

Item Number: 7
Application No: 17/00994/FUL
Parish: Barton-le-Willows Parish
Appn. Type: Full Application
Applicant: Mr Thomas Coe
Proposal: Removal of asbestos cladding from existing building and replacement with steel cladding, change of use from storage to industrial as a catering preparation kitchen and temporary siting of a portable building for 3 years to be used as a catering preparation kitchen
Location: Brickyard Outbuilding Barton Hill Malton
Registration Date: 25 August 2017
8/13 Wk Expiry Date: 20 October 2017
Overall Expiry Date: 21 March 2018
Case Officer: Niamh Bonner **Ext:** Ext 325

CONSULTATIONS:

Yorkshire Water Land Use Planning	No response received
Parish Council	No objections
Highways North Yorkshire	Condition recommended
Highways England	No Objection
Environmental Health Officer	Concerns Raised

Neighbour responses: Mr Simon Thew, Eileen & Michel Wrenn, M.B. & J Allenby, Mr David Pulleyn,

SITE:

The application site relates to a section of the former brickworks at Barton Hill, a small hamlet in close proximity to the A64, which runs to the north. Barton Hill, as a hamlet does not have development limits and so the application site falls within the wider open countryside on a brownfield land site. The Design and Access Statement notes the area within which the application site is located is a former haulage yard and has been used in conjunction with this for over 30 years.

PROPOSAL:

The proposal seeks permission for the removal of asbestos cladding from existing building and replacement with steel cladding, change of use from storage to industrial as a catering preparation kitchen and temporary siting of a portable building for 3 years to be used as a catering preparation kitchen

The application site is known as the Brickyard and has a site history of a brickworks and haulage yard. Access is gained by a laneway from the centre of the hamlet.

HISTORY:

There is no relevant planning history at the application site.

POLICY:

National Planning Policy Framework in Paragraph 28 notes that 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 the conversion of existing buildings and well-designed new buildings
- Promote the development and diversification of agricultural and other land based rural businesses

In Paragraph 123 the National Planning Policy Framework notes “Planning policies and decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development
- Mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, through the use of conditions.
- Recognise that development will often create some noise and existing businesses and wanted to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

Policy SP6 Delivery and Distribution of Employment/Industrial Land and Premises noted that in the Wider Open Countryside, New land and buildings for employment will be supported from the following source:

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

- They are required in that location and no other suitable sites are available in the locality
- They can be satisfactorily accommodated on the highway network and will not lead to significant adverse highway impacts
- They do not adversely affect the amenity of neighbouring occupants of the site in line with policy SP20
- They can be satisfactorily accommodated in the surrounding landscape in line with Policies SP13 and SP16
- The economic benefits to the District outweigh any adverse impacts

Policy SP16 Design notes that 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:

- Appropriate materials and traditional construction methods and techniques are used.
- Topography and landforms

Policy SP20 Generic Development Management Issues notes the following:

Character

New development will respect the character and context of the immediate locality and the wider landscape/townscape character in terms of physical features and the type and variety of existing uses.

Proposed uses and activity will be compatible with the existing ambience of the immediate locality and the surrounding area and with neighbouring land uses and would not prejudice the continued operation of existing neighbouring land uses. The cumulative impact of new development on the character of an area will also be considered

Design

The design of new development will follow the principles established in Policy SP16. Extensions or alterations to existing buildings will be appropriate and sympathetic to the character and appearance of the existing building in terms of scale, form, and use of materials

Amenity and Safety

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.

All sensitive receptors will be protected from land and other contamination. Developers will be expected to assess the risks/ potential risks posed by contamination in accordance with recognised national and international standards and guidance

Access, Parking and Servicing

Access to and movement within the site by vehicles, cycles and pedestrians would not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists. Information will be required in terms of the positioning and treatment of accesses and circulation routes, including how these relate to surrounding footpaths and roads. Access into and within buildings will be expected to be of a standard that allows all to access the building unimpeded

Development will be expected to comply with the relevant standards in place at the time a planning application is made to the Local Planning Authority.

APPRAISAL:

The key considerations in assessing this application are;

- i) The Principle of Development
- ii) Character and Appearance
- iii) Impact upon Amenity
- iv) Impact upon Access and Highway Safety
- v) Other Matters Including Consultation Responses.

i) Principle of Development

Planning permission is sought for the removal of asbestos cladding from existing building and replacement with steel cladding, change of use from storage to industrial as a catering preparation kitchen and temporary siting of a portable building for 3 years to be used as a catering preparation kitchen that would adjoin the existing building along the western elevation.

