

Item Number: 11
Application No: 22/00822/MFUL
Parish: Foxholes Parish Council
Appn. Type: Full Application Major
Applicant: Mr Ian Scruton (Wilfred Scruton Ltd)
Proposal: Erection of a secure storage building for agricultural machinery and equipment to the east of the existing buildings
Location: Land at Providence Foundry Main Street Foxholes Driffield North Yorkshire

Registration Date: 14 July 2022
8/13 Wk Expiry Date: 13 October 2022
Overall Expiry Date: 24 August 2022
Case Officer: Alan Goforth **Ext:** 43332

CONSULTATIONS:

Initial consultation

Foxholes Parish Council	Objects
Archaeology Section	No objection
Environmental Health	No response received
Highways North Yorkshire	No objection
NYCC Natural Services	No objection

Re-consultation (further/revised information- reduced ridge height and photomontage)

Foxholes Parish Council *[Any further comments will be reported in the late pages or at the meeting]*

Representations (3): Mr & Mrs Tomlin, David Eddy, Richard Smith (all objection)

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. In addition representations received in response to the consultation exercise have raised objections based on material planning considerations.

SITE:

The application relates to a long established agricultural machinery dealership located within the village of Foxholes. The site is situated at the northern end of the village on the eastern side of the B1249. There are three accesses to the site off the B1249. The proposal would utilise the access on the southern side of the buildings which front the main road. The existing site is within the village development limits.

The application site amounts to approximately 0.3 hectares and is immediately to the east of the existing site and buildings associated with the business. The site comprises an area of unmade hardstanding used by the business as an external storage yard. The site is within the open countryside and abuts the village development limits which follows the western boundary of the application site. The application site also falls within land locally designated as the Wolds Area of High Landscape Value. The site is within Flood Zone 1.

The land rises steeply from the road in an easterly direction and the application site is elevated in relation to surrounding buildings within the yard.

The nearest residential receptors to the proposed building are: Deneholme which is approximately 75 metres to the south west of the proposed building. Further to the south there are cottages which front the main road and detached dwellings which front Smythy Lane approximately 90 metres south of the proposed building. Beyond the existing yard and buildings there is a string of dwellings fronting the western side of the B1249 approximately 75-90 metres west/south-west of the proposed building.

Public Footpath no. 25.34/2/1 takes a west-east course linking the main road to Ganton Road to the north west of the application site and at its closest point is approximately 125 metres from the proposed building.

HISTORY:

17/01048/FUL- Erection of a general purpose building for the storage of the applicant's machinery stock. APPROVED 21.08.2018. Permission expired unimplemented.

16/01355/FUL- Erection of a commercial unit for storage of machinery (Use Class B8) following demolition of existing building. APPROVED 07.10.2016. Permission implemented.

12/00550/FUL- Alterations and extensions to existing building to include erection of pitched roof over existing flat roof extension, erection of extension to form new entrance on north elevation, overcladding of majority of existing brickwork with box profile sheeting on North, South and East elevations and reroofing in composite box profile sheeting. APPROVED 01.08.2012.

PROPOSAL:

Planning permission is sought for the erection of a secure storage building (Use Class B8 - Storage or distribution) for agricultural machinery and equipment to the east of the existing buildings.

The proposed building would be located to the east of the existing buildings on an elevated site, accessed from the existing internal track which links to the main road to the west. The building is to provide indoor secure storage of farm machinery and equipment prior to sale.

The proposed building would have a rectangular footprint orientated longways north-south. It would measure approximately 48.8 metres in length by 27.4 metres in width and would stand 7 metres to the eaves.

It was initially proposed that the building would stand 10.6 metres to the apex of the pitched roof. However, in response to the concerns raised by the Parish Council and third parties (detailed later in this report) the applicant agreed to lower the overall height of the building by reducing the roof pitch. As a result the proposed building has been amended to reduce the ridge height to 8.9 metres as opposed to 10.6 metres.

In addition it will be necessary to level the site prior to the construction of the building and as a result the finished floor level of the building will be approximately 1 metre below existing ground levels following site levelling as confirmed by the proposed drawings.

Immediately to the east of the proposed building stands an existing bund with a height of approximately 3.5 metres and runs the length of the proposed building. It is proposed that the bund is retained.

