

Item Number: 10
Application No: 18/00732/FUL
Parish: Amotherby Parish Council
Appn. Type: Full Application
Applicant: Mandale Homes North Ltd
Proposal: Erection of 5no. four bedroom dwellings with parking and amenity areas on land occupied by former petrol station
Location: Malton Road Garage Amotherby Malton YO17 6TG

Registration Date: 1 August 2018
8/13 Wk Expiry Date: 26 September 2018
Overall Expiry Date: 25 September 2018
Case Officer: Alan Hunter **Ext:** Ext 276

CONSULTATIONS:

Highways North Yorkshire	Recommend conditions
Flood Risk	No views received
Parish Council	Objection
Environmental Health Officer	Comments remain as previously that the proximity of the food processing operation and the B1257 road would be very likely to render the site unsuitable for residential development.
Sustainable Places Team (Environment-Agency Yorkshire Area)	No objection subject to conditions
Yorkshire Water Land Use Planning Countryside Officer	Recommend conditions Object to this proposed development on the grounds of the loss of visual amenity and impact on the wider landscape
Neighbour responses:	Mr David Brown, Mrs Rachel Campbell Ricketts, Miss Natasha Pearse, Miss Sara Bath, Malton Foods C/O Walton & Co, Mr Michael Brown, Miss Elisabeth Arridge,

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.

PROPOSAL:

Planning permission is sought for the erection of detached 5 dwellings. Of these there are 2 different house types;

Type A (Plots 2,4 and 5) has a foot print of 9.2m by 8m and is 5m to the eaves height and 8m to the ridge height. In addition there is a single storey conservatory to the rear that has a footprint of 3.8m by 4.9m.

Type B (Plots 1 and 3) has a maximum footprint of 10.5m by 11.6m and is 5m to the eaves height and 8.6m to the ridge height.

Each property includes a detached double garage.

The layout plan shows the demolition of the existing workshop buildings on site and the erection of a dwelling on the site frontage with an access road to the south and the other four plots within the 'inner' part of the site. Plots 2 and 3 have their rear elevations against the eastern boundary, Plots 4 has its rear boundary at the back of the site adjoining the Malton Foods site, and Plot 5 is located against the western boundary behind the existing properties along Malton Road. 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.

HISTORY:

2017: Planning permission refused for the erection of 15 dwellings.

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) 2018

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. Developer contributions; and,
11. Drainage

This application is required to be determined by Planning Committee as there is a letter of support and Officers are recommending the application for refusal. The Planning Committee refused an application for 15 dwellings on this site last year, a copy of the layout of that scheme is attached to this report for Members information. In addition there was an Appeal dismissed on this site in 2007 for residential development. A copy of that Appeal Decision is also appended to this report for Members information.

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 beck.

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 5no. detached dwellings. Plot 1 is located on the site frontage, with Plots 2 and 3 facing west onto the internal road, Plot 4 is located at the head of the internal roadway with Plot 5 to the western side of the inner area of the site. A 4m high retaining wall is proposed at the rear of the site, this requires excavations as the bank is not completely vertical. 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 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. The medium density scheme for detached dwelling is not considered to be objectionable in this location and to respect the form of development in the immediate area. Whilst a greater housing choice, such as semi-detached properties would have been preferable this is not considered to be a sustainable reason for refusal. The general design approach in this location is considered to be acceptable and the scheme can be considered to be compatible with the surrounding vernacular. There are no details submitted in relation to the external materials, however this could be addressed by planning condition.

The loss of the on-site landscaping will however open up views of the factory at the rear of the site which could detract from the visual amenity of the area. For this reason the proposal is considered by officers 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;

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

- (i) Noise and disturbance from the Malton Foods site;

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.

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 in an attempt to demonstrate that the proposed dwellings could have a satisfactory level of residential amenity, along with additional justification to assert that they consider the dwellings meet the required noise standards. A detailed statement of objection has been received on behalf of Malton Foods.

Ultimately, the Local Planning Authority and Environmental Health Specialists are seeking to ensure that the appropriate noise standards are applied to all residential development. 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 stated:

'With reference to the above application, The submitted noise assessment in section 2.10 makes reference to corrections that could be applied for acoustic features such as tonal qualities and distinct impulses, however these have not been applied in the modelling conclusions, previously it has been stated by consultants employed by Malton Foods that there are refrigeration units that obviously cut in and out depending on set temperatures this could have a significant impact on amenity.'

The conclusion for the previous application for this site was that residents are quite likely to be subjected to a significant adverse impact during both the daytime and night time.

I therefore cannot see any significant change in this application and therefore my comments remain as previously that the proximity of the food processing operation and the B1257 road would be very likely to render the site unsuitable for residential development.'

It is also pertinent to outline the views of the Council's Environmental Specialist in regard to the earlier application:

'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.'

Plot 4 is the closest to the southern boundary and the Malton Foods site. It is a two-storey dwelling with bedroom windows backing onto the factory site and it is proposed to be within 9m of the southern boundary of the application site. The scheme that was dismissed at Appeal 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.'

The Noise Assessment submitted has not demonstrated that the proposed scheme can meet the required noise levels within the external areas or internally with windows that are partially opened. 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 previously taken on appeal.

(ii) The proximity to the existing bank

Officers also have significant concerns at the close proximity of Plot 4 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, particularly in terms of the 4m high retaining wall. 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.

(iii) The impact of the proposal upon the operations at Malton Foods

One of the sustainable themes of the National Planning Policy Framework (NPPF) 2018 relates to economic development, Paragraph 8 states:

'a) an economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;'

Furthermore, paragraph 80 states:

'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation⁴⁰, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.'