The Design and Access Statement submitted in support of this application noted that Mr Coe has worked in Ryedale for over three years as a private chef. He intends to expand to catering, producing up

to 100 covers per week. The work to be carried out on the site will include the preparation of food to be taken to events elsewhere. The submitted information indicates that this would facilitate the employment of at least two staff members on site, with the potential for up to five members of staff. The proposed working hours are 8am to 5pm Monday to Saturday.

It is considered that a development of this type could be acceptable in principle in this location, is it is considered to be acceptable in terms of neighbouring amenity, access and parking, amongst the other considerations outlined in the policy considerations above.

The site itself is located adjoining a neighbouring residential property, The Cottage at a distance of c17 metres from the nearest part of the temporary building, but at a distance of c1.5 metres from the land in the neighbour's ownership. What appears to be residential domestic curtilage of this neighbouring property would be within c6 metres of the temporary building. It is acknowledged that when the adjoining residential dwellings were built, they were originally intended to house workers associated with the brickworks. However, now that the previous industrial uses, including a transport company run from the site appear to have ceased, the nearby residential dwellings enjoy a relatively peaceful location.

Given the concerns in relation to neighbouring amenity which have been negotiated with the applicant throughout the processing of the application (which will be more fully discussed in section iii) it is not considered that this development meets the requirements that would render it acceptable in principle.

Confirmation upon whether other areas within the brickworks site could be used as an alternative was requested, as they would be at a greater distance from the residential properties. Within an email dated 17th December 2017 the applicant confirmed that it would not be possible to use any other areas on site.

ii) Character and appearance

The existing building spans 19.8m in length x 6m in depth and is constructed from corrugated materials, with a curved pitched roof, which appears in a poor state of repair. Given the falling land levels to the east of the site, the overall height ranges from between 3.5m and 3.9m. This would be completed with box profile steel sheeting and box profile wall cladding, both in Merlin Grey and the windows would be replaced with UPVc windows.

The proposed prefabricated temporary building would span 9.7m in length by 3m in width. The Design and Access Statement noted that the portable building is to be used whilst the renovation of the existing building is underway.

The submitted plans indicate that screening would be erected along the northern boundary of the site, in order to screen the development from the neighbouring dwelling, no. 2 Brickyard Cottage.

It is considered that currently, the application building is in a poor state of repair and it is acknowledged that the proposed redevelopment would improve the general appearance and would not be dissimilar in terms of scale. It is however considered that the temporary building would add a significant addition to the application site, in close proximity to a neighbouring dwelling. However it is acknowledged that permission is not being sought for this element as a permanent addition to the site and this could be controlled by a time limiting planning condition.

Revised plans were submitted during the lifetime of this development as a result of concerns raised in relation to protection of neighbouring amenity. The most recent plans indicate that the temporary building would incorporate a new extraction discharge and intake system on the southern elevation and that the permanent building would have a discharge stack, also on the southern elevation, which would rise beyond the ridge height of the building. In this instance this is considered acceptable should it appropriately mitigate the effects which could otherwise be experienced in terms of odour by neighbouring residents. Therefore on balance, it is considered that this would not result in significant harm to the character or appearance of the site as it is located within an existing area of industrial style buildings.

ii) Impact upon Amenity

The nature of the proposed development has required careful consideration of amenity, which could be impacted by a development of this use class.

Within the original Design and Access Statement, the applicant has paid regard to the proposed potential impacts of the development through the submission of a risk assessment based on DEFRA guidance. It is noted that this guidance was removed by the government on the 15th September 2017, but is a useful guide to use in the absence of any other guidance the Council's Environmental Health Team confirm this.

This risk assessment resulted in a rating of a "low to medium" risk being identified.

A consultation response was received from the Environmental Health Officer on the 25th September, who had concerns in relation to the proposal. It was noted *"The above application may give rise to a potential nuisance regarding odour and noise from the extract system affecting nearby residential properties. Therefore, I would recommend suitable mitigation measures in the construction of the extract system be included to mitigate any potential issues."*

The applicant was contacted to provide additional information with regard to the foul waste supply, including the capacity and location of the tank, the means and methods of extraction of the temporary building and position of the cooking units within both areas.

