprising:

- 2 no terraces of 3no. dwellings (one Type A and one Type C);
- 4 pairs of semi-detached dwellings (2 Type A and 2 Type B); and
- 1 detached dwellings (Type B).

The Type A properties approximately measure 8.3m in depth by 5.9m in width and 4.9m to the eaves height and 8.1m to the ridge height.

The Type B properties approximately measure 9.6m in depth and 5.5m in width and 4.8m to the eaves height and 8.5m to the ridge height.

The Type C properties approximately measure 4.75m in width by 8.3m in depth and 5m to the eaves and 7.9m to the ridge height.

It is proposed to construct the dwellings of facing brick under a clay pantile roof with UPVC windows.

The layout plan shows the demolition of the existing workshop buildings on site and the erection of a terrace of 3 dwellings on the site frontage with an access road to the west. A pair of semi-detached dwellings are proposed to be located adjacent to the eastern boundary with 3 pairs of semi-detached properties against the rear (southern) boundary and a terrace of 3 dwellings and a detached property against the western boundary. The access road into the site is to be built to an adoptable standard and includes a turning head and 6 no. visitor parking spaces. All the proposed dwellings have 2 no parking spaces each to their front elevations, including the 3no terraced properties that front directly onto the B1257. The private parking and turning areas for the dwellings are proposed to be constructed from permeable block paving. The proposal includes a substantial amount of excavation into the earth bank on the southern side and the insertion of a brick retaining wall up to 4m in height, along the southern boundary. Finally the proposal includes the removal of the majority of all the trees and landscaping on the site.

The following documents have been submitted with the application and are available to view online:

- Planning Statement
- Design and Access Statement
- Tree Survey and Arboriculture Impact Assessment
- Phase 1 Ground condition report\* Ecological Survey
- Noise Assessment

## **HISTORY:**

2003: Outline planning application for residential development refused 2006 – Dismissed on appeal 2007.

1993: Advertisement Consent granted for signage for the garage.

1989: Planning permission granted for the erection of an extension to a garage.

## **POLICY:**

### National Policy

National Planning Policy Framework (NPPF) 2012

National Planning Policy Guidance (NPPG) 2014

### Local Plan Strategy

Policy SP1 – General Location of Development and Settlement Hierarchy

Policy SP2 – Delivery and Distribution of New Housing

Policy SP3 – Affordable Housing

Policy SP4 – Type and Mix of New Housing

Policy SP6 – Delivery and Distribution of Employment Land and Premises

Policy SP11 – Community Facilities and Services

Policy SP13 – Landscapes

Policy SP14 – Biodiversity

Policy SP15 – Green Infrastructure Networks

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

Policy SP22 – Planning Obligations Developer Contributions and Community Infrastructure Levy

### Ryedale Local Plan 2002

Policy EMP7 – Allocations for the expansion of existing major employers

### **APPRAISAL:**

The main considerations in relation to this application are:

1. The principle of the proposed development;
2. The siting, scale, design and materials of the proposed development and its impact upon the character and appearance of the area;
3. Whether the proposed development can have a satisfactory level of residential amenity;
4. The impact of the proposal upon the operations at Malton Foods;
5. The impact of the scheme upon the amenity of the adjoining occupiers;
6. Highway safety;
7. Contamination;
8. The impact of the scheme upon trees;
9. Ecology;
10. Affordable Housing;
11. Developer contributions; and,
12. Drainage

This application is a ‘major application’ and is required to be determined by Planning Committee.

### The principle of the proposed development

The site contains 2no. redundant garage workshops. There is no objection to the demolition of these workshops. The site is regarded as a Brownfield site, it is in a poor condition and an appropriate development of the site could be beneficial to the visual amenity of the area. Whilst the site is located within the development limits of Amotherby (a designated ‘Service Village’ within the Local Plan Strategy) the development of this site for residential development has previously been refused planning permission and dismissed on appeal. This was because of the noise implications from the adjoining factory site and the sub-standard level of residential amenity. The dismissed scheme was an Outline Application, a layout plan was submitted that featured 4 dwellings along the frontage with a ‘U’ shaped building behind, to try and mitigate the factory noise. In dismissing the Appeal the Inspector acknowledged the benefits associated with developing this previously developed site and extinguishing the current use. He also noted:

‘.I find the proximity of the food processing operations would be very likely to render the site unsuitable for residential development.’

Against this background, the principle of residential development on this site is highly questionable.

The siting, scale, design and materials of the proposed development and its impact upon the character and appearance of the area

Policy SP16 of the Local Plan Strategy states:

*‘Development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which:*

- Reinforce local distinctiveness*
- Provide a well-connected public realm which is accessible and usable by all, safe and easily navigated*
- Protect amenity and promote well-being*

*To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings including:*

- Topography and landform that shape the form and structure of settlements in the landscape*
- The structure of towns and villages formed by street patterns, routes, public spaces, rivers and becks. The medieval street patterns and historic cores of Malton, Pickering, Kirkbymoorside and Helmsley are of particular significance and medieval two row villages with back lanes are typical in Ryedale*
- The grain of the settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings*
- The character and appearance of open space and green spaces including existing Visually Important Undeveloped Areas (VIUAs) or further*

*VIUAs which may be designated in the Local Plan Sites Document or in a Neighbourhood Plan. Development proposals on land designated as a VIUA will only be permitted where the benefits of the development proposed significantly outweigh the loss or damage to the character of the settlement*

- Views, vistas and skylines that are provided and framed by the above and/or influenced by the position of key historic or landmark buildings and structures*
- The type, texture and colour of materials, quality and type of building techniques and elements of architectural detail*

*The design of new development will also be expected to:*

- Incorporate appropriate hard and soft landscaping features to enhance the setting of the development and/or space*
- Contribute to a safe and well connected public realm by respecting and incorporating routes, buildings and views which create local identity and assist orientation and wayfinding; creating public spaces which are safe and easy to use and move through by all members of the community; facilitating access by sustainable modes of travel including public transport, cycling and walking*
- Reduce crime and the fear of crime through the careful design of buildings and spaces*
- Provide, where appropriate, active and interesting public frontages, clearly defined public spaces and secure private spaces’*

*· Make efficient use of land and to be built at a density which is appropriate to its surrounding context. In general new housing development should not be built below an indicative density of 30 dwellings to the hectare unless this can be justified in terms of the surrounding context'*

The proposed scheme features a terrace of 3 dwellings along the frontage with a new access adjacent to Bentley House to the west of the terrace of dwellings. A pair of semi-detached properties are proposed against the eastern boundary, with 3 pairs of semi-detached properties against the rear (southern) boundary, and a terrace of 3 properties and one detached property to the western side. In order to accommodate the quantum of development proposed the 4-5m high bank at the rear of the site is proposed to be excavated to the boundary and a series of retaining walls are proposed along the southern boundary up to 4m in height. At the top of the retaining wall is an existing fence approximately 1.5m high. The majority of the existing planting on this part of the site will be removed affording clear views of the factory site at this elevated level.

The individual design of the proposed dwellings nearby can be regarded as suburban in their form, however the surrounding locality is far from suburban being the edge of rural village with an establish low- medium density character. The surrounding area comprises mainly detached dwellings on the southern side of the B1257, with a crescent of post war semi-detached properties opposite the site. However, the site is considered to be more closely designed with the properties immediately adjoining the site. The scheme proposed is considered to provide a cramped layout, at odds with the character and form of the immediate properties, comprising mainly detached dwellings set within relatively large plots. Moreover, this particular area helps frame the setting of the Howardian Hills Area of Outstanding Natural Beauty. The size of the plots and garden areas is also considered to be out of character with the immediate properties in the locality.

The proposed frontage parking arrangements for each dwelling is considered to provide a very car dominated environment, again at odds with this rural character. It is, essentially, an urban form of development maximising the development space, and not respecting the rural form and character.

The loss of the on-site landscaping will also open views of the factory at the rear of the site and detract from the visual amenity of the area. For these reasons the design, scale, density, layout and loss of planting is considered to be contrary to the requirements of Policies SP16 and SP20 of the Local Plan Strategy.