Malton Foods, a large employer with up to 180 employees, is located immediately to the southern side of the application site. The business is concerned with food processing. Policy EMP7 of the Local Plan 2002 (extant policy) allows expansion land for Malton Foods to the south of its own site. This expansion land is still understood to be required, and it is proposed to be carried forward in the Sites Document.

Since the Inspector's decision in 2007, Westler Foods who managed the factory at that time have been taken over by Zwanenberg Food Group BV who have invested in the site. The factory is understood to employ approximately 180 people and is understood to have contracts with Marks & Spencers, Tesco and Aldi.

The report above highlights that there are noisy activities located immediately adjoining the southern boundary, including 4 large shipping containers containing plant along with a large building used as a refrigeration unit. All providing 24/7 noise.

It is considered that the occupiers of the proposed dwellings as potential receptors of noise and disturbance could give rise to complaints about the operations at Malton Foods. 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, and the likelihood of complaints by Environmental Health Specialists it is considered that the proposed use has a significant 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 17.5m from Plot 5 and Glenmore and the first floor en-suite bathroom window facing Glenmore could be conditioned to be obscure glazed. 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 a private drive also onto the B1257. The site is located within the 40mph restricted speed area. Each plot includes a double garage and car parking spaces 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. A pedestrian crossing point and refuge island has been considered and discussed with the Highway Authority 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. In view of the assessment by the Highway Authority and the conditions recommended there are considered to be no sustainable highway related objections to the proposed development.

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 was previously submitted and considered by the Environmental Health Specialist. The previous advice was that the recommendations of the Phase 1 Report are accepted and a further Phase 2 Report is required. Detailed planning conditions could be imposed in respect of potential contamination if permission is granted. The Environment Agency has also recommended conditions in respect of contamination and to prevent piling of investigative boreholes.

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 was previously 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 repeated his earlier comments:

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. The survey has not identified any direct implications for protected species to be significant. On the planning application that was considered last year the Council's Countryside Specialist recommended that if permission is granted a condition is imposed to ensure the Method Statement within the Ecology Survey is followed. This condition will ensure precautions are taken to protect any bats that may be on site. An informative is recommended in respect of birds.

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. No details are included regarding how surface water is to be drained.

Yorkshire Water has no objections to the proposal to drain foul water to the mains subject to conditions. Whilst initially indicating that they would submit a Drainage Strategy for surface water, the agent has since confirmed that they will not be submitting a Drainage Strategy. The agent has asked that the application be determined as submitted. On the previous application there was also a lack of information regarding surface water drainage, with soakaways not being proven to be acceptable and no identified watercourse for drainage. The site is located upon a coralline limestone principal Aquifer which makes soakaways problematic. There is therefore considered to be insufficient information to assess how surface water can be suitably drained from the site.

Other issues

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

- The application remains the same size as that within last year's refused application
- The proximity of the site to the quarry bank;
- The number of vehicular accesses in such close proximity;
- Impact of the proposal upon Malton Foods;
- Contaminated land issues; and,
- The cost of the remediation of the site.

There have also been a letter of support stating that the site is an 'eyesore' and its development will offer much needed housing that will enhance the village.

There have also been 6 letters of objection. This includes a detailed statement of objection from Malton Foods and their representative (discussed above) objecting to the impact of residential development upon their operations and questioning the viability of the scheme. The other issues raised in the letters of objection are:

- The design and layout of the housing proposed is out of keeping with the area;
- Future monitoring of burning at the site;
- Noise from the development;
- Highway safety;
- The density if the development;
- Contamination at the site, particularly asbestos;

- Stability of the bank;
- Bat and Owl implications;
- Loss of trees, including third party trees;
- Impact upon local infrastructure;
- No public transport;
- Lack of information;
- That the development is driven by profit;
- Limited school places in the village;
- Factory noise; and,
- A suggestion that affordable housing should be provided for local people with footpaths in the immediate area.

The majority of the issues raised have been assessed above. 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 and a proposed allocation has been examined to the western side of the village. Therefore it is considered likely that an additional 5 dwellings can be accommodated in the village in terms of the local infrastructure and school places. With the exception of surface water drainage and landscaping/tree protection there is considered to be a satisfactory level of information submitted to determine the application. Complaints about burning at the site are handled by Community Officers in the first instance. The local Highway Authority have confirmed that subject to planning conditions there are no highway related objections to the proposed development. If the application were to be considered favourably conditions could be imposed in respect of contamination.

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 areas of 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 Plot 4 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 the occupiers of this plot The proposal is therefore considered to be contrary to the requirements of Policy SP20 of the Local Plan Strategy.
- 3 The development of this site for residential development immediately adjoining an allocated employment site (Malton Foods) 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 Paragraphs 80, 81 and 182 of NPPF Policy SP20 and risks the future exposure of the business in accordance with 'saved' Policy EMP7 of the Ryedale Local Plan.

- 4 There is insufficient information submitted to demonstrate how surface water from the application site can be satisfactorily drained. The proposed development is therefore contrary to the requirements of Policy SP17 of the Local Plan Strategy and NPPF.
- 5 In view of the loss of trees on the site and lack of replacement planting it is considered that there is insufficient information submitted to demonstrate that the proposal will not have an adverse effect upon the character and appearance of the area. The proposal is therefore considered to be contrary to the requirements of Policy SP16 and Policy SP20 of the Local Plan Strategy.