The proposed building would be of steel frame construction and externally would comprise concrete panels to the lower walls (to 3 metres above ground level) with the upper walls and roof clad with polyester coated steel profile sheeting (olive green colour finish).

The only openings in the proposed building would be in the southern gable end and would comprise a large, steel roller shutter door measuring 6 metres in width by 7 metres in height positioned centrally within the elevation and a single personnel door to the side.

Roof water will be disposed of via soakaway (French drains) to the east of the building.

The application is accompanied by a photomontage which illustrates the appearance of the proposed building (wireframe superimposed on photo) when viewed from the B1249.

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 SP9 The Land-Based and Rural Economy
Local Plan Strategy - Policy SP12 Heritage
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

Material Considerations

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

REPRESENTATIONS:

In response to the initial consultation the LPA received 3 representations from the occupants of number 1 Main Street, Foxholes; Hillcrest, Smythy Lane, Foxholes; Fieldside View, Ganton Road, Foxholes which raise objection stating the following concerns:-

- The size of this building in an elevated position- it will protrude into the skyline excessively and the building height cuts out daylight/sunlight.
- The building will be a blot on the landscape within an Area of High Landscape Value
- A building of this size should be at Scarborough Business Park
- The building will mean an increase in HGV movements
- Visual harm to the landscape and village as a whole due to its proposed height which will tower above all existing buildings
- Query whether the proposed development will require removal of any trees or hedging (impacting adversely on wildlife corridors).

The objections which raised impact on property value and loss of a view as concerns are not a matter of planning control and therefore not relevant to the determination of the application.

In addition the Parish Council have raised an objection making the following points summarised below:-

- The large and elevated building would be intrusive
- Request for a Landscape and Visual Impact Assessment and “visuals” of what it will look like
- The size of this building will block out the light to nearby residential properties, particularly in winter

The third parties referred to above and the Parish Council have been re-consulted on the further/ revised information comprising an amended drawing showing the reduced ridge height of the proposed building (8.6 metres) and photomontage with the wireframe of the building superimposed on the photo taken from the B1249.

The LPA has received further comments from those third parties who initially objected which are summarised as follows:-

- The reduced height of the proposed building and the retention of hedgerow, trees and bund are welcomed;
- The montage views are useful;
- Request for further photomontage from south (Smythy Lane) facing north towards site;
- Request for the south elevation to show the existing blue shed and the proposed new building side by side;
- Concerns remain in relation to the size of the building and impact on sunlight/daylight levels.

Any other further comments received will be reported in either the Late Pages or at the meeting itself.

APPRAISAL:

Principle of the development

The site is in the open countryside albeit the land immediately abuts the village development limit and currently forms part of the land used by the agricultural machinery dealership for outdoor storage.

Policy SP1 seeks to restrict development to that which is necessary to support a sustainable, vibrant and healthy rural economy and communities. At the national level paragraph 84 of the National Planning Policy Framework (2021) states that *“Planning policies and decisions should enable: (inter alia): a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings”*.

Policies SP6 and SP9 support the provision of new buildings in the open countryside for existing employers/established businesses to support rural economic activity.

It is understood that the existing, long established business is seeking to expand their storage capacity, as the business has received a recent increase in demand for equipment/machinery, resulting in more stock being held onsite; however, the business cannot yet provide suitable covered and secure storage for the stock.

It is considered that the principle of the development receives support subject to it being determined that the building can be accommodated in the local context without unacceptable landscape or visual impacts; harm to residential amenity, or highway safety implications.

Design and landscape and visual impact

The application site is within a locally designated landscape (Wolds AHLV) valued for its natural beauty and scenic qualities. Policy SP13 seeks to ensure the quality, character and value of Ryedale’s

diverse landscapes will be protected and enhanced by ensuring new developments reinforce the distinctive elements of landscape character.

Policy SP16 states that to reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings taking account of the topography and views, vistas and skylines. Policy SP20 requires that new development respects the character and context of the immediate locality and the wider landscape character in terms of physical features and the type and variety of existing uses. It also requires consideration of the cumulative impact of new development on the character of an area.

The older buildings on the site frontage are predominately of brick construction albeit the frontage building at the southern end of the site was reclad approximately 10 years ago with green box profile sheeting added to three sides and the roof. The buildings set back toward the rear (east) and north are of more modern construction.

