

**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:** 6  
**Application No:** 18/01317/MFUL  
**Parish:** Huttons Ambo Parish Council  
**Appn. Type:** Full Application Major  
**Applicant:** DH Group (Mr Sean Harrison)  
**Proposal:** Erection of 10 no. business starter units for industrial use (Use Class B1 and B2) and Storage and Distribution (Use Class B8) with associated parking, servicing and hard surfacing  
**Location:** Land At Malton Enterprise Park York Road Malton North Yorkshire

**Registration Date:** 29 November 2018  
**8/13 Wk Expiry Date:** 28 February 2019  
**Overall Expiry Date:** 2 January 2019  
**Case Officer:** Alan Hunter **Ext:** 276

**CONSULTATIONS:**

<b>Paul Jackson AONB Manager</b>	No objection – suggestions regarding external materials
<b>Flood Risk</b>	Recommend conditions
<b>Yorkshire Water Land Use Planning</b>	Recommend conditions
<b>Environmental Health Officer</b>	No views received
<b>Malton Town Council</b>	No views received
<b>Public Rights Of Way</b>	Recommend informative
<b>Countryside Officer</b>	Initial concerns regarding proximity to the landscape bund – further information required
<b>Huttons Ambo Parish Council</b>	Object
<b>Highways North Yorkshire</b>	Recommend conditions
<b>Neighbour responses:</b>	No response received

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**SITE:**

The site is located on the Malton Enterprise Park, to the south of the B1248 approach to Malton. Outline planning permission was granted in December 2010 for B1, B2 and B8 uses. Work has commenced on site and reserved matters has been approved for the first unit on site. Subsequent plots have been developed through the submission of separate planning applications. This plot is located on the inner area of the site, which is to the west of York Road and is bounded by the strategic landscaping belt along the northern side.

The site is located within Flood Zone 1, being the lowest flood risk classification.

**PROPOSAL:**

This proposal seeks full planning permission for the erection of 10 no. starter units for Use Class B1, B2 and B8 use, together with the formation of associated parking spaces and hardstanding areas.

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**PLANNING COMMITTEE**

**19 February 2019**

A new access to this industrial/business park has been created from York Road, and access to both these building is proposed to be served by that existing access.

The units range in size from 117m<sup>2</sup> to 186 m<sup>2</sup>. Access to the site from the internal road is proposed in the middle of the site with units to the northern and southern side. On the northern side 6 no. units are proposed in a building that measures approximately 63m in length by 15.7m in width with an eaves height of 6.5m and a ridge height of 7.5m. To the southern side a building is proposed adjacent to the western boundary comprising 4no. units and approximately measuring 32m by 15.7m with a eaves height of 6m and a ridge height of 7m. It is proposed to construct units of aluminium clad panels over a blue/grey brick plinth under a polyester powder coated aluminium trapezoidal roof profile system and aluminium framed doors and windows. Pathways are to be paved with concrete paving and the access and parking areas are to have a macadam surface. Each unit will have a high level lighting above the roller shutter door.

The agent has submitted the following documents with this application (these were submitted originally with the 2010 approved outline application):

- Archaeological Assessment
- Flood Risk Assessment and Drainage Statement
- Tree Survey
- Transport Assessment; and
- Design and Access Statement

In addition, the agent has submitted a Design & Access Statement that seeks to justify the design approach taken in this case.

#### **HISTORY:**

13/00595/MREM: Erection of a production unit and associated offices, parking, hardstanding and turning areas and landscaping (Outline approval 10/00150/MOUT refers)

10/00150/MOUT: Outline planning permission for Business (B1); General Industrial (B2) and Storage and Distribution (B8) - Approved 22.10.2010

#### **POLICY:**

##### National Policy Guidance

National Planning Policy Framework (NPPF) 2012

National Planning Policy Guidance (NPPG) 2014

##### Ryedale Local Plan Strategy

Policy SP6 - Delivery and Distributing of Employment Land and Premises

Policy SP9 - Land-Based and Rural Economy

Policy SP13 -Landscapes

Policy SP14 - Biodiversity

Policy SP16 - Design

Policy SP17 - Managing

Policy SP19 - Presumption in favour of sustainable development

Policy SP20 - Generic Development Management Issues

#### **APPRAISAL:**

The main considerations in relation to this application are:

- The principle of industrial development;
- Access/parking;
- Design approach;
- Landscaping;
- Impact upon the amenity of nearby properties;
- Landscape impact;
- Archaeology; and
- Drainage.

