

Item Number: 11
Application No: 19/01274/MFUL
Parish: Kirby Misperton Parish Council
Appn. Type: Full Application Major
Applicant: Mr James Paterson (Flamingo Land)
Proposal: Demolition of agricultural buildings and erection of maintenance building with associated service yard, garage and storage bays
Location: Land Adj Glebe Court Kirby Misperton Malton North Yorkshire

Registration Date: 21 November 2019
8/13 Wk Expiry Date: 20 February 2020
Overall Expiry Date: 1 January 2020
Case Officer: Alan Goforth **Ext:** 43332

CONSULTATIONS:

Environmental Health Officer	No response received
Kirby Misperton Parish Council	No response received
Highways North Yorkshire	No objection

Neighbour responses:

BACKGROUND:

The application is to be determined by Planning Committee as a major development because the floor area of the buildings exceeds 1,000 square metres.

SITE:

Flamingo Land in the Vale of Pickering is a nationally renowned tourist attraction consisting of a theme park, zoo (central and eastern areas) and holiday village (western side of site). The application site is within the development limits defined on the recently adopted Policies Map.

Flamingo Land is situated at the northern end of the village of Kirby Misperton and the overall site amounts to approximately 150 hectares. The application site is 0.32 hectares in size and is a former farm yard the western part of which is currently occupied by a dutch barn used for storage of materials and equipment used by the park's service and maintenance staff. A workers' site cabin is also sited within the dutch barn. To the east of the dutch park is grass field which extends to the boundary with the adjacent cemetery and part of the field is used for outdoor storage of ride and theme park related paraphernalia.

The application site is west of the park's main entrance which is 300 metres away. The intervening land to the east comprises the cemetery beyond which are football pitches owned by Flamingoland. Public footpath number 25.53/1/1 runs south-north approximately 100 metres west of the application site. A large building used for the manufacture of garden buildings and sheds stands 100 metres to the west of the application site.

The nearest residential properties are those at Glebe Court and Glebe Farm house immediately to the south of the site and also numbers 1 & 2 School House Court 25 metres to the south east. All of these properties are under the ownership and control of the applicant. The farm house and the units at Glebe Court were, until recently, used as accommodation for staff within the park but are currently unoccupied.

PROPOSAL:

Planning permission is sought for the demolition of agricultural buildings and erection of maintenance building with associated service yard, garage and storage bays.

The proposed maintenance building would measure 36.6 metres by 18.6 metres and would be constructed on the western side of the site. The proposed building would be constructed on the footprint of the existing dutch barn (to be demolished) and, like the dutch barn, would be orientated north-south. The maintenance building would be a portal frame, two storey structure that would stand 5.5 metres to the eaves and 8 metres to the ridge. The lower walls would comprise fair faced blockwork above which would be vertical larch timber cladding to eaves height. The pitched roof would have a light grey profiled metal sheet covering.

There would be external staircases on both gable ends of the building with the southern elevation also incorporating a first floor loading platform to serve the stores. There would be four roller shutter doors on the west elevation and six in the east elevation facing onto the service yard. There would be no windows in the western façade of the building. Six rooflights would be inserted in the west facing roof pitch to serve the first floor storage areas on that side of the building. The eastern side would comprise a series of staff entry doors and first floor windows providing natural light to the offices, toilets, staff and training rooms.

The single storey utility shelter would be located 14 metres to the east of the maintenance building. The shelter would measure 22 metres by 6 metres and the lean to roof would stand 5.3 metres in height. The lower walls would comprise fair faced blockwork above which would be vertical larch timber cladding. The monopitched roof would have a light grey profiled metal sheet covering. The open sided shelter would face onto the yard and would provide space for the parking of buggies (with charging points) and other maintenance vehicles alongside sand and salt storage bays.

The central area between the two buildings would be used as a service yard and enclosed by fencing with access gates. The service yard would be for the parking and turning of vehicles and would include a wash down area and gas container compound. The applicant proposes to surface the fenced yard area in a permeable material. The buildings and yard would be accessed from within the park from the north. The utility shelter would be located 10 metres in from the eastern boundary allowing space for a landscaping buffer strip comprising of native tree planting.

The service and maintenance team comprises groundworkers, joiners, plumbers, electricians and ride engineers. At present the staff and storage space associated with these trades are spread out across the park. The applicant seeks to consolidate the service and maintenance operations to the Glebe Farm site within the proposed purpose built facilities.