Information was provided on the septic tank, which was confirmed as independent to the application site. The temporary kitchen would have an extraction unit fitted with fine grease filtration filters followed by carbon panels. Plans for the portable cabin were also submitted indicating a discharge stack.

Following a telephone call with the applicant on 16th October 2017, an email was received on the 18th October 2017 to note that a range of higher specification equipment would be installed at the site, in both the temporary kitchen and permanent building, in the form of an 'Ozocube.'

Following review of all submitted information, the Environmental Health Officer was reconsulted with regard to the methods of extraction for the temporary building and the kitchen. The Case Officer and the Environmental Health Officer reviewed the methodology of risk assessment and found that the position of the nearest residential building and domestic curtilage would mean the risk assessment of the proposed use would raise the risk to high, rather than low-medium as the garden of no. 2 Brickyard Cottage would be considered a receptor.

The applicant was advised in accordance with policy, that the Local Planning Authority would have to be certain that potential smells could be effectively mitigated prior to any approval being issued and given the enhanced risk, it may be that the applicant would potentially need to consider more significant methods of extraction to safeguard the protection of the nearby residential properties.

It was also noted that additional information from an extraction specialist should be submitted in support of the application to confirm whether the proposed extraction levels within both the proposed building for conversion and the temporary building would be sufficient to prevent material harm to neighbouring amenity and what would also be sufficient to mitigate against odours, given the level of proposed cooking to be undertaken. A detailed response and a review of the capacity of the proposed measures was requested.

Confirmation upon whether other areas within the brickworks site could be used as an alternative was again requested, at a greater distance from the residential properties.

A response was received from the applicant on the 25th October 2017 noting that they had spoken with a specialist and had altered the plans to accommodate for the need for higher level of odour control and they had included a new risk assessment, confirming the risk to be high. The plans included a new extraction discharge and intake system.

The Environmental Health Officer was reconsulted. It was found that whilst more weight had been given to the potential risk of the proposed use and the level of extraction infrastructure appears increased, there was no supporting information as requested from an extraction specialist. What was submitted was a plan with generic notes, together with an airflow calculation. However, it was noted that this plan indicates that the decibel level of the extract would be 68 dBA and the supply would be 63 dBA, presenting an even higher combined level.

This presented a new issue in terms of amenity as the Environmental Health had confirmed that this level of noise would present significant harm to residential amenity. The acceptable decibel level in this location would be around 50dBA. As decibels increase exponentially, the proposed extraction system could not be supported. It was also noted that this appears to solely be serving the permanent element of the development, rather than both the temporary cabin and the permanent building.

Significant concerns were raised with the applicant that there is unlikely to be an acceptable balance achievable between ensuring that the proposed use has an acceptable and robust extraction system that may appropriately mitigate the identified high odour risk without causing harm to amenity in other ways (for instance through an unacceptable level of noise). The applicant was advised by email on the 1st of November 2017 about these issues and advised that it would not be possible for the Case Officer to recommend the proposal for approval.

An email was received on the 13th November from the applicant with a revised extraction plan for the main building, indicating that this would incorporate high level odour control incorporating carbon filtration and fine filtration that would meet the 50dBA requirement at 3m with extraction and supply silencers.

A response was sent to this email by the Case Officer on the 17th November 2017 following review of the plans with the Environmental Health Officer, noting

“You have submitted revised plans indicating what would appear to be two new attenuation measures in the form of extraction and supply silencers, which I have reviewed this my colleague from Environmental Health. Alongside the plans is a table indicating what are described as insertion losses over a range of sound pressure levels. You have not supplied a description or calculation as to how this table relates to your proposed installation and as such it is meaningless. What does your statement of ‘50db at 3 meters’ (sic) refer to and how has this been calculated?”

Please provide a description of the attenuation of combined sound levels from your entire installation (both supply and extract fan) including calculations. This should provide a description of the sound levels achieved at the curtilage of the nearest sound sensitive property.

Additionally, as indicated within our phone call, we will need a scheme which shows adequate extraction for the temporary building in addition to the permanent building. Whilst it may be temporary, it would be present for up to three years and therefore insufficient extraction and noise prevention in this area could not be supported if it were to the detriment of the neighbouring amenity.”