This application is ‘Major’ development and is therefore referred to Planning Committee to determine.

#### The principle of industrial development

The principle of development has been accepted on this site through the grant of the original planning permission in 2010. Whilst the site is located outside of any identified development limit, Members considered there was a demonstrable need to provide an additional supply of employment land to meet existing and future needs. This site was identified as a priority site in two separate employment land studies carried out in 2006 by Knight Frank and updated in 2010 by Entec. Policy SP6 of the Local Plan Strategy also seeks to focus 80% of new industrial/business development in Malton/Norton and indicates between 29-36 hectares of land is required to accommodate this growth. SP6 also supports in provision new B2 uses. The site is identified as an employment commitment in the Sites Document. Development of several plots on this 6.8 hectare site has already taken place. The principle of the proposed development is considered to be acceptable.

#### Access/Parking

The approach to accessing this site from York Road was established by the earlier Outline planning permission. Conditions relating to the detail of the road and access construction have already been discharged on that Outline application. The local Highway Authority has no objection to the proposal subject to a condition regarding car parking provision. An informative is recommended regarding an existing public footpath.

#### Design Approach/Landscaping

The design, scale and broad description of materials is considered to be consistent with the existing and approved industrial/business units on this site. The proposed scheme is also considered to relate well to the adjoining plots on the industrial estate and be consistent with Policy SP16 and Policy SP20 of the Local Plan Strategy.

The site is visible from higher land to the south and also from the adjacent Area of Outstanding Natural Beauty. The materials chosen are considered to be capable of creating a quality environment. The AONB Officer has responded to suggest that the roof colour should be dark and similar to that proposed on the walls (grey aluminium RAL 9007), and that the design approach should be consistent across the wider Enterprise Park. It is considered that the design approach is consistent with the wider site and exact samples of the material are proposed to be addressed by planning condition.

A strategic landscaping area (10m wide) was approved on the 2010 Outline permission. This landscaping area has been planted. The Council’s Countryside Specialist objected as it was unclear whether the proposed building impacted upon the approved landscaping area. The agent subsequently provided additional information that shows the proposed development is outside the strategic landscaping. There is therefore no objection to the siting of the proposed development. The applicants have offered to undertake additional planting on this boundary and it is recommended that this be conditioned along with a condition to protect the existing landscaping during construction.

## Archaeology

A condition was imposed on the Outline Application in 2010 and subsequently discharged in respect of archaeology. A condition is recommended to ensure compliance with the discharged written scheme of investigation.

## Residential amenity impacts

There are no adjoining residential properties and the site has already been approved planning permission for use class B2. The Environmental Health Officer has not objected to the application and it is not considered that the proposal is likely to have an adverse effect upon the residential amenity of nearby properties.

## Drainage

Foul water is proposed to be drained to the mains, and surface water is proposed to be drained to a watercourse to the south via an attenuation area. Yorkshire Water has confirmed that they have no objection to the proposed method of draining foul water.

The Lead Local Flood Authority (LLFA) requested additional information, which has been submitted to demonstrate how surface water is to be drained. The applicants have confirmed that surface water is to discharge into a pipe within the central road area (immediately to the east of the application site) before entering an attenuation pond to the southern side. Surface water will then discharge at a restricted rate to a watercourse adjacent to the southern boundary of the land owned by the applicant. The areas required for the surface water drainage are located within the applicant's ownership, within the blue line on the site location plan. The agent has provided additional information to explain that this is a comprehensive surface water drainage solution for the entire 6.8 hectare site, which has previously been agreed. The LLFA has confirmed that the applicant's proposals are a reasonable approach to the draining the site and recommend conditions regarding surface water drainage.

## Parish Council comments

Huttons Ambo Parish Council has stated the following points:

1. It is concerned at the proximity of the proposed units to the agreed landscape protection strip. They consider that there will be inevitable damage to the embankment and planting during the construction phase.
2. They raise concern at an access and parking area at the western side of the site.
3. It is mentioned that the building comprising the 6 no. industrial units is located adjacent to a route shown for the permanent diversion of the public footpath.

An additional plan has been submitted that shows the units are not located within the landscape protection strip. The agent has also confirmed that the units are located outside this area. Conditions to protect and supplement this landscaping area are recommended. The agent has responded to state that the proposed tenant of the western most unit requires a fenced area with hardstanding, and this is shown on the plans, this will not allow access to the landscaping strip. The agent has also submitted photographs to show the current site, and excavations up to the landscaping strip. Finally, the applicants have acknowledged that the public footpath will need to be diverted and they are considering a route across the rising main which crosses the site and has an easement preventing any buildings within its 10m buffer zone.

