

Parish: South Kilvington
Ward: Bagby & Thorntons
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Committee Date : 13th December 2018
Officer dealing : Mr. M Pearson
Target date: 20th December 2018

18/02031/FUL

**Construction of new workshop building/extension of yard area
at OS Field 7782 Barns Park Stockton Road South Kilvington
for R W S Bodyworks Limited.**

**The application is to be considered by Planning Committee as the application
constitutes a departure from the Development Plan.**

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 Planning permission is sought for the construction of a mechanical/bodywork and storage workshop for class 4 (cars) and class 7 (light and commercial vehicles) to be operated in association with RWS Bodyworks' accident and mechanical repair garage. The majority of the existing workshop is located within the development limits of South Kilvington. However, an extension to the workshop granted in 2006 is located predominately outside the development limits. The proposed workshop building is located entirely outside the development limits.
- 1.2 The site is bounded by open countryside to the north, south and east. Well established landscaping around the site's service yard limits views of the application site from the open countryside. Whilst there are elevated views towards the site from the A19, these views are obscured by the intervening hedgerows and tree cover along the roadside. To the west of the site are a variety of residential properties located along Stockton Road and further to the north along Upsall Lane. To the north of the junction of Upsall Lane and Stockton Road are the Grade II listed St Wilfred's Church and the Old Rectory.
- 1.3 The proposed workshop would be located at the eastern end of the plot and would sit within a raised grassed area. The boundary of the area subject to the application is defined by a variety of hedgerows. The proposed workshop building would provide an additional 450 sqm of floorspace.
- 1.4 The proposed workshop measures approximately 30m x 15m x 4.2m in height to the eaves and 6.1m in height to the ridge and would be constructed using profiled metal sheets and rendered blockwork. This design of the proposed building reflects the adjacent building that was granted planning permission in 2006. The south façade would contain five large roller doors and would include an entrance to a small office area located in the south-west corner of the building. The north and east façades would contain only a single personnel door whilst the west gable would contain personal door and small windows associated with office.
- 1.5 The existing business was established in 1999, following use of the building for commercial purposes since 1971. The vehicle repair workshop was extended in 2001 (planning application ref: 2/00/137/0092) and in 2004 (planning application ref: 2/03/137/092A) also included the provision of a parking and turning area. A previous application for the erection of a detached MOT workshop measuring 20m x 14m in height was withdrawn on 15 August 2006 (ref: 06/00879/FUL) following officers'

concerns that the proposed workshop was oversized and poorly related to the existing garage buildings. Following the withdrawal of the application, a revised proposal for an extension was approved in September 2006 (ref 06/01770/FUL).

2.0 RELEVANT PLANNING HISTORY

- 2.1 2/00/137/0092 – Extension to existing car repair workshop as amended by letter as received by Hambleton District Council on 19 January 2001 and plan received on 16 January 2001 - approved 16.01.01.
- 2.2 2/03/137/0092A - Alteration and extension of existing car repair workshop and change of use of agricultural land to ancillary parking and turning area - approved 22.12.03.
- 2.3 06/00879/FUL - Construction of an MOT workshop (Withdrawn 15.08.06).
- 2.4 06/01770/FUL - Revised application for an M O T workshop – Approved 21.09.2006.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies of the Development Plan are as follows;

- Core Policy CP1 - Sustainable development
- Core Policy CP2 - Access
- Core Policy CP4 - Settlement hierarchy
- Core Policy CP16 – Protecting and enhancing natural and man-made assets
- Core Policy CP17 – Promote high quality design
- Core Policy CP21 – Safe response to natural and other forces
- Development Policy DP1 - Protecting amenity
- Development Policy DP3 – Site Accessibility
- Development Policy DP4 - Access for all
- Development Policy DP9 – Development outside development limits
- Development Policy DP10 – Form and character of settlements
- Development Policy DP 28 – Conservation
- Development Policy DP30 – Protecting the character and appearance of the countryside
- Development Policy DP32 – General Design
- Interim Policy Guidance Note – adopted by Council on 7th April 2015
- National Planning Policy Framework – published July 2018

4.0 CONSULTATIONS

- 4.1 Parish Council – noted that noise and working hours needed to be considered but had no objection.
- 4.2 Highways Authority – No objections.
- 4.3 Environmental Health Officer – No objection but recommend that a number of conditions be applied to ensure that noise from the development is controlled.
- 4.4 Historic England – No comments.
- 4.5 Natural England – No comments.

- 4.6 MOD – No objections.
- 4.7 Yorkshire Wildlife Trust – No response received.
- 4.8 Council for British Archaeology – No response received.
- 4.9 Publicity - neighbouring occupiers were consulted in writing and a site notice was posted close to the application site. The period for responses for the site notice expired on the 26th October 2018.
- 4.10 The consultation period for neighbour consultation responses expired on the 18th October and two objections were received from surrounding residents raising the following concerns:
- Potential impact from noise
 - Detrimental impact on the appearance of the area
 - Car sales from the site
 - The potential for sub-division of the units to accommodate other businesses.
- 4.11 Following the re-submission of revised drawings the neighbours were re-consulted and this period expired on the 29th November 2018. No further representations were received during this period.
- 4.12 A letter of support was received from the Estates Department of North Yorkshire Police.

