

Item Number: 8
Application No: 21/01016/MFUL
Parish: Huttons Ambo Parish Council
Appn. Type: Full Application Major
Applicant: Mr Sean Harrison (DH Group)
Proposal: Erection of a building comprising 11no. units for Class E, B2 and B8 Uses with Unit 9A dedicated to a bespoke Childrens Nursery (Use Class E) together with associated car park and landscaping
Location: Land To The South Of Cherry Farm Close Malton North Yorkshire

Registration Date: 13 July 2021
8/13 Wk Expiry Date: 12 October 2021
Overall Expiry Date: 8 September 2021
Case Officer: Alan Goforth **Ext:** 43332

CONSULTATIONS:

Initial consultation

Yorkshire Water Land Use Planning	Objection (site layout requires amendment to protect sewers)
Lead Local Flood Authority	No response received
Public Rights Of Way	Recommend informative
Highways North Yorkshire	Recommends conditions
Huttons Ambo Parish Council	No response received
AONB Manager	No response received

Further consultation (revised description of development and site layout)

Yorkshire Water Land Use Planning	Recommend condition
Lead Local Flood Authority	Recommend conditions
Public Rights Of Way	No response received
Highways North Yorkshire	Recommend conditions
Huttons Ambo Parish Council	No objection but comments
AONB Manager	No objection

Representations:

BACKGROUND:

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

The application was initially registered and publicised as being for the 'Erection of a building comprising 9no. units for Class E, B2 and B8 Uses with Unit 9A dedicated to a bespoke Childrens Nursery (Use Class E) together with associated car park and landscaping'. However, the plans were subsequently revised and the description of proposed development was amended to that stated above and the application was the subject of a re-consultation and publicity exercise.

SITE:

The application site is within development limits on the western side of Malton and part of the western extension to York Road Industrial Estate (Malton Enterprise Park). The application site is employment

land committed or under construction since 2012 (Policy SD12 of the LPSD) Access is gained from the north via York Road and Cherry Farm Close. The application site amounts to approximately 4,500m² and relates to plots 9 & 11. There is open countryside in agricultural use to the south, the sewage treatment works to the east and existing employment land (industrial estate) to the north and west (plots 7 and 8, 10 & 12 respectively).

Public Footpath no. 25.51/3/1 takes a south-westerly course through the industrial estate and crosses the western corner of the application site. The site is located within Flood Zone 1, being the lowest flood risk classification. A water mains crosses the industrial estate and the north west corner of the application site. The boundary of the Howardian Hills AONB is approximately 400 metres to the north west of the site.

HISTORY:

20/00350/MFUL - Erection of a purpose built production facility with offices, ancillary accommodation and facilities for B1, B2 and B8 Uses with associated car park and landscaping. APPROVED 01.10.2020.

10/00150/MOUT- Mixed use development of Business (B1), General Industrial (B2), Storage and Distribution (B8) - site area 6.8ha. APPROVED 22.12.2010. Work has commenced and a number of industrial units have been developed.

PROPOSAL:

Planning permission is sought for the erection of a building comprising 11 no. units for Class E, B2 and B8 Uses with Unit 9A dedicated to a bespoke Childrens Nursery (Use Class E) together with associated car park and landscaping.

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)

The Ryedale Plan - Local Plan Strategy (2013)

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 SP13 Landscapes
Local Plan Strategy - Policy SP16 Design
Local Plan Strategy - Policy SP17 Managing Air Quality, Land and Water Resources
Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development
Local Plan Strategy - Policy SP20 Generic Development Management Issues

Local Plan Sites Document (LPSD)

Policy SD 12- New Employment Land Provision

Employment Land – Commitments:

York Road Industrial Estate, Malton 6.8ha B1, B2, B8 uses

Material Considerations

APPRAISAL:

Principle of the development

The National Planning Policy Framework (NPPF), at paragraph 81, advises that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. It states that *“Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”*.

The site is within the town development limits and Policy SP1 (General Location of Development and Settlement Hierarchy) supports new development within Malton, as one of the principle towns it is the primary focus for growth.

Policy SP6 (Delivery and Distribution of Employment/Industrial Land and Premises) relates to employment/industrial land and the site falls within the York Road Industrial Estate which is allocated for that purpose. Policy SP6 supports expansion land and new buildings for major employers/established businesses in this location.

The site benefits from outline planning permission ref. 10/00150/MOUT for mixed use development of Business (B1), General Industrial (B2), Storage and Distribution (B8) granted in December 2010. Work has progressed with the estate road, site infrastructure, landscaping and the build out of plots within the extended estate. In addition there is extant permission relating to the application site for a purpose built facility for B1, B2 & B8 uses (see planning history). Since 1 September 2020 B1 use falls within new Use Class E (Commercial, Business and Service). Day nurseries were previously Use Class D1 but also now fall under Use Class E.

In principle the proposal would enhance economic activity and create employment that would comply with the aims of Policy SP6 of the Local Plan Strategy. The proposed development is considered to be in accordance with the aforementioned national and local policies in relation to economic growth and productivity and is considered to be acceptable in principle.

Design, character and form

The proposed building will provide small ‘back to back’ units (11 in total) ranging from 1,250 square foot to 2,500 square foot in size. There would be access and parking on both sides of the building to serve units 9A-9F and 11A-11E. The proposed building would have a maximum length of 59 metres and maximum span of 39 metres. The building would have a shallow pitched roof with a ridge height of 7.6m and eaves heights of 6.4m- 7m. Unit 9A is two storey and centred on the front (west) elevation of the building. It would comprise a childrens nursery with dedicated parking areas and a secure external space.

Externally the building would be completed with composite cladding, with RAL 9007 (aluminium grey) to the walls and the roof being completed with RAL 180 40 05 (merlin grey). There would be a series of roller shutter doors and single personnel doors in both long sides of the building. Unit 9A (nursery) on the front (west) of the building would incorporate timber cladding and larger glazed openings at ground and first floor level and a wraparound entrance canopy on two sides of the building.

The proportions, materials and openings of the proposed building would reflect those of the existing adjacent buildings within the Enterprise Park albeit there would be added visual interest to the frontage unit containing the nursery. The AONB Manager has no objection to the plans. Overall the proposed design will assimilate with the existing developments in the wider site in compliance with Policies SP16 and SP20.

Impact on amenity

As required by Policy SP20 (Generic Development Management Issues) the development should respect the character of the area without having a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community.

The Parish Council have no objections but commented that there is no dedicated ‘safe’ outside space associated with the childrens nursery. The applicant has confirmed that there will be dedicated secure outdoor play space within the curtilage adjacent the nursery and this will be provided in line with the statutory regulations for nursery provision. In addition a condition shall secure the approval and implementation of appropriate boundary treatments and soft landscaping.

There are no proximal residential properties that would be impacted by the proposed development. It is considered that the proposed building is compatible with the existing land use and it is not anticipated that the proposed development would give rise to any unacceptable visual intrusion or any pollution or disturbance and as a result there would not be an adverse impact upon residential amenity in compliance with Policy SP20.

Highways

Paragraph 111 of the NPPF states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.

Policy SP20 (Generic Development Management Issues) advises that *“Access to and movement within the site by vehicles, cycles and pedestrians would not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists. Information will be required in terms of the positioning and treatment of accesses and circulation routes, including how these relate to surrounding footpaths and roads”*.

The building would be accessed via the internal estate road off York Road to the north. The highways officer has confirmed that the estate road meets the current LHA standards and is considered appropriate to serve the type and volume of traffic likely to be generated by the proposals. The level of car parking proposed meets the minimum requirements. The nursery would have a dedicated area of parking adjacent to the entrance for drop off and collection. In addition there would be a double bank of parking spaces on the northern boundary which would be available for staff.

The existing public footpath would not be obstructed by the development and the standard informative shall be imposed. There are no objections from the highways officer subject to conditions in relation to access, parking and turning areas and a construction management plan. 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 and the design encourages the use of sustainable transport in compliance with Policy SP20.

Drainage

The site operates a sustainable urban drainage design to discharge excess surface water run off through a site wide masterplan approved under the outline consent. All surface water drainage run off will discharge into a holding pond which will then be discharged at a controlled rate into a watercourse.

The revised site layout plan takes account of the drainage easements required by Yorkshire Water. Yorkshire Water have confirmed no objections and recommend the standard drainage condition. The LLFA has confirmed that the application demonstrates a reasonable approach to the management of surface water and request standard conditions to secure the detailed design of the drainage arrangements including maintenance, pollution prevention and exceedance flow routes.

It is considered that the proposal would be served by suitable surface water drainage arrangements in compliance with Policy SP17.

Conclusion

The proposed development of this site within an area allocated as employment land within the town development limits aligns with the principle aims of policies SP1 and SP6 of the Local Plan Strategy and the NPPF in relation to growth, productivity and employment. The proposed development can be accommodated without resulting in material harm to the setting of the AONB, visual or residential amenity or highways safety and complies with Policies SP1, SP6, SP13, SP16, SP17, SP19 and SP20 of the adopted Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework.