The proposed building would have the appearance of a modern agricultural/commercial building not dissimilar to the adjacent buildings at the rear (east) of the yard. However, the proposed building would have an overall area of 1,337m² and would be larger than the existing buildings on site in terms of footprint and height.

The applicant has confirmed that the 7 metre eaves height is necessary to facilitate movements within the building. A large amount of stock and machinery would be moved and stored using a forklift. The height is required to enable access to the rear of the building (the forklift would at times reach over other pieces of machinery).

The applicant has amended the application to lower the apex height of the proposed building by 1.7 metres. In addition existing ground levels would be lowered by up to 1 metre to level the site prior to the construction of the building as shown on the elevation drawing. A condition shall be imposed in relation to the building's finished floor level.

The boundary planting to the north and the bund to the east of the proposed building are under the applicant's control and would provide good screening of the proposed building. The proposed building will not require the removal of any trees or hedging. A condition shall be imposed to ensure those landscape features are retained.

The Parish Council's request for a Landscape and Visual Impact Assessment is noted but given the site context and the relationship of the proposed building to the established business and adjacent commercial buildings such an assessment is deemed disproportionate.

As an alternative the applicant has provided a photomontage to illustrate the size and appearance of the proposed building when viewed from the nearest public vantage point on the footpath along the B1249 to the west of the site. A further potential public vantage point is the public footpath which crosses the field to the north west of the site but the route does not provide any direct views of the application site due to well established intervening planting.

The proposed building would be set back from the public highway with a very limited impact on the streetscene. Due to the steep incline of the site to the east of the road the roofscape of the buildings is inevitably stepped from east to west. However, it is evident that, for the most part, views of the proposed building from road level to the west of the site would be screened by the existing commercial buildings.

The proposed building would be visible between existing buildings at the site when viewed from the road at the northern end of the village. There are no views available from residential receptors from this position and a proportion of the building would be screened by the adjacent buildings as illustrated by the photomontage.

The proposed building, when viewed from the elevated gardens associated with the dwellings fronting the main road west of the site, would be seen in the context of the existing built development within the

commercial complex. The existing commercial business at the site is well established and the proposed building would be well positioned in relation to existing buildings and would not appear incongruous or isolated in this context.

It is acknowledged that a request has been made for a further photomontage to be produced for viewpoints on Smythy Lane south of the proposed development site. However, due to the proposed building being set back 50 metres from the south boundary; and the effect of the changing topography and presence of intervening tree and hedgerow planting there would be no views of the proposed building available.

Overall, it is considered that the siting, scale and design of the proposed building is representative of a modern commercial building and the proposal has been amended to minimise the impact on the open countryside and locally valued landscape in compliance with Policies SP13, SP16 and SP20.

Residential 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 site is on the northern edge of the village although there are residential receptors approximately 75 metres to the south and west of the site.

The proposed building would be set back behind the existing frontage buildings at the rear of the site. It would stand 50 metres from the southern boundary and 70 metres from boundary with the public highway to the west.

As a result of the proposed building being sited at the rear of the yard setback from both the road frontage and residential receptors it would not give rise to any overbearing impacts or overshadowing.

There is a concern that the building would result in detrimental impacts on residential amenity due to loss of daylight/sunlight to properties on the main road to the west. The proposed building is significant in size and elevated in road to the public highway to the west.

In order to address local concern the applicant has reduced the overall height of the building which as a result would have a shallower roof pitch. The upper part of the building and the roof would be visible above adjacent buildings from first floor windows of a few dwellings which front the main road to the west. However, due to the separation distance between the proposed building and those dwellings it is anticipated that any loss of natural light would be negligible and would not result in material harm to the amenity of the occupants.

The proposed storage building would be constructed in an area currently used for outdoor storage. No commercial or industrial operations are proposed to take place within the building. The provision of the building would not generate an increase in day-to-day activity in this part of the site nor an increase in HGV movements. The proposed building would be for storage purposes only with any noise associated with moving and storing stock contained within the building.

It is recommended that a condition is imposed restricting the permitted hours of movements into and out of the building in the interests of amenity to which the applicant is agreeable. A condition would also be imposed to prohibit the use of external areas within the application site for the parking of HGVs or outdoor storage. There are no unacceptable cumulative impacts anticipated.

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.