5.0 OBSERVATIONS

Principle

- 5.1 The application seeks to improve and expand the existing enterprise and there are strong levels of support for the rural economy at both national and local levels of planning policy.
- 5.2 Paragraph 83 of the NPPF notes that planning policies and decisions should support a prosperous rural economy through the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings, and promote the development and diversification of agricultural and other land-based rural businesses.
- 5.3 The majority of the existing business is located within the settlement boundary. However, the area subject to the application is located beyond the development limit boundary and as such is within the open countryside. Policy DP9 states that permission will only be granted outside the development limits in exceptional circumstances having regards to the provisions of Core Policy CP4.
- 5.4 Policy CP4 notes that development in the open countryside will only be supported in terms of Policies CP1 and CP2 and i) it is necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in a smaller village or in the countryside and will help to support a sustainable rural economy.
- 5.5 On the basis that the proposal represents the expansion of an existing business that predominantly sits within the development limits, into an area designated as open countryside, the conclusion can be formed that the principle of the expansion of the

existing business can be supported by National Policy contained within the NPPF. There is conflict with LDF Policy CP4, but this is considered to be outweighed by the benefits of the principle of the expansion of the existing business.

Impact on open countryside

- 5.6 The site was previously occupied by structures associated with the horticultural use of the site. Whilst these structures were lower in height, the principle of physical development within this part of the site has been established, albeit for a use that would normally be located within the open countryside rather than confined to within Development Limits.
- 5.7 The site benefits from a good level of screening, with mature landscaping to all boundaries and is well screened from public views. As a result views towards the site from the east from the public footpath are screened by the intervening landscape and the vegetation on the southern boundary of the site. Consequently, the visual impact on the character and appearance of the surrounding area will be minimal. The site, whilst outside Development Limits visually forms part of the wider yard area. Views from the north along Upsall Lane are limited to glimpsed views between the houses. In any event, the hedgerow on the northern boundary restricts views into the site.
- 5.8 Short distance public views from Stockton Road at the site entrance are possible. At present views to the eastern boundary are possible across the service yard.

Siting, Design and Appearance

- 5.9 During the course of the application, discussion with the applicant resulted in a change to the siting and orientation of the new workshop along the northern boundary and the retention of a grassed area in the south-east corner of the site to allow for the retention of a vista from Stockton Road through the site. This alteration to the site layout is considered to significantly improve the visual impact of the proposal in public views from Stockton Road because it would retain views to the hedgerow along the eastern boundary and to an extent would retain a sense of the open countryside beyond. The intention is to have less vehicles stored in the yard area and this will ultimately improve the visual appearance of the site.
- 5.10 The design and appearance of the new workshop follows that of the extension approved in 2006. Whilst the building is larger it has similar eaves and ridge height to the existing workshop and would be constructed with a similar palette of materials (render and cladding). On this basis, the proposed siting, design and appearance of the proposed workshop is considered to be acceptable.
- 5.11 The proposed workshop is located approximately 300 metres to the south of the Grade II listed St Wilfred's Church and The Old Rectory and therefore forms part of the wider setting of development located within the village. Given, the discrete location of the proposed workshop, the intervening buildings and landscaping it is considered that proposal would not impact upon the significance of the listed buildings.

Impact on neighbours

- 5.12 Concern has been expressed about the potential increase in noise from the site and the resultant impact on neighbour amenity. It is anticipated that due to the noise levels created by the existing activities it is unlikely that the level of noise associated with the proposed workshop will have any noticeable impact on the existing noise environment.

- 5.13 The existing planning permissions have a number of conditions relating to operating hours and noise control. In addition, Environmental Health has been consulted and on the basis that no complaints about the existing business have been received it is considered that any noise issues relating to the new workshop could be controlled through the imposition of suitable conditions. It is therefore considered appropriate to attach similar conditions to ensure that noise from the new workshop is adequately controlled.
- 5.14 In relation to the issue of highway safety and vehicle movements, the Highway Authority raises no objections to the proposal.
- 5.15 Public comments received about the traffic generated from vehicle movements associated with the limited car sales within the wider site is not matter before the Council for determination in this particular application. Similarly, the potential for sub-division of the spaces within the wider site is not an issue for consideration. It should be noted that any change of use from the current operations within the site would require planning permission.
- 5.16 Having regard to the above, it is considered that the proposed development accords with the aims and policies of the Local Plan and is recommended for approval on that basis.

6.0 RECOMMENDATION:

- 6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered RWS 1/4/18/01B and 02A received by Hambleton District Council on 19th November 2018 unless otherwise approved in writing by the Local Planning Authority.
 3. The development shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
 4. No part of the existing boundary hedge along the north west, north east and south east facing boundary(ies) of the site shall be uprooted or removed and the hedge shall not be reduced below a height of 2.5m other than in accordance with details that have been submitted to, and approved by, the Local Planning Authority.
 5. Prior to the commencement of walling, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

6. No building works including excavation, breaking up of existing concrete or tarmac areas, demolition works, piling operations, external construction works in general shall be carried out except between 0700 hours and 1800 hours Monday to Friday, 0700 hours to 1700 hours Saturday and there shall be no such work on Sunday or on any public holidays.
7. The building hereby approved shall only be used between the hours of 8am and 6pm Monday to Friday, 8am to 1pm on Saturdays and at no time on Sundays or Bank Holidays.
8. Notwithstanding the provisions of any Town and Country Planning (Use Classes) Order and any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development' the building(s) shall not be used other than as: a workshop/body repair and storage for class 4 and class 7 vehicles as defined in the Town and Country Planning (Use Classes) Order 2005. For clarity, no panel beating or spraying shall take place within the workshop approved.
9. No plant, machinery, materials or waste products shall be