A response was received on the 3rd December 2017 from the applicant noting:

“With regards to the recently submitted plans for the extraction system. The insertion losses show the dB reduction over the octave bands the silencer offer. These are the silencers that have been drawn on the plans. The extract and intake system alone without the added acoustic reduction would produce 68 dBA and 63 dBA. The addition of the attenuators (constructed of Galvanised sheet steel casings with 30mm profile flanges that are full compliant with DWTMI at a high pressure rating) including Melinex wrapping infill will reduce the sound levels at a rate according the table on the extraction system plans previously submitted. This would mean a sound level of 50dBA @3metres for the extract and supply fan, the nearest curtilage to both the temporary and permanent buildings being 3 metres. As quoted by LeighTec the ventilation specialists, who manufacture bespoke ventilation systems for the most demanding environments.

The table on the plans relates to my plans as it shows the insertion loss that the proposed attenuators will have on the supply and extract system submitted. The table breaks down the insertion loss and shows what effect it will have on the extraction and supply system and that it will reduce the noise level to 50dBA @ 3 metres. Which means that the sound level 3 metres from the source will be 50dBA as requested in your previous email. 3 metres being the curtilage of the nearest property."

Within this email, an attachment showing the extract system plan for the temporary building was submitted. This showed a noise level of 55dBA. Whilst this is to serve a building that is temporary in nature, this is still considered likely to potentially result in harm to neighbouring amenity in this countryside location with low ambient noise levels.

This email was supported by a headed letter from Chris Jackson of LeighTec, a Ventilation Systems company who noted that *"the ventilation for the building conversation was designed to meet the requirements of the council and the attached DEFRA report. The silencers proposed have been designed by our acoustic specialist to achieve 50 dBA @ 3 metres as specified by the council. To meet the DEFRA report requirements our system includes; stainless steel baffle filters in the canopy, a site safe carbon filter unit and terminates with a high velocity cowl."*

This information was reviewed with the Environmental Health Officer who noted that this revised plan for the permanent building appeared to show modelling which could be within the margin of acceptability. They noted that should this be approved (notwithstanding this information) they would still have a duty to investigate if any noise or amenity nuisances arise under their own legislation.

The issue of the noise from vehicle movements potentially impacting surrounding dwellings was still of concern, particularly given that this area can now be characterised as predominantly residential in nature. In an email dated 7th December 2017 the applicant was asked for a commentary on the likely number of vehicles and the maximum sizes of the delivery vehicles that would be present, together with the estimated number of journeys per day over an average week.

It was confirmed by email that the Local Planning Authority still had concerns that there could be significant impacts upon the amenity of the surrounding residential dwellings as a result of the proposed use. In the light of this uncertainty the applicant was advised that the LPA would only consider recommending this development for approval as a temporary permission, given the number of unknowns for a trial period.

In offering a temporary permission the LPA were attempting to propose a reasonable alternative. Giving the applicant an opportunity to prove whether the potential harm could be appropriately mitigated through the proposed extraction systems and via planning conditions, whilst retaining control through the planning system if should it become apparent that this proposed business caused significant harm to the amenity of surrounding residential properties. This would allow the applicant to fairly demonstrate their case. The alternative would be a recommendation for refusal. A timeframe of 12 months was initially suggested to the applicant.

In an email dated 11th December 2017, the applicant responded with the following information
Likely number of vehicles and the maximum size of the delivery vehicles that would be present:

** Meat Delivery = Once a week, delivered in a light goods vehicle. The supplier uses a small van.*

** Vegetable and Fruit Delivery= Twice a week. The supplier uses light good vehicles to deliver e.g. Transit Van*

** Personal Journeys= Daily Monday to Saturday. Personal Journeys to the site in order to work, using a short wheel based light goods vehicle.*

In summary over an average week including gaining access to the land by right of access in order to work there, and the addition of deliveries, the total number of journey per week to the site will be est. 9, at an average of 1.28 total journeys per day over an average week."

The identified level of additional vehicle journeys in this location could be considered acceptable, however it was noted in the Design and Access Statement "that there will be at least 2 staff members with the potential for five." It is Officer's opinion that if this scheme were approved for a permanent permission, the level of journeys actually undertaken could be far more significant, if the business

flourishes. This would then fall outside of the control of the Council and could potentially be harmful to neighbouring amenity. The applicant clarified that their journey information was based on the use solely of the temporary building in a trial scenario and this is considered to further support the suggested approach for a temporary permission.