Whether the proposed development can have a satisfactory level of residential amenity;

There are three main concerns in respect of this criteria;

- Noise and disturbance from the Malton Foods site;
- Traffic noise from the B1257;
- The steep sided rear bank and close proximity of the proposed dwellings

Within the Malton foods site it is noted that there are four shipping containers understood to contain air conditioning units and plant immediate to the south of the site, along with buildings containing refrigerated stores. It was clear from the site inspection that fork lift trucks work in this area to take and remove products from the refrigerated stores. Along the eastern boundary there are redundant office buildings, with the access to the factory side also to the eastern side.

Policy SP20 of the Local Plan Strategy states:

*'New development will 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 its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.'*

*Developers will be expected to apply the highest standards outlined in the World Health Organisation, British Standards and wider international and national standards relating to noise.*

*New development proposals which will result in an unacceptable risk to human life, health and safety or unacceptable risk to property will be resisted. Developers will be expected to address the risks/potential risks posed by contamination and/or unstable land in accordance with recognised national and international standards and guidance.*

*All sensitive receptors will be protected from land and other contamination. Developers will be expected to assess.'*

The agent has submitted a Noise Assessment to try and demonstrate that the proposed dwellings have a satisfactory level of residential amenity. In addition, representatives of Malton Foods have also submitted their own Noise Assessment which disputes much of the information contained within the Noise Assessment submitted by the agent. The Noise Assessment and additional information submitted in this respect has been shared with all parties and the Council's Environmental Health Specialists.

Ultimately, the Local Planning Authority and Environmental Health Specialists are seeking to ensure that the appropriate noise standards applied to all residential development are met. These standards have recently been tested on appeal elsewhere in the district and have been upheld. They reflect the highest standards of the WHO Guidance and require outdoor private amenity areas to not have noise levels above 50dB; habitable rooms to not exceed 35dB during the day and bedrooms between 11pm-7am to be able to not exceed 30dB with windows at least partially opened.

The Council's Environmental Health Specialists have considered all the information submitted and concluded:

*'Further to the response from BWB consulting following my comments to the above planning application. For the avoidance of doubt I should like to make the following observations.*

*Policy SP20 of Ryedale's LPS which was adopted in September 2013 states that new development will not have a material adverse impact on the amenity of present or future occupants. Impacts on amenity include noise. It goes on to state that developers will be expected to apply the highest standards outlined in the WHO, British standards and wider internal and national standards relating to noise. Ryedale District Council has consistently taken the approach that permissible noise levels are to be achieved with partially open windows. This position is supported by Appeal Decision 3158779. The Noise Assessment submitted as part of this application predicts internal noise levels which do not meet Ryedale's criteria and as such are considered unreasonable. Acoustic ventilators would not resolve this concern.*

*Taking all matters into account I find that the proximity of the food processing operations and the B1257 road would be very likely to render the site unsuitable for residential development. The noise likely to be emitted would almost certainly be sufficient to engender noise nuisance complaints from prospective occupants.'*

It should be noted that this scheme proposes dwellings along the southern boundary between 1m and 9m from the top of the raised bank. These are conventional two-storey dwellings with bedroom windows backing onto the factory site. The previous dismissed scheme featured 4 no. detached properties along the frontage and a 'U' shaped building behind. That 'U' shaped building was designed to act as an acoustic screen and was to have triple glazed windows. It was also between 19m and 16m from the southern boundary position, a much greater separation than in this case. The Inspector noted in regard to that scheme:

*'The suggestion that 'U' shaped block positioned toward the southern boundary might serve as a noise barrier seems to me to be inappropriate. First, I have some doubts about its potential effectiveness*

*because the Westler site lies some 4-5m above the appeal site and because low frequency emissions cause added difficulties. Second, I think that in order to achieve the degree of noise reduction required, the block would have to present almost a blank façade toward the factory or include mechanically ventilated rooms with non-openable windows on its southern elevation. Such a structure and such living conditions would not accord with what might reasonably be expected in a rural location such as this. Third, the actual position of the mooted 'block' and its 'U' shaped configuration would be an incongruous addition to the ribbon development here and quite alien to the rural character of the village.'*

In summary, it is considered that the proposed development cannot achieve the noise standard advocated either internally in a satisfactory manner or in all external areas consistent with the requirements of Policy SP20, and decisions taken on appeal.

