

## PREVIOUSLY APPROVED APPLICATION COMMITTEE REPORT

**Item Number:** 8  
**Application No:** 18/00036/MFUL  
**Parish:** Rillington Parish Council  
**Appn. Type:** Full Application Major  
**Applicant:** Ellis Patents (Mr Richard Shaw)  
**Proposal:** Erection of an industrial unit (Use Class B2 and B8) and covered area over existing service road to include installation of 408no. photovoltaic panels to the proposed roof slopes together with relocation of existing oil tank, formation of an additional 13no. car parking spaces and replanting of existing landscape screening.  
**Location:** Ellis Patents High Street Rillington Malton YO17 8LA

**Registration Date:** 19 January 2018  
**8/13 Wk Expiry Date:** 20 April 2018  
**Overall Expiry Date:** 3 April 2018  
**Case Officer:** Niamh Bonner **Ext:** 325

### CONSULTATIONS:

<b>Parish Council</b>	No objection
<b>Historic England</b>	Comments
<b>Yorkshire Water Land Use Planning</b>	No comments required
<b>Lead Local Flood Authority</b>	No response received
<b>Highways North Yorkshire</b>	Recommends condition
<b>Archaeology Section</b>	Recommend condition
<b>Environmental Health</b>	Recommend condition
<b>Countryside Officer</b>	Recommend condition

**Neighbour responses:** Mr Adrian Dukesell,

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### SITE:

Ellis Patents is a precision engineering business, located within an industrial building comprised of a predominantly steel clad construction. The site is accessed off High Street and is situated to the south of properties on Woodlands Road and Woodlands Grove. The application site falls partially within the village development limits.

The site which is approximately 22,760 square metres is bounded by; housing to the north, agricultural land to the east and south and to the west is the private entrance which runs adjacent to the cemetery.

The site falls within an Archaeologically Sensitive Area.

### PROPOSAL:

This application seeks permission for the erection of an additional industrial unit (Use Class B2 and B8) to the east of the existing complex. This will include a covered area over the existing service road to protect the existing underground high voltage electricity cable, which requires 24 hour emergency access.

This proposal also includes the installation of 408no. photovoltaic panels to the proposed roof slopes together with relocation of an existing oil tank, formation of an additional car parking spaces and replanting of existing landscape screening.

This additional building extension would form warehousing for the business whilst the existing warehouse would be converted to form additional manufacturing space.

## **POLICIES:**

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 SP12 Heritage  
Local Plan Strategy - Policy SP16 Design  
Local Plan Strategy - Policy SP18 Renewable and Low Carbon Energy  
Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development  
Local Plan Strategy - Policy SP20 Generic Development Management Issues

## **HISTORY:**

The following applications are considered most relevant to the current proposal:

07/01132/FUL: Erection of extension to factory. Approved  
10/01074/FUL Erection of single-storey office building to infill existing enclosed courtyard area and erection of two-storey office extension to the south of existing offices. Approved  
14/00150/FUL: Installation of a 10,000 litre capacity fuel oil tank on agricultural land immediately adjacent to existing commercial site boundary (retrospective application) Approved on appeal  
14/00581/FUL: Replacement of asbestos wall cladding and roof with profiled metal cladding, installation of roof ridge ventilation, 2 no. vents each to south west and north east roofslopes and 3 no. louvres to south west elevation. Approved

## **APPRAISAL:**

The main considerations within the determination of this application are:

- i. The principle of development
- ii. Character and form
- iii. Impact upon residential amenity
- iv. Impact upon the archaeological sensitive area
- v. Impact upon access and highway safety
- vi. Other matters, including consultation responses

### i. The Principle of Development

Policy SP1 (General Location of Development and Settlement Hierarchy) notes that in all other villages, hamlets and in the open countryside development will be restricted to that *'which is necessary to support a sustainable, vibrant and healthy rural economy and communities.'*

Rillington is identified as a local service centre within the Ryedale Local Plan.