In view of the above, the recommendation is one of approval.

**RECOMMENDATION:                      Approval**

1 The development hereby permitted shall be begun on or before .

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

2 Prior to the construction of any external walling, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of the materials to be used on the exterior of the building the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

(NB Pursuant to this condition the applicant is asked to complete and return the attached proforma before the development commences so that materials can be agreed and the requirements of the condition discharged)

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

3 Prior to its installation, full details of the materials and design of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these shall be erected prior to the occupation of any dwelling to which they relate.

Reason: To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality, as required by Policy SP20 of the Ryedale Plan, the Local Plan Strategy.

4 Before the end of the first planting season (November - March inclusive) following the commencement of development, plans showing details of landscaping and planting schemes shall be submitted to and approved in writing by the Local Planning Authority prior any such planting taking place. The schemes shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed where appropriate to the development. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs including existing items to be retained.. All planting, seeding and/or turfing comprised in the above scheme shall be carried out in the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development hereby approved and to comply with the requirements of Policy SP20 of the Local Plan Strategy.

5 Prior to the commencement of the development hereby approved, precise details of the protection measures during construction for the structural planting on the western boundary shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect this planting in the interests of visual amenity and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

6 Prior to their first installation, precise details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect the character and appearance of the area from unacceptable light pollution and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

7 The development hereby permitted shall be carried out in accordance with the following

approved plan(s):

12558 -DB3 - 06-00-DR-A-90\_11 Rev B  
12759-DB3-B01-00-DR-A-20.04  
12759-DB3-B01-00 DR-A-20.05

Reason: For the avoidance of doubt and in the interests of proper planning.

- 8 The development hereby approved shall be undertaken in accordance with the submitted Flood Risk and Drainage statement prepared by 3E Consulting Engineers Ltd.

Reason: In order to ensure the site is satisfactorily drained and to reduce the risk of surface water flooding and to satisfy Policy SP17 of the Local Plan Strategy and NPPF.

- 9 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network and to satisfy Policy SP17 of the Local Plan Strategy and NPPF.

- 10 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage and to satisfy Policy SP17 of the Local Plan Strategy and NPPF.

- 11 Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on Drawing Number 12558 DB3 06 00 DR A 90\_11 Rev. B for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

Reason: In accordance with Policy SP20 of the Local Plan Strategy and to ensure these areas are kept available for their intended.

- 12 Unless otherwise agreed in writing with the Local Planning Authority the development shall be undertaken in accordance with the archaeological watching brief and agreement to discharge condition 06 of application 10/00150MOUT.

Reason: In order to satisfy Policy SP12 and NPPF in respect of potential archaeology at that site.

- 13 Development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to a maximum greenfield flow rate for up to the 1 in 100 year event. A 30% allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development, including Plot 8 shall be constructed until the development flow restriction works comprising the site wide approved scheme has been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Reason: To mitigate additional flood impact from the development proposals and ensure that

flood risk is not increased elsewhere and to satisfy Policy SP17 of the Local Plan Strategy and NPPF.

- 14 No development shall take place until a suitable maintenance of the proposed SuDS drainage scheme arrangement has been demonstrated to the local planning authority. Details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.

Reason: To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere and to satisfy Policy SP17 of the Local Plan Strategy and NPPF.

- 15 No development shall take place until an appropriate Exceedence Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedence flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedence or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedence routes that avoid risk to people and property both on and off site.

Reason: to prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site.

Reason: To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system and to satisfy Policy SP17 of the Local Plan Strategy and NPPF.

## **INFORMATIVES**

1. The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as any alternative route has been provided and confirmed under an Order made under the Town and Country Planning Act 1990. Applicants are advised to contact the County Council's Access and Public Rights of team at County Hall, Northallerton via [paths@northyorks.gov.uk](mailto:paths@northyorks.gov.uk) to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.
2. The applicant should be aware of the requirements of Outline Planning consent Ref. 10/00150/MOUT in respect of Conditions 31 to 39, given that the overall site is now significantly developed.
3. The Highway Authority recommends the provision of lockable cycle parking points are provided based on one point per 200m<sup>2</sup> of floorspace.