Officers also have significant concerns at the close proximity of the proposed development to the rear boundary and the steep excavated outer sides. It is considered that this will be an oppressive feature and would promote a poor outlook for those residents directly adjoining the steep sides. Furthermore, it is unclear if this feature can be undertaken. If this application were to be supported, additional work would be required regarding the stability of the land and the suitability of the proposed retaining walls.

The proposed retaining wall and the very close associated activity and movements from the factory, together with the operation of the air conditioning and plant operations directly adjoining the site, are not considered to ensure a satisfactory level of residential amenity for occupiers of the proposed dwellings.

#### The impact of the proposal upon the operations at Malton Foods

When considering development proposals, Para. 7 of NPPF advises Local Planning Authorities:

*'7. There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:*

*an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*

*a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*

*an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.'*

Para's 18 and 19 sets out in more detail Government's commitment to protecting economic development activity:

*'18. The Government is committed to securing economic growth in order to*

*create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.*

*19. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to*

*sustainable growth.*

*Therefore significant weight should be placed on the need to support economic growth through the planning system.'*

The economic role of existing businesses and their allocations play a crucial role in delivering sustainable development. This can be applied to the current situation with Malton Foods, a large employer with 180 employees, located immediately to the southern side of the application site. The business is concerned with food processing. The above section details the objection from Malton Foods and the ability of the two uses to coexist. The letter of objection submitted by their representative includes the following information:

*'This application is more densely developed and the residential units are shown to be even closer to the factory boundary. It cannot be logical that such a proposal can be granted having regard to the previous refusal by the Council as upheld by the Inspector.*

*Since the Inspector's decision, Westler Foods who managed the factory at that time have been taken over by Zwanenberg Food Group BV who have invested heavily and further expansion plans. The factory now employs over 180 people and has prestigious contracts with the likes of Marks & Spencers, Tesco and Aldi etc. It is the second largest employer in Ryedale and it can be beyond doubt that any development which prejudiced or hinders such development policies EMP7, SP6 and SP20*

*Noise levels at the factory will, if anything have increased since the last decision by reason of the expansion of the factory operations. In addition, the latest articulated lorries which visit the site all utilise significantly brighter head lamps. Deliveries take place on a 24/7 basis and often in the early morning including Saturdays. The lights from these lorries will certainly impact upon the bedroom level accommodation in the proposed properties. In addition, the factory's new fork lift trucks which have high level head lights are used to access the freezers. When in and out of the freezers lights from the fork lift trucks will shine directly at the back of the houses.*

*The residential amenity of these properties will therefore be more than ever likely to be affected by the factory operations and it is likely to prompt complaints from these householders. I note in passing that complaints from a householder further away from the current proposed development has recently been received.'*

The proposed scheme is a more dense form of development than originally dismissed on appeal. These properties as potential receptors of noise and disturbance are significantly less protected, though the design of the scheme, than those of the previously dismissed scheme. There are comments within the objection letters noting the current noise and disturbance for existing properties, that are located a greater distance from the factory site than the proposed dwellings. Policy EMP7 of the RLP contains the provision for the expansion of the factory site on land to the south, thereby creating a greater potential impact in the longer-term. In view of the objections raised from Malton Foods, local residents and the likelihood of complaints by Environmental Health Specialists it is considered that the propose use has a real risk of undermining the business operations at Malton Foods and prejudicing the local economy. The development of this site as proposed is therefore considered to be in conflict with NPPF and the adopted development plan.

#### The impact of the scheme upon the amenity of the adjoining occupiers

Glenmore, Glencoe and Bentley House are located to the north of the 'inner' proposed dwellings with a trackway along the western boundary. There is a minimum separation distance of 16m from Plot 15 (the closest plot) and Glencoe. This is however, a rear elevation - gable relationship, and not a back-to-back relationship. It is considered that the proposed scheme will not have an adverse effect upon the amenities of the surrounding properties in terms of potential overlooking, loss of day lighting or sun lighting, or noise and disturbance.