Policy SP6 Delivery and Distribution of Employment Land and Premises notes that in Service Villages and other villages *"expansion land/sites for major employers/established businesses will be supported"*  
Policy SP6 also notes the Council will aim to: *"Offer opportunities for specialist sectors including precision engineering and advanced manufacturing and existing key businesses. This will include: expansion space for existing businesses, new sites and premises for move on accommodation to support business growth and growing these key clusters."*

SP18 Renewable and Low Carbon Energy highlights that *"developments that generate renewable and/or low carbon sources of energy will be supported providing that individually and cumulatively proposals can be satisfactorily assimilated into the landscape or built environment."*

It is therefore considered that the principle of this development which relates to the expansion of an existing building at this Service Village, to allow the continued growth of a successful local precision engineering business at this Service Village is acceptable in accordance with Policy SP6 of the Ryedale Plan, Local Plan Strategy.

## ii. Character and Form

This application relates to the erection of an extension to the existing factory along the rear eastern elevation of the existing unit. It would also project approximately 12 metres further south than the existing building range.

This would relate to an expansion of approximately 33.9 metres along the northern elevation, of which 12m is the covered internal area and a maximum span of approximately 43.02m along the eastern side elevation of the building. An extension to the existing concrete apron to the north and south of the building is also proposed.

The proposed extension would increase the foot print of the manufacturing and warehouse space by 942 square metres, with an additional 372 square metres of covered internal area. The total floor area will be increased from 2360 square metres to 3674 square metres.

The proposed extension would maintain the eaves and ridge height of the existing units at 5.385m and 7.258m respectively. This would be clad in wall and roof panels similar to those used on the existing unit with roof lights providing additional natural day light. A condition is considered necessary to ensure the proposed construction materials exactly accord with the construction materials of the original building, unless otherwise agreed in writing with the Local Planning Authority.

The form and design of the proposed building is considered to be acceptable and it would maintain the appearance of the existing building. The use of roof lights and the introduction of solar panels could be achieved without harm to the character and appearance of the building.

It is however acknowledged that this development would result in development expanding further along this greenfield site. It is however considered that this extension to an existing established business premises is proportionate and that fundamentally would not harmfully alter the open character of the wider area on the edge of the village.

The additional 13no. car parking spaces are also considered acceptable in terms of appearance.

In terms of landscaping, there is an existing scheme in place along the northern boundary of the site. This incorporates a three tree deep section of planting. This proposed scheme incorporates the re-siting of some of the existing planting at a greater distance from the boundary shared with the residential properties to the north along Woodlands Road and Woodlands Grove.

The Design and Access Statement notes that this approach has been undertaken following consultations undertaken with the neighbouring properties, noting *“this will retain the screening but lessen the impact of the planting on neighbouring properties.”*

This approach is considered acceptable and the proposed landscaping scheme will assist in limiting the potential impact of the proposed development. The Council’s Countryside Specialist has been consulted and has provided a verbal consultation response to note no object to the proposed alterations to the landscaping. This is subject to a condition seeking further landscaping details and to ensure the planting is undertaken within the first available planting season and requiring replacement planting if any of the planting fails within a 5 year period.

Subject to the recommended conditions, it is considered that the proposal satisfies the requirements of Policy SP16 (Design) and SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy.

## iii. Impact upon residential amenity

The closest residential properties to the site are those to the north along Woodlands Road and Woodland Grove. Woodlands Grove is a cul-de-sac and some of the properties in this street are positioned most closest to the location of the proposed factory extension. The properties along Woodlands Road are positioned at a greater distance due to their long linear gardens.

The Design and Access Statement and submitted annexes confirm that Ellis Patents held two consultation meetings with neighbours and other residents of Rillington. This statement notes that concerns were raised by neighbours within this phase of consultation in relation to the position of the existing oil tank, adjacent to the boundary of no. 4 and 5 Woodlands Grove and the impacts which had been experienced due to the positioning of the existing landscaping. It is noted that the oil tank has been proposed for repositioning within the covered external area to increase the distance from the nearby residential properties and that the landscaping has also been proposed for repositioning to prevent overshadowing of these neighbouring properties.