POLICIES:

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning authorities are required to determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The Development Plan for the determination of this particular application comprises the following:

- The Ryedale Plan- Local Plan Strategy (2013)

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Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy
Local Plan Strategy - Policy SP6 Delivery and Distributing of Employment Land and Premises
Local Plan Strategy - Policy SP8 Tourism
Local Plan Strategy - Policy SP16 Design

Local Plan Sites Document (LPSD)

Policy SD15- Specific Sites: Flamingo Land and the National Agri-Food Innovation Campus (NAFIC)

Material Considerations

National Planning Policy Framework 2019 (NPPF)
National Planning Practice Guidance 2014 (PPG)

APPRAISAL:

The main considerations in the determination of this application are:

- Principle of the development;
- Design and impact upon the open countryside;
- Impact on local amenity;
- Impact on highway safety; and
- Ecological impact.

Principle of the development

The site is a renowned and well established national tourist attraction with annual visitor numbers exceeding 1.5 million. It is also a large employer in the District with a staff workforce of approximately 500 people. The dutch barn is dilapidated and there is no formal garaging for maintenance vehicles or storage space for materials. There is a need for a centralised service hub for maintenance staff providing larger and improved facilities than existing. The proposed development aligns with the general aims of Policy SP6 and also with Policy SP8 in relation to the development tourism in the District as the centralised service/maintenance hub would support the efficient functioning of this tourist attraction. The application site is within the Development Limits for the park shown in the recently adopted Policies Map and part of the site is previously developed. Policy SD15 of the LPSD considers that proposals for additional development within the park limits is supported in principle subject to assessment against policies within the Local Plan Strategy in relation to landscape and visual impact, amenity and highways.

Design and impact upon the open countryside

The proposed maintenance building has a substantial footprint, however, the size of the building is a functional requirement for the centralisation and rationalisation of maintenance and service operations at Flamingo Land. The dutch barn is dilapidated and the site generally appears untidy and cluttered with ad hoc outdoor storage. The proposed maintenance building has a larger footprint than the existing dutch barn but the overall height is comparable. The external appearance of the maintenance building particularly on the northern and western outward facing elevations is not dissimilar to an agricultural building and a building of similar size and design (timber clad with blockwork walls) is located to the west beyond the route of the public footpath. The purpose built facilities would formalise the use of the area and would arguably result in a degree of visual enhancement.

The proposed buildings would be viewed in the context of other, existing structures within the part of park and would not appear incongruous when viewed alongside the adjacent courtyard of former farm buildings. The proposed buildings, when viewed from the nearby public right of way, would be read alongside the existing cluster of buildings and this reduces the prominence of the new structures. In addition there is intervening hedgerow planting and also a change in the level of the land that does serve to partially screen the site when viewed from the public footpath. The buildings would not appear isolated or divorced from existing buildings within the park. In addition a buffer of trees would be planted along the northern and eastern sides of the site to provide intervening screening between the adjacent cemetery and the site. The existing planting along Kirby Mispton Road also provides

screening of the site from the public highway.

The proposed buildings, within the context of the existing tall structures in the adjacent theme park, would not result in significant visual impacts and would only give rise to a slight impact on local landscape character. The proposed buildings in terms of siting, scale and appearance would be compatible with the existing site and would not appear incongruous within this setting. It is considered that the proposed development can be accommodated without resulting in an adverse impact on the character of the landscape or unacceptable harm to local visual amenity. The proposed development would not conflict with the aims of Policies SP16 and SP20.

Impact on local amenity

The residential properties at Glebe Court nearest to the site are in the applicant's ownership and have been used as staff accommodation but are currently unoccupied. There are also two residential properties under the applicant's ownership (School House Court) 25 metres to the south east. A caravan park is further to the south east. Otherwise the application site is on the periphery of the village. The site is in close proximity to the cemetery and the applicant intends to liaise with the church to ensure that any noise or potential disturbance is minimised when any funeral services take place.

The site is currently untidy and appears cluttered with ad hoc external storage. The proposed buildings and yard would formalise the use of the land with purposes built facilities with the necessary storage and working space. A condition would be imposed requiring that there is no external storage of materials or equipment outside of the fenced yard. It is not anticipated that dust would be an issue as all material will be in designated storage bays. A condition shall be imposed to control any external lighting to reduce any light pollution.

The ground floor workshops are fully enclosed and face onto the yard and the nature of the work at the site would not involve particularly noisy activities. However, should planning permission be granted conditions shall be imposed that require the doors on the maintenance building to be closed during any construction, maintenance or repair works involving the use of power tools or machinery. In addition the hours of use of the external work areas will be limited to only between the hours of 07:00 - 22:00 which reflects the existing working hours albeit after 7pm the level of activity at the site is much reduced. The proposed buildings are ancillary to the operation of Flamingo Land Theme Park and Zoo and in light of this a condition shall be imposed requiring that they remain ancillary to the Park and at no time are sold off as separate industrial/commercial units.

