

**Item Number:** 13  
**Application No:** 10/01047/MFUL  
**Parish:** Scampston Parish Council  
**Appn. Type:** Full Application Major  
**Applicant:** Sue Spink  
**Proposal:** Change of use and alteration of barns to form ground floor restaurant, lounge/bar and kitchen with one bedroom managers residential accommodation above, demolition of farmhouse, erection of building providing 12 no. en-suite hotel rooms and erection of single-storey building providing swimming pool, gym, changing facilities, steam room and lounge together with associated parking, external works and upgrading of vehicular access  
**Location:** Mill House Scarborough Road East Knapton Malton North Yorkshire YO17 8JA

**Registration Date:** 10 September 2010  
**8/13 Wk Expiry Date:** 10 December 2010  
**Overall Expiry Date:** 22 October 2010  
**Case Officer:** Rachel Smith **Ext:** 323

**CONSULTATIONS:**

<b>Environment Agency</b>	Remove Objection
<b>Highways Agency (Leeds)</b>	Holding direction for 6 months
<b>Yorkshire Water Services</b>	No views received to date
<b>Archaeology Section</b>	Recommend conditions
<b>Environmental Health Officer</b>	Some concerns but no objection
<b>Countryside Officer</b>	Recommend conditions
<b>Tree &amp; Landscape Officer</b>	No objection
<b>Parish Council</b>	No views received to date

**Neighbour responses:** Mr G Webster,

.....  
**SITE:**

Mill House is situated on the northern side of the A64 at East Knapton. It comprises a former farmhouse and outbuilding in a 2.6 hectare site. It has recently operated as a guest house. It is set back approximately 10 metres from the main road and is accessed via a track.

The area is predominantly agricultural, however, there is a dwelling and scaffolding business to the immediate east. The access track is well screened by existing mature trees.

**PROPOSAL:**

Permission is sought for:-

- The demolition of the existing dwelling and its replacement with a building to provide a hotel comprising 12 en-suite bedrooms;
- Erection of a single-storey building to provide fitness centre and swimming pool;
- Conversion of existing barns to form restaurant and bar; and
- Improvement of access with A64, widening of driveway and provision of car park.

## **HISTORY:**

1999: Permission granted for demolition of dwelling and change of use of barns to B1, B2 and B8

2003: Permission granted for change of use of agricultural building to bed and breakfast

## **POLICY:**

### National Policy Guidance

PPS4 - Planning for Sustainable Economic Growth

PPS7 - Sustainable Development in Rural Areas

PPS9 - Biodiversity and Geological Conservation

PPG13 - 'Transport' 1994

Good Practice Guide on Planning for Tourism

### Ryedale Local Plan

Policy AG5 - Re-use of rural buildings for business, commercial, industrial, tourism or recreational uses

Policy ENV7 - Landscaping

Policy T4 - Accesses onto 'A' roads

Policy T7 - Parking

Policy TM2 - Hotels, guest houses and other visitor accommodation outside settlements

## **APPRAISAL:**

The main issues in the consideration of the application are:-

- principle of the use in this location;
- access;
- appropriateness of design;
- impact on existing amenities of neighbouring occupiers;
- landscape considerations;
- ecology; and
- archaeology.

In terms of the principle of the use, Policy TM2 supports hotels and other visitor accommodation where it involves the change of use of suitable residential properties or the conversion or adaptation of suitable rural buildings. The applicant wishes to demolish the existing building because it would require extensive alteration to enable it to be brought up to a suitable standard. Some of the existing barns will also be replaced. Whilst it is acknowledged that the development will result in a significant level of re-build and extensions, given the existing buildings on the site, it is considered that the proposal accords with the principle of the policy. The Good Practice Guide on Planning for Tourism emphasises the value of tourism to the national economy. It also states:-

“5.2 In order to be commercially competitive and thus successful, tourism developers will choose sites that are accessible to visitors”.

In this instance, the site is on a key transport route with the benefit of public transport.

Policy EC7 of PPS4 also states that Local Planning Authorities should support sustainable rural tourism that benefit rural businesses, communities, and visitors which utilise and enrich the character of the countryside.