The Design and Access Statement notes that in this direct consultation concerns were also raised in relation to the potential loss of light, and consequently Ellis Patents used sun tracking software to explore the shadowing casting. The statement also notes that concerns were raised in relation to noise generated by the plant, commenting *“whilst this doesn’t directly relate to the proposed application, the company have taken these concerns on board and implemented a range of noise reduction measures identified...in Appendix 3.”*

A letter of objection has however been received from the occupier of no. 4 Woodlands Grove raising the following summarised points of concern:

- 1) The proposed open structure does not take into consideration the conditions imposed in an earlier planning application which stated that no doors were to be put on the rear and no vehicles to the rear due to the proximity of neighbouring dwellings.
- 2) Acknowledged that this open section was due to a requirement to maintain access for Northern Powergrid to an underground power cable. The cable has been moved once on the site, questioned which this could not be the case again.
- 3) The open structure is shown as a loading bay. This will result in added noise from lorries and forklift trucks, with no screening from dust wind and fumes. Questioned why polythene sheeting could not be added.
- 4) Concerned that open area would become a dumping ground for empty pallets/cable reels littered around existing site.
- 5) Concerns over loss of daylight to their property several days a year. The Occupier confirms reviewing the computer generated model of the proposed impacts upon day lighting, however suggested the staggering of the extensions would aid in limiting this.
- 6) Concern over continuing impacts as a result of alarms within the business causing disturbance.
- 7) The extension is proposed to be used for storage uses only. This should be conditioned to ensure that they cannot be used for manufacturing in the future.

In relation to point 1, the applicant has confirmed the doors within the northern elevation of the building are included only as fire doors. It is noted that they are narrow in width and would not be suitable for any types of heavy machinery/forklift vehicles. These types of machinery would utilise the proposed roller shutter doors which are positioned more southerly within the covered area. It is considered therefore that these fire doors along the northern elevation, even if used for pedestrian access would not result in harm to amenity, particularly due to the proposed landscaping between the site and the adjoining residential properties to the north.

In relation to points 2 and 3, the open aspect of the design is noted. During the site meeting with the Case Officer, Ellis Patents confirmed that this external area would be used solely for housing of the oil tank, 24 hour emergency access for Northern Powergrid when required and by forklifts/trucks for loading/unloading. It is noted that the business already necessitates a number of vehicle movements, including a variety of types. These are detailed within Section 6.2 of the Design and Access Statement.

The Statement noted that *“the new building will not significantly increase the number of vehicle movements in general the company ship more products on the same vehicles.”* The submitted plans show the vehicle tracking into this covered area. A condition has been agreed with the agent that no vehicles excepting maintenance /emergency vehicles could go beyond grid line B on the proposed floor plans. This would effectively limit any vehicles using the covered area as a thoroughfare to the rear of the site, in closer proximity to the neighbouring dwellings. The Environment Specialist notes that in their view, no significant dust, wind or fumes would be experienced by virtue of the presence or use of

this covered area.

It is therefore considered that whilst this development will result in loading/unloading in closer proximity to these neighbouring dwellings, that this would not result in any significant additional impact than the current arrangement.

In relation to point 4, the proposed landscaping is considered likely to limit potential views of any pallets/cable reels on site from this neighbouring property. During the site visit there were no instance of the site appearing particularly untidy/unkempt. This level of control over on site storage is not something that could be effectively controlled by the Local Planning Authority. However it is considered that the additional warehouse space will increase the covered storage available to the business.

In relation to point 5, No. 4 Woodland Grove is the closest residential dwelling to the proposed extension, situated at a distance of c26m from the proposed extension. It would experience a more direct view of the extension than previously, as the factory building is currently offset.

The Agent has however provided the Case Officer with the previously referenced computer generated videos/images pertaining to potential shadowing as a result of the proposed development. This illustrates the potential shadowing over the course of the day, should there be no cloud cover on the spring, summer, autumn and winter equinoxes/solstices.

The report noted *“The winter and summer solstice dates are the shortest and longest days of the year respectively and the equinox dates are a midpoint in the Suns seasonal trajectory as the length of day and night is approximately equal. By using these four dates the shadow cast by the Ellis’ buildings for the extremes and averages of the Suns trajectory were found.”*

This shows no shadowing of any properties or gardens on the spring, summer or autumn equinoxes. However on the winter equinox, it was noted that the adjoining properties no.3 and no. 4 Woodland Grove would experience some overshadowing of their property to the rear between 08:30am and 09:00am. Between 09:15 and 09:30 these properties would not be overshadowed, but part of the garden would experience some overshadowing. Between 15:15pm and 15:30 it is noted that there would also be a level of shadowing in the rear garden of the adjoining properties no’s 4,5,6,7,8 Woodland Grove and at 15:30 this would reach as far as the rear elevations of no’s 6,7 and 8.