The site and dutch barn is currently used by the maintenance team on an informal basis and the yard has previously been associated with agricultural activity. It is considered that the proposed buildings are compatible with the existing land use and, subject to the aforementioned conditions, it is not anticipated that the proposed development would give rise to any unacceptable visual impact or any pollution or disturbance and as a result there would not be an adverse impact upon residential amenity in compliance with Policy SP20.

Impact on highway safety

There are existing accesses to Glebe Farm and Glebe Court from Kirby Misperton Road to the south of the application site. However, the buildings and yard would be accessed from within the park using existing internal access tracks from the north. There is sufficient parking and turning areas available within the site to allow for the safe movement of staff and vehicles. There are no objections from the LHA and it is not anticipated that the proposed development would result in an unacceptable increase in traffic levels or any adverse impacts on the local highway network in compliance with Policy SP20.

Ecological impact.

The dutch barn that is due to be demolished has been checked by a qualified ecologist and there was no evidence of bat roosts or barn owls. The dutch barn was deemed to have negligible suitability to support bats or barn owls. Informatives shall be included on any permission granted in relation to bats and

nesting birds. It is considered that the proposed development would not have an adverse impact on any protected species or their habitats and complies with Policy SP14.

Conclusion

The principle of the development is supported by local plan policies in relation to employment and tourism and the proposed buildings would be partly sited on previously developed land within the development limits of the theme park. The proposed development can be accommodated without resulting in material harm to local landscape, visual or residential amenity or highways safety. In light of the above it is recommended that conditional planning permission is granted.

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 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Plan Proposed ref. AR50 01 Rev C, dated 07.11.19

Site Location Plan ref. EX10 01

Plans and Elevations Proposed ref. AR50 02 Rev A, dated 08.11.19

Elevations Proposed AR30 01, dated 28.10.19

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

3 Unless otherwise approved in writing all external constructional materials and colour finishes to be used for the buildings shall be in accordance with those identified in the application.

Reason: In the interests of amenity and to comply with policies SP16 and SP20.

4 The landscape planting scheme as shown on the approved drawing ref. AR50 01 Rev C, dated 07.11.19 shall be carried out during 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.

5 Prior to the installation of any external lighting associated with the development hereby approved details of the location, height, angle of lighting, level of illuminance output and hours of operation shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall therefore be installed on site only in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of amenity to ensure that the proposal satisfies Policy SP20 of the adopted Ryedale Plan - Local Plan Strategy.

6 Prior to the laying of any parking, turning or wash down areas within the site details of the ground surfacing materials shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and drainage.

- 7 Prior to any groundworks or construction within the site details of the proposed surface water drainage strategy (including details of any oil separators or interceptors) shall be submitted to and approved in writing by the Local Planning Authority. No buildings shall be occupied or brought into use prior to the completion of the approved drainage strategy.

Reason: To ensure that the development can be properly drained.

- 8 Prior to the installation of any fencing or gates details of the proposed means of enclosure (location, type, material & height) shall be submitted to and approved in writing by the Local Planning Authority.

- 9 The use of the buildings hereby permitted shall be, and shall remain, ancillary to the operation of Flamingo Land Theme Park and Zoo and shall at no time be sold off as separate industrial/commercial units.

Reason:- The site is considered unsuitable for the establishment of a separate industrial/commercial units because of the degree of detriment to the amenities of surrounding residential properties that would arise.

- 10 There shall be no external storage of materials or equipment outside of the fenced yard.

Reason: In the interests of amenity.

- 11 All doors on the maintenance building shall be closed during any construction, maintenance or repair works involving the use of power tools or machinery.

Reason: In the interests of amenity.

- 12 With the exception of access and work necessary for essential or urgent maintenance or repairs the use of the external yard areas by staff and the movement of vehicles and mobile plant and machinery within the yard shall be limited to only between the hours of 07:00 - 22:00 Monday to Sunday.

Reason: In the interests of amenity.

INFORMATIVES

All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Right of Way Act 2000) and are further protected under the Conservation of Habitats and Species Regulations 2017. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted for further advice. This is a legal requirement under the aforementioned acts and applies to whoever carries out the work.

Any works to buildings (including demolition) and any vegetation removal is required to be undertaken without harming nesting birds or destroying their nests. The main nesting and breeding season runs from mid-February to the end of August. If this is unavoidable checks should be undertaken by a suitably qualified ecologist prior to any works. If nesting birds are found during the watching brief, disturbance and destructive works will need to stop until the young have fledged.