### Highway safety;

The proposal includes a new access onto the B1257 with access for 2 private drives also onto the B1257. The site is located within the 40mph restricted speed area. Two parking spaces for each dwelling and 6 no. visitor car parking spaces are proposed. A pedestrian footpath is proposed along the frontage of the site. The Highway Authority has considered the proposal and recommended conditions. One of these conditions requires a new footpath across the site frontage, the adjacent factory access and up to the Hovingham –bound bus stop to the bus stop on the southern side of the B1257. It has been discussed with the Highway Authority about a pedestrian crossing point and refuge island, but due to the width of the road the size of local agricultural traffic it is not feasible to provide such a facility in the opinion of local Highway Authority Officers.

### Contamination;

The site's former use as a commercial garage and filling station means there is a strong likelihood of potential contamination. A Phase 1 Contaminated Land Report has been submitted and considered by the Environmental Health Specialist. The recommendations of the Phase 1 Report are accepted and a further Phase 2 Report is required. Detailed planning conditions are recommended by Environmental Health Specialists in respect of potential contamination if permission is granted.

### The impact of the scheme upon trees

The site contains many trees, particularly at the rear of the site at the rear of the site. The proposal is to clear the vast majority of the trees on the site, particularly the established wooded area at the rear of the site. A Tree Survey and Arboricultural Impact Assessment has been submitted, and identified significant negative impacts by the removal of the trees. These trees form an effective screen of the factory buildings and structures to the south. Furthermore the wider area of the site to the south, south west and south east is located within the Howardian Hills Area of Outstanding Natural Beauty (AONB). Policy SP16 of the Local Plan Strategy (quoted above) requires new development to reinforce local distinctiveness of existing areas. Policy SP20 seeks to ensure new development respects the character and context of the immediate locality and the wider landscape /townscape character. The presence of the trees on the site forms a strong element of the rural character of this site. The Countryside Management Specialist has stated:

*'The Tree report (Dendra 29/11/17) states that the development as set out in this application will lead to a major negative impact at a site level due to the removal of 95% of the trees from the site. Visual amenity of the area, particularly when viewed from the north along the B1257, will be impacted as the removal of all the tree along the southern boundary of the site will open up clear views of the factory to the south which is 3 to 4m higher than the proposed development area.*

*Many of the trees to be removed are of at least moderate quality and effectively form a woodland group along the southern bankside which upgrades their importance and value, they are healthy and for the most part without significant faults so there is no reason to assume that these trees have anything other than a life span of greater than 40 years. Any tree which remain at the top of the bank within the ownership of the neighbours will always be under pressure from residents of the new houses due the effects of shading, leaf fall and perceived hazard and their close proximity.*

*No mitigation in the form of tree replacement or landscaping is proposed.*

*I therefore **object** to this proposed development on the grounds of the loss of visual amenity and impact on the wider landscape'*

In view of the above loss of trees, and the absence of any suitable replacement planting, together with the consequent visual impact of the development and views of the factory site the proposal is considered to be contrary to the requirements of Policy SP16, and SP20 of the Local Plan Strategy.

## Ecology

An Ecological Survey has also been submitted and considered by the Countryside Management Specialist. The survey has not identified any direct implications for protected species to be significant. A condition is recommended if permission is granted to ensure the Method Statement within the Ecology Survey is followed to ensure precautions are taken to protect any bats that may be on site. An informative is recommended in respect of birds.

## Affordable Housing

Policy SP3 of the Local Plan Strategy has a requirement for 35% on-site Affordable Housing. NPPG allows a Vacant Building Credit to be used for existing buildings on the site. The Council's Housing Officer has calculated a requirement of 3.34 dwellings is required taking into account the Vacant Building Credit. This has resulted in 3 no. on-site dwellings and an off-site contribution calculated to be £28,327 for the remaining amount. If this application is to be approved a S106 legal agreement will be required to ensure this provision is delivered. In view of the Affordable Housing contribution, Delivery and Frontline Services Officers support this application from their perspective.