Whilst this overshadowing in mid-winter is noted, this would be the most extreme point within the year and this would be experienced for a relatively limited time period. From 10:00-15:00 hours, which are the hours of greatest daylight in the mid-winter, no impacts upon sunlight would be experienced in either the properties or the associated rear gardens. It is considered at the times where shadowing has been identified the original daylight levels are likely to be low. Furthermore, it is noted that the landscaping repositioning will assist in limiting overshadowing throughout the year.

On balance, it is therefore considered that these adjoining properties would not experience any material additional harmful impact by virtue of unacceptable overshadowing.

With regard to point 6, in relation to alarms, this would not be a matter that could be dealt with through this planning application. However it is noted that separate actions have been proposed by Ellis Patents within the consultation meeting to try and address this referenced in the appendices.

In light of point 7 raised by the occupier of 4 Woodlands Grove, it is considered appropriate to attach a condition to ensure that the proposed development is used solely for warehousing. This was agreed as an acceptable approach by the Planning Agent.

It is acknowledged that some views of the structure may be experienced by the occupiers of the properties along Woodlands Grove. However it is considered that the proposed landscaping will help to soften the appearance of this industrial building. The proposed design will continue the appearance of the existing building and it is considered that the proposed eaves and ridge heights are relatively low in scale for an industrial style building aiding to limit the overall massing of development.

A condition is recommended to ensure that no other lighting will be installed at the site without prior approval of the Local Planning Authority.

This proposal satisfies the requirements of Policy SP20 (Generic Development Management Issues) of the Ryedale Plan - Local Plan Strategy.

iv. Impact upon the archaeologically sensitive area

As noted, the application site is within an area of archaeological interest. This is in close proximity to the Iron Age barrow cemetery and settlement at Rillington, which is a Scheduled Monument. No archaeological assessments were provided within the initially submitted documents. Peter Rowe, Principal Archaeologist at North Yorkshire County Council provided the following consultation response on the 13th March 2018.

*“The proposed development has a large footprint including a new warehouse building, car parking, drainage, access and landscaping. This brings the factory significantly closer to the Scheduled area. Aerial photographs also indicated a number of square barrows in the field to the south-east of the factory, outside of the Scheduled area and it is reasonable to assume that similar remains will be present at the application site.*

*I recommend that a scheme of archaeological evaluation should be undertaken to identify and describe the nature and significance of any surviving archaeological remains within the proposed development area, and enable an understanding of the potential impact of the proposal upon their significance.*

*In the first instance, I would advise that this evaluation should comprise geophysical survey, to be followed by trial trenching, as appropriate.”*

Historic England responded on the 26th March to confirm that in their view the letter from Peter Rowe, Principal Archaeologist dated 13th March 2018 sets out a suitable strategy which Historic England supports and they did not require further consultation.

The applicant submitted an Archaeological Geophysical Survey as requested on the 25th April 2018 and within a consultation response dated 2nd May 2018, Peter Rowe, Principal Archaeologist noted the following:

*“The development is within an area of archaeological interest and is in close proximity to the Iron Age barrow cemetery and settlement at Rillington (NHL 1004072) which is a Scheduled Monument. The developer has provided the results of an archaeological geomagnetic survey. This has not revealed any anomalies of definite archaeological interest such as Iron Age square barrows which would almost certainly have shown in the data if present.*

*The geophysical survey has indicated a number of very discrete anomalies, such as pits, that may be archaeological and of potential significance given their proximity to the Scheduled Monument. The report also notes that geophysical survey does not always pick up every archaeological feature that might be present, particularly if results are masked by modern disturbance as is the case in parts of this site. Given the proximity to a known ritual landscape any deposits encountered could have intrinsic value and have added significance as part of an archaeological landscape.*

*I advise that a scheme of archaeological mitigation recording is undertaken in response to the ground disturbing works associated with this development proposal. This should comprise an archaeological strip, map and record to be undertaken in advance of development, including site preparation works, top soil stripping, excavations for new foundations and new drainage or services, to be followed by appropriate analyses, reporting and archive preparation. This is in order to ensure that a detailed record is made of any deposits/remains that will be disturbed.”* An appropriate condition was recommended in this respect.

It is therefore considered that subject to the recommended condition this proposal would accord with Policy SP12 of the Ryedale Local Plan and Section 12 of the NPPF (paragraph 141

v. Impact upon access and highway safety

The existing vehicular and pedestrian access to the site will remain unaltered.

Within an initial email response, the North Yorkshire Highways Officer noted concerns with regard to *“an increase in light goods vehicles (LGVs) parking proposed from 32 to 61 spaces”* within the submitted plan and Design & Access Statement. Clarification was requested in order to understand the extent of vehicle trips the additional LGVs would have on traffic figures allied to delivery & collection and how this would reflect against the two existing traffic surveys which have been provided.

A revised plan was received on the 13th March 2018 from the applicant which demonstrated a reduction in the proposed car parking spaces from 61 to 45. An accompanying email from the agent noted that *“Section 10 of the planning application had been filled out in error. The increase of Vehicle Parking should refer to Cars (Staff and Visitor parking) as per the drawings and Design and Access Statement and not LGV’s”*

An updated consultation response was received from North Yorkshire Highways on the 16th March 2018 to note no objection to the proposal subject to a condition to ensure the proposed parking spaces remained available for their intended use.

It is therefore considered that subject to the recommended condition, the proposal would have no significant additional impact in terms of access and highway safety upon the existing access arrangements in accordance with policy sp20 of the Ryedale Plan, Local Plan Strategy.

vi. Other Matters, including consultation responses

The Parish Council have responded to note they had no objections in relation to this proposal.

The Council’s Environment Specialist accompanied the Case Officer on the site visit and confirmed no objection to the proposal.

Yorkshire Water confirmed they had no observation comments to the application.

With the exception of the consultation response which has been received from the occupier of no. 4 Woodlands Grove, which was fully detailed above, no further representations were received from any third parties.

In light of the above considerations, subject to the recommended conditions, this proposal is considered to satisfy the relevant policy criteria outlined within Policies SP1, SP6, SP12, SP16, SP18, SP19 and SP20 of the Ryedale Plan – Local Plan Strategy and the National Planning Policy Framework.

**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 plan(s):

Site Location Plan (Drawing no. PD224-01)  
As Proposed Elevations (Drawing no. PD224-04-C)  
As Proposed Ground Floor Plans (Drawing no. PD224-03-C)

Proposed Block Plan (Drawing no. PD224-06-D)

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

- 3 Before preparation of any groundworks and foundations on site for the development hereby approve a scheme of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land, including those to be retained, together with measures for their protection which shall comply in full with BS5837:2012 Trees in relation to design, demolition & construction - Recommendations, in the course of the development, together with a scheme for the subsequent maintenance of any trees, shrubs and hedges retained on the site and any proposed to be planted as part of the approved landscaping scheme. Soft landscape details shall include planting plans, written specifications, schedules of plants - noting species (which should be indigenous), planting sizes and proposed density. All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following either the substantial completion of the development or the occupation of the development, whichever is the sooner.

Any trees, shrubs, hedges or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To protect visual amenity and the character of the area and to ensure a satisfactory environment having regard to Policy SP20 of the Ryedale Plan, Local Plan Strategy, coupled with the requirements of paragraphs 17 and 109 of the National Planning Policy Framework 2012

- 4 Unless otherwise agreed in writing with the Local Planning Authority, the construction materials to be used on the exterior of the industrial extension hereby approved shall accord in all respects with the appearance of the construction materials of the original building.

Reason: In the interests of good design and in compliance with Policy SP16 and SP20 of the Ryedale Plan- Local Plan Strategy and the NPPF

- 5 A) No demolition/development shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
1. The programme and methodology of site investigation and recording
  2. Community involvement and/or outreach proposals
  3. The programme for post investigation assessment
  4. Provision to be made for analysis of the site investigation and recording
  5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  6. Provision to be made for archive deposition of the analysis and records of the site investigation
  7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).
- C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In accordance with Policy SP12 Heritage of the Ryedale Plan, Local Plan Strategy and Section 12 of the NPPF (paragraph 141) as the site is of archaeological significance.

- 6 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 PD-224-06-D 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 Ryedale Plan- Local Plan Strategy and to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

- 7 The extension to the industrial building hereby approved shall be used only for warehousing/industrial storage facilities.

Reason: In accordance with Policy SP20 of the Ryedale Plan- Local Plan Strategy and to ensure the amenity of neighbouring residential properties is protected.

- 8 Unless otherwise approved in writing by the Local Planning Authority, no lighting shall be installed on the extension to the industrial building hereby approved.

Reason: In the interests of residential amenity and the character of the open countryside in accordance with SP16 of the Ryedale Plan, Local Plan Strategy.