In relation to the design, the new building is broadly on the lines of the existing dwelling. It will be constructed from brick under a slate roof, with traditional sash windows set in reveals. The fitness suite and swimming pool are situated to the side and rear, and are subordinate in scale. They will be constructed from horizontal timber boarding with deep set dark framed apertures under a metal roof. It is considered that the design and proportions of the development relates well to its settings, and is typical of the area.

In relation to the impact of the development on the existing amenities of neighbouring occupiers, the nearest dwelling is Mill Grange which lies to the immediate east. It is not considered that the development will have a significant adverse impact on their amenities, in particular, because the parking and main movements associated with the hotel will be located away from the common boundary.

In relation to the access, a Travel Plan has been submitted in addition to the Transport Assessment. This states that there is a shared footpath/cycleway running alongside the A64. There is also a bus stop 1.4m from the site. In terms of the access itself, the plans show the increase in width of the existing driveway to allow traffic in both directions to pass, together with an upgraded junction.

The applicant has been in discussions with the Highways Agency regarding the proposals. They have verbally advised that the Travel Plan is acceptable, and will shortly be forwarding a formal consultation response.

In relation to ecology, an ecological survey accompanied the application and this has been assessed by the Council's Countryside Management Officer. The site was assessed in terms of bats, barn owls, breeding birds, badgers and great crested newts. It was established that there was a low level of bat habitation within the farmhouse. Local Planning Authorities have a duty to have regard to the requirements of the Habitats Directive. Under the regulations, it is a criminal offence to kill, injure or disturb the nesting or breeding places of protected species. In this case, due to the low level of bat habitation, a mitigation plan has been put forward which will minimise the risk of harm to bats, and ensure that bat roost habitat is maintained on the site post development. Measures to ensure that breeding birds are not disturbed and suitable habitat is maintained on site are proposed. The Council's Countryside Management Officer has accepted the findings of the report and recommended a condition requiring compliance with the proposed mitigation.

The Environment Agency objected to the initial plans because no assessment of the risks of pollution to ground and surface water had been provided. The necessary information was provided by the applicants, and the Environment agency has now withdrawn their objection subject to a condition.

It is noted that a letter has been submitted on behalf of a neighbouring farmer. This advises that the adjacent land is used for pigs, and there is a reserved right of way along the access to Mill House. The Council's Environmental Health Officer has been consulted and has advised that smells from pigs should not be an issue. It was noted that there is a scaffolding business on the adjacent site which could have some impact on occupiers amenities. However, the orientation of the building should provide protection.

In conclusion therefore, it is not considered that the development will harm the character of the open countryside.

Whilst the development includes a significant extension, it is well designed and in any event, the site is well screened by existing landscaping and buildings on the adjacent site. It is also accepted that the development is likely to create 20 jobs, and will in addition, provide leisure and recreation facilities which will be available for people living in the area. As such, the recommendation is one of approval subject to no objections being received from the Highways Agency.

Ryedale Local Plan - Policy AG5 - Re-use of rural buildings for business, commercial, industrial, tourism or recreational uses

Ryedale Local Plan - Policy ENV7 - Landscaping

Ryedale Local Plan - Policy T4 - Accesses onto 'A' roads

Ryedale Local Plan - Policy T7 - Parking

Ryedale Local Plan - Policy TM2 - Hotels, guest houses and other visitor accommodation outside settlements

National Policy Guidance - PPS1 - 'Delivering Sustainable Development' 2005

National Policy Guidance - PPS 4 - Planning for sustainable economic growth 2009

National Policy Guidance - PPS7 - 'Sustainable Development in Rural Areas' 2004

National Policy Guidance - PPS9 - 'Biodiversity and Geological Conservation' 2005

National Policy Guidance - PPG13 - 'Transport' 1994

**RECOMMENDATION: Approval subject to no objection from the Highways Agency**

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 shall be carried out in complete accordance with the scheme of mitigation contained in Section 11 of the submitted protected species survey (MAB - August 2010).

Reason:- In order to ensure that those species identified for protection in the Wildlife and Countryside Act are not harmed, or their habitat lost by the development, and to satisfy the requirements of PPS9 - Biodiversity and Geological Conservation.

3 Before the commencement of the development hereby permitted, or such longer period as may be agreed in writing with the Local Planning Authority, 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 PPS1 - Delivery Sustainable Development.

4 Unless otherwise agreed in writing by the Local Planning Authority, no development shall commence until details of the proposed means of disposal of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority.

Reason:- In the interests of the satisfactory drainage of the site and to comply with Policy U4 of the Ryedale Local Plan.

5 The detailed drawings to be submitted for the written approval of the Local Planning Authority shall include a plan and schedule of all trees and shrubs on the site. Such plans shall show the accurate position, crown spread, approximate height, and trunk diameter measured at 1.5 metres from ground level, of each tree to be retained or removed, together with a brief description of the condition of each tree. Trees to be retained shall be protected prior to the commencement of the development by the following measures:

(i) a chestnut pale fence or similar fence, not less than 1.2 metres high, shall be erected, in accordance with recommendations in BS 5837: 2005 hereafter referred to as the "PROTECTED ZONE", not less than a minimum distance equal to 12 x the diameter of the trunk of any tree shown on plan No. (or dated) to be retained;

(ii) no development, including the erection of site huts and parking of vehicles, or any other buildings in connection with the development, shall be sited within the PROTECTED ZONE referred to above;

(iii) no materials, including fuel or spoil, shall be stored within the PROTECTED ZONE referred to above;

(iv) prior to the commencement of the development, and in appropriate cases where the retention of trees is not prejudiced, locations for the burning of materials in connection with the development on site, shall be agreed in writing with the Local Planning Authority.

(v) no services in connection with the development shall be routed within the PROTECTED ZONE referred to above.

Reason:- To ensure that both the underground and upper parts of the trees to be retained on the site do not suffer damage that might prejudice their long term retention, resulting in a loss in visual amenity, and to satisfy the requirements of Policy ENV7 of the Ryedale Local Plan.

6 Before the development hereby permitted is commenced, 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 an appropriate external appearance, and to satisfy the criteria contained within Policy TM2 of the Ryedale Local Plan.

7 Prior to the commencement of the development hereby permitted, the developer shall construct on site for the written approval of the Local Planning Authority, a one metre square free standing panel of the external walling to be used in the construction of building. The panel so constructed shall be retained only until the development has been completed

Reason:- To ensure an appropriate external appearance, and to satisfy the criteria contained within Policy TM2 of the Ryedale Local Plan.

8 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority.

The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason:- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, and to satisfy the requirements of PPS23 - Planning and Pollution Control.

- 9 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason:- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, and to satisfy the requirements of PPS23 - Planning and Pollution Control.

- 10 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason:- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, and to satisfy the requirements of PPS23 - Planning and Pollution Control.

- 11 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 11.

Reason:- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, and to satisfy the requirements of PPS23 - Planning and Pollution Control.

- 12 Prior to the commencement of the development, details of all windows, doors and garage doors, including means of opening, depth of reveal and external finish shall be submitted to and approved in writing by the Local Planning Authority.

Reason:- To ensure an appropriate appearance and to comply with the requirements of Policy TM2 of the Ryedale Local Plan.

- 13 Any conditions at the request of the Highways Agency.

- 14 Any conditions at the request of the County Archaeologist.

- 15 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

- Drawing No. M 084/01/100 Rev B - Plans;
- Drawing No. M 084/01/100 Rev B - Elevations; and
- Drawing No. C-50 Rev A - Tree Constraints plan.

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

#### **INFORMATIVES:**

- 1 The applicant is advised that an environmental permit is required from the Environment Agency prior to making a discharge.

- 2 All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats &c.) Regulations 1994. 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 Wildlife and Countryside Act 1981 (as amended) and applied to whoever carries out the work.

Contact details: Natural England, Genesis 1, University Road, Heslington, York YO10 5ZQ  
Tel: 01904 435500

**Background Papers:**

Adopted Ryedale Local Plan 2002

Regional Spatial Strategy

PPS1 - Delivery Sustainable Development 2005

PPS4 - Planning for Sustainable Economic Growth

PPS7 - Sustainable Development in Rural Areas

PPS9 - Biodiversity and Geological Conservation

PPG13 - 'Transport' 1994

Responses from consultees and interested parties