In light of the above the recommendation to Members is one of conditional 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 The development hereby permitted shall be carried out in accordance with the following approved plans:

Plot 9 Proposed Site Location Plan ref. 950 Rev B, dated 07.09.21

Plot 9 Proposed Site Plan ref. 951 Rev A, dated 07.09.21

Plot 9 Proposed Ground Floor GA Plan ref. 955 Rev B, dated 13.10.21

Plot 9 Proposed First Floor GA Plan ref. 956 Rev B, dated 07.09.21

Plot 9 Proposed Elevations ref. 958 Rev C, dated 13.10.21

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

- 3 Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed. Note that further restrictions on surface water management may be imposed by Yorkshire Water and the Local Planning Authority.

Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk in compliance with Policy SP17.

- 4 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 prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system in compliance with Policy SP17.

- 5 The development shall not commence until a scheme, detailing the treatment of all surface water flows from parking areas and hardstanding through the use of road side gullies, oil

interceptors, reedbeds or alternative treatment systems, has been submitted to and approved in writing by the Local Planning Authority. Use of the parking areas/hardstanding shall not commence until the works comprising the approved treatment scheme have been completed. Roof water shall not pass through the treatment scheme. Treatment shall take place prior to discharge from the treatment scheme. The treatment scheme shall be retained, maintained to ensure efficient working and used throughout the lifetime of the development.

Reason: To prevent pollution of the water environment from the development site in compliance with Policy SP17.

- 6 No development shall take place until an appropriate Exceedance 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, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance 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 exceedance 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 in compliance with Policy SP17.

- 7 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 public sewer network in compliance with Policy SP17.

- 8 Unless otherwise approved in writing all external constructional materials and colour finishes to be used for the building shall be in accordance with those identified in the application as shown on the approved elevation drawing.

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

- 9 No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at PLOT 9 MALTON ENTERPRISE PARK have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in compliance with Policy SP20.

- 10 Unless otherwise agreed in writing with the Local Planning Authority the development hereby approved shall be undertaken in accordance with the Construction Method Statement (Plots 9/11), dated 09.09.2021.

Reason: In the interest of public safety and amenity in compliance with Policy SP20.

- 11 The nursery in Unit 9A shall not be brought into use until appropriate boundary treatments and hard and soft landscaping have been implemented in accordance with details first approved in writing by the Local Planning Authority.

Reason: In the interest of public safety and amenity in compliance with Policy SP20.

- 12 Prior to the installation of any external lighting at the site, including lighting for site security

purposes, full details shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the position, height, angle of lighting, illuminance level and hours of operation. All lighting shall be installed and maintained in accordance with the approved details.

Reason: In the interests of the reduction of light pollution and to protect the setting of the AONB in compliance with Policies SP13 and SP20.

INFORMATIVES

- 1 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 Enterprise Park site is now significantly developed.

- 2
 - i) There is a Public Right of Way or a 'claimed' Public Right of Way within or adjoining the application site boundary - please see the attached plan.
 - ii) If the proposed development will physically affect the Public Right of Way permanently in any way an application to the Local Planning Authority for a Public Path Order/Diversion Order will need to be made under S.257 of the Town and Country Planning Act 1990 as soon as possible. Please contact the Local Planning Authority for a Public Path Order application form.
 - iii) If the proposed development will physically affect a Public Right of Way temporarily during the period of development works only, an application to the Highway Authority (North Yorkshire County Council) for a Temporary Closure Order is required. Please contact the County Council or visit their website for an application form.
 - iv) The existing Public Right(s) of Way on the site must be protected and kept clear of any obstruction until such time as an alternative route has been provided by either a temporary or permanent Order.
 - v) It is an offence to obstruct a Public Right of Way and enforcement action can be taken by the Highway Authority to remove any obstruction.
 - vi) If there is a "claimed" Public Right of Way within or adjoining the application site boundary, the route is the subject of a formal application and should be regarded in the same way as a Public Right of Way until such time as the application is resolved.
 - vii) Where public access is to be retained during the development period, it shall be kept free from obstruction and all persons working on the development site must be made aware that a Public Right of Way exists, and must have regard for the safety of Public Rights of Way users at all times.

Applicants should contact the County Council's Countryside Access Service at County Hall, Northallerton via CATO@northyorks.gov.uk to obtain up-to-date information regarding the exact route of the way and to discuss any initial proposals for altering the route.