Further detail was sought by the applicant in terms of the temporary permission and a period of 24 months was discussed and justified by the applicant.

On the 5th February 2018, however, confirmation was received from the applicant that they wished to proceed with the planning application in its original form. A phonecall from the applicant also confirmed that they took the view that a temporary permission would not be financially viable given the level of building work required.

This email further noted that “The land surrounding the development and the access lane that will be used has, in the past, been used as a haulage yard using considerably larger vehicles than proposed for the new development. The proposed development will reduce the number of large vehicles currently using the lane as the storage will be changed to the kitchen. However I do understand the need to protect the local residents from any problems that could potentially arise from the use of the lane by the vans or cars. As a current owner of shared access via lane and with the right to use the lane as I choose, I have put together some restrictions that will be implemented should planning be approved:

In addition to the earlier described journeys, these included the following:

- Staff Journeys=Daily Wednesday to Friday. Once construction of the proposed development of the large preparation kitchen is completed there will be staff using the lane if necessary.
- Collection of waste will take place at the top of the lane to mitigate any problems caused by waste collection using the lane. This will avoid the larger waste collection vehicles using the lane and will still give the vehicle space to collect waste whilst not parking on the road.
- Delivery of goods will take place between the hours of 8am and 5pm. The lane will be closed via a locked gate so delivery should not take place outside of these hours.
- Speed restriction on the lane of 5 mph. Shown clearly by speed restriction signs and discussed verbally with local independent suppliers used.

This information was fully reviewed. Whilst the significant efforts of the applicant in attempting to limit the harm by virtue of odours and noise is acknowledged, given that the option of a temporary permission was not taken up by the applicant, significant concerns remain with the proposal. The granting of a permanent permission for the proposed use in this location, at such close proximity to the adjacent residential dwelling (and in particular to the domestic curtilage of The Cottage, Barton Hill) could lead to significant harm to neighbouring amenity.

In terms of traffic movement, the site is accessed in very close proximity to two residential properties, Glenroyd and Avanti and the nature and type of the business may necessitate a significant number of journeys, including staff, deliveries, visitors etc. The details provided on this have not assured the Case Officer that this would not result in harm to the amenity of these nearby properties. Their assertion that this would not be as significant as the previous haulage business operating from this site is noted. However in the intervening years, a peaceful countryside location has been enjoyed by the neighbours, with low ambient noise levels.

It is considered that the issue of potentially harmful odours has been effectively addressed. However the issue in terms of noise nuisance by virtue of the proposed extraction systems also remains and how any associated noises would be experienced could be exacerbated by the relatively isolated countryside location, where background noise levels can be very low.

In terms of privacy, given the proximity of the application site to the neighbouring residential property, instances of overlooking could be experienced. The Design and Access Statement noted that the boundary of the plot will be covered with a 6 foot high solid panelled fence. It was noted that this would increase privacy whilst also blocking a proportion of the existing industrial site. Should this application

be recommended for approval it would be possible to condition the boundary treatments at the application site and this would be considered acceptable to mitigate potential loss of privacy.

It is therefore considered that this proposal would have a materially adverse impact upon the residential amenity of the occupiers of the neighbouring residential properties by virtue of unacceptable levels of noise and this would be discordant with Policies SP6 (Delivery and Distribution of Employment Land and Premises) and SP20 (Generic Development Management Issues) of the Ryedale Plan, Local Plan Strategy.

iii) Impact upon Access and Highway Safety

The site can be accessed via public transport given its proximity to the A64 and the North Yorkshire Highways Officer has recommended approval for the application, subject to a condition that an acceptable level of off street parking facilities is retained for the proposed use.

Highways England have also confirmed no objection to the proposal.

It is therefore not considered that this proposal would result in harm in terms of access or highway safety.

iv) Other Matters Including Consultation Responses.

The Parish Council have noted no objection to the proposed development.

Mr Simon Thew of Glebe House, Barton Le Willows has noted that he is supportive of the plans and the following points which have been summarised;

- This would provide local employment through small business development
- It will add to the integrated community which includes housing, employment and local services.
- The site has easy access to the a64 and traffic will not impact the village.
- This would enhance a run down and vacant site
- This is in keeping with the local plan and would enhance the local community

Mr David Pulleyn of Ashlea Barton Hill, has forwarded a letter of support noting the following summarised points:

- Local trade should be encouraged given the decline of local enterprise in rural areas.
- This proposal would have no additional visual impact on the surrounding are and has good access
- This would see an old established site being utilised by a new business and would convert an outdate building into a more substantial and sustainable building.