It is considered that, subject to the aforementioned conditions, the proposed storage building would not give rise to unacceptable impacts on the existing ambience of the area or the quality of life of local

residents. In light of the above it is considered that the design and use of the building would not conflict with the requirements of Policies SP16 and SP20.

Highways impact

Paragraph 111 of the NPPF (2021) advises 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 of the Local Plan Strategy requires that access to and movement within the site by vehicles, cycles and pedestrians should not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists.

Access to the proposed building would be gained off the B1249 via an internal track on the southern side of the site. The applicant has confirmed that the proposed development would not result in any change to established access arrangements or an increase in associated traffic as the equipment which is to be stored within the proposed building would otherwise be stored outdoors on the same footprint.

There are no Local Highway Authority objections to the application and it is considered that the proposal would not have any materially adverse impact on highway safety or the capacity of the public highway in compliance with Policy SP20 and the NPPF.

Ecological impact

It is noted that a local resident has raised a concern about the impact of the new building on wildlife. The site is a yard used on a daily basis and contains various agricultural vehicles; equipment and machinery. The County Ecologist has confirmed that given the site is currently an existing area of hardstanding there are no concerns.

Archaeological impact

The application site is within the historic settlement of Foxholes, an area of archaeological interest. However, the County Archaeologist notes that the proposed steel portal framed building on an existing yard which will be disturbed ground. The excavation of the stanchion pits for the steel frame is therefore unlikely to have a significant impact on archaeological remains. There are no objections from the County Archaeologist and no archaeological constraint on the proposed development in compliance with the NPPF and Policy SP12.

Conclusion

National and local planning policy allows for the expansion of established businesses and employers in open countryside locations to support rural economic activity.

The siting of the proposed building is logical and whilst the building of large in size the applicant has sought to minimise the visual impact by reducing the apex height and levelling the site.

The building can be accommodated in the local context without unacceptable landscape or visual impacts or harm to residential amenity. There are no highways; historic or natural environment reasons to recommend refusal.

In conclusion, subject to the conditions listed below which have been agreed with the applicant, the proposed development can be accommodated without resulting in material harm to the local landscape character, visual or residential amenity or highways safety and complies with Policies SP1, SP6, SP9, SP12, 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:

Site Location Plan ref. IP/HA/01 Rev A, dated Aug 2022

Elevations ref. IP/HA/02 Rev B, dated Sept 2022

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

3 Unless otherwise agreed in writing with the Local Planning Authority, the materials and colour finishes to be used on the exterior of the building the subject of this permission shall be in accordance with the details contained within the planning application and as shown on the approved drawings.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP13, SP16 and SP20.

4 Prior to the installation of any external lighting within the application 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 local amenity in compliance with Policy SP20.

5 Prior to the commencement of the development hereby approved precise details of the existing ground levels and the proposed finished ground floor levels measured in relation to a fixed datum point shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory external appearance and to satisfy Policy SP20 of the Local Plan Strategy.

6 No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. The parking of contractors' site operatives and visitor's vehicles;
2. Areas for storage of plant and materials used in constructing the development clear of the highway;
3. Details of site working hours;
4. Measures to control and monitor construction noise; and

5. Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity and to satisfy Policy SP20.

- 7 There shall be no movement of vehicles or machinery into or out of the building, except between the hours of 07:00 and 19:00 hours Monday- Friday and between 07:00-17:00 hours on Saturdays. There shall be no movement of vehicles or machinery into or out of the building on Sundays or Bank/Public Holidays.

Reason: To protect the amenity of the occupants of residential properties in the locality and to satisfy Policy SP20.

- 8 No external areas within the application site (red line boundary) shall be used for the parking of HGVs or external storage of plant, machinery, equipment, goods, materials, waste, products or parts, crates, pallets or trailers without the prior approval in writing of the Local Planning Authority.

Reason: To ensure that the appearance of the area is not prejudiced by the parking of HGVs or external storage to satisfy Policies SP16 and SP20.

- 9 No trees; hedges; or bunds within or adjacent to the site under the applicant's control shall be felled, uprooted, wilfully damaged or destroyed, reduced or cut back in any way or removed without the prior written approval of the Local Planning Authority.

Reason: To ensure screening planting and bunds are retained in the interests of visual amenity in compliance with Policy SP20.