## Developer contributions:

The market housing would be chargeable to CIL at £85m2, if approved.

## Drainage

The proposal is to drain foul water into the mains and surface water via soakaways.

Yorkshire Water has no objections to the proposal to drain foul water to the mains subject to conditions. Three soakaways are proposed within the private parking areas to drain all surface water from the site. These details have been forwarded to the Lead Local Flood Authority for their views. It should be noted that this information was submitted late in the process. Members will therefore be updated at the meeting. If this information is acceptable in principle there are likely to be issues relating to the future maintenance and management of these soakaways. Drainage gullies are proposed within the road to be adopted.

## Other issues

The Parish Council has objected to the application for the following reasons:

- They question whether it is possible to build up to the back of the site;
- That the layout is too dense;
- The overshadowing by the bank;
- The size and scale of the new dwellings are out of character with the surrounding houses;
- The scheme does not reflect local vernacular; and,
- Noise from the factory.

There have also been 9 letters of objection. Two of these responses are from Malton Foods and their representative, they have been discussed in the report above. The other issues raised are:

- The design and style of the housing proposed is out of keeping with the area;
- Noise from the development;
- Further traffic in the village;
- The density if the development;
- Concern at the type of people the houses may encourage;
- Contamination at the site, particularly asbestos;
- Stability of the bank;

- Ecology;
- Loss of trees;
- Lack of public transport
- Cramped layout;
- Boundary issues;
- The cumulative total of this site and site opposite is 35 dwellings for Amotherby which is too much for the village;
- Factory noise; and,
- Pedestrian crossing points on the B1257;
- That factory noise can start before 6am

The majority of the issues raised have been assessed above. The comment about the persons who might occupy the proposed housing is not a relevant material planning consideration. The stability of the rear earth bank is a significant concern, and the stability of this is essential. If the application were to be considered favourably as a whole, additional work in this respect would need to be conditioned. It is noted that Amotherby does have public transport links, a School, a Public House, two Employment Sites, and a Public House and restaurant. It is, along with Swinton, a 'Service Village within the adopted Local Plan Strategy. It is considered to be a settlement that is capable of accommodating some new residential development.

Whilst there are some benefits associated with the development of this site identified in this report, it is considered that these benefits are not sufficient to overcome the other significant harm identified in the above assessment. In view of the above assessment, this application cannot be supported and is recommended for refusal.

#### **RECOMMENDATION:                      Refusal**

- 1        The proposed residential development is not considered to provide for a satisfactory level of residential amenity. This is because of its close proximity to Malton Foods immediately to the south, a designated employment site, and the B1257 to the north. The consequential noise and disturbance from machinery, plant, equipment and activity from Malton Foods and from road traffic noise is considered to be incompatible with the proposed residential development. This will mean that occupiers of the proposed dwellings will be unable to open windows for natural ventilation without experiencing excessive noise levels or use their private gardens without being subject to unacceptable noise levels. The proposed development is thereby contrary to the requirements of Policy SP20 of the Local Plan Strategy.
- 2        The close proximity of Plots 6 - 13 to the steep bank to the southern side and proposed retaining wall is not considered to provide for a satisfactory level of amenity and would result in an oppressive outlook for those properties. The proposal is therefore considered to be contrary to the requirements of Policy SP20 of the Local Plan Strategy.
- 3        The proposed residential scheme by virtue of the number of dwellings proposed; their design and mix; cramped layout; the location of parking areas; and the loss of existing landscaping; is not considered to reinforce local distinctiveness and is considered to be detrimental to the character and appearance of the area. The proposal is therefore considered to be contrary to the requirements of Policy SP16 and SP20 of the Local Plan Strategy.
- 4        The development of this site for 15 dwellings immediately adjoining the allocated employment site would be likely to prejudice the long-term operations on this employment site by giving rise to complaints about their operations and activity at the site by virtue of the close relationship between this site and the allocated employment site. The proposal is therefore considered to be contrary to Para. 7, 18 and 19 of NPPF Policy SP20 and risks the future exposure of the business in accordance with 'saved' Policy EMP7 of the Ryedale Local Plan.