Eileen and Michael Wrenn, of 1 Station Cottage Barton Hill has written to support the proposals. The response acknowledged that there was a letter of objection submitted in relation to this proposal and she wished to highlighted that herself and her husband were happy about the plans. The letter concluded by noting that they wish planning permission to be granted.

- Mr and Mrs Allenby of The Cottage, Barton Hill have forwarded a letter of objection in respect of the proposals, which are summarised below;
- Concerns over the development and the life span of the large prep kitchen following the three year period
- Concerns over the reintroduction of windows facing Mr Allenby's property (The Cottage, Barton Hill to the north of the application site) which would result in a loss of privacy in the garden through overlooking. Concerns that this could be split into further units.
- In regards to the proposed hours of operation, concern was raised that this is over 60 hours a week and the impact that this would have upon the enjoyment of their property.
- Concern was also raised in relation to the smells and noise created with this enterprise and whether they would not be able to open windows or doors during warmer weather at his

property and throughout the residential dwellings closeby.

- Mr Allenby raised concerns over potential for vermin due to the siting of three waste bins.
- The plans indicate the drainage will be by septic tank. Mr Allenby raised concerns that this should be a completely independent system as it would not be suitable to tap into their system.
- Objection to the proposed delivery of goods and related vehicles using the laneway adjoining their garden.
- It was noted that more storage structures are appearing on site.
- There could be opportunity to use a purpose built unit elsewhere.
- Concerns that this would be subdivided in the future with no control or restriction.
- Concerns over property values
- Concerns over boundaries moved by the applicant's grandparents, concern over access to drains to for rodding, how will this access be secured following the screen which is proposed to be carried out
- Concerns that this would be a three year project and the associated inconvenience this would cause.

These responses and the aspects highlighted are acknowledged. With regard to the consultation response noting objection, a number of aspects have already been addressed within the report above. The future sub division of the unit cannot be considered within this proposal and we must consider the proposal as it is submitted. The aspects relating to drainage (if this application is approved) would be dealt with at Building Control Stage. However it is noted that a new independent system is proposed. Appropriate bin storage and separate Environmental Health legislation could aid in protecting against vermin. The specific loss of property values cannot be controlled through the planning system, as it is not a material planning consideration.

Following readvertisement of the plans, a further consultation response was received from Mr and Mrs Allenby

- We reiterate all comments made in previous letters
- The building appears to be split into two, with a partition wall.
- The new filtration system is noted, potential issue with the placement of the chimney on the northern and southern end.
- Questioned whether the industrialisation of this building if granted will lead to the further industrialisation of the whole site, which has recently been increasingly used for the storage of large stillages and their contents, noting a HGV licence in existence until May 2021.

It is noted that Mr Allenby pointed out an issue with the elevations of the chimney. This was a small discrepancy on the submitted plans in terms of chimney placement. Rather than the chimney forming a 'mirror image' on the north/south and east/west elevations, it is shown in the same location. The Case Officer contacted Mr Coe has amended the plans accordingly.

It is not considered that this proposal for a catering preparation kitchen within the former haulage site would alter the current use of the wider site. The wider site itself may benefit from certain use classes, but the limited red line indicating the extent of the site location is all that can be considered in the determination of this application. Any future applications will be considered fully on their own merits.

Conclusion

In conclusion, the proposed development is considered to be contrary to Policies SP6 (Delivery and Distribution of Employment Land and Premises) and SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy and is consequently recommended for refusal.

RECOMMENDATION:

Refusal

- 1 It is considered that the proposed development by virtue of its location and use would be likely to result in significant material adverse impacts upon the amenities of present and future occupiers of the neighbouring dwelling The Cottage, Barton Hill, by virtue of increased noise and disturbance within the domestic curtilage.

The proposal is therefore contrary to Policies SP6 (Delivery and Distribution of Employment Land and Premises) and SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy.

- 2 It is considered that the proposed development by virtue of its location and use is likely to result in significant material adverse impacts upon the present and future occupiers of surrounding dwellings by virtue of increased noise and disturbance associated with increased levels of vehicular movements traveling to and from the site.

The proposal is therefore contrary to Policies SP6 (Delivery and Distribution of Employment Land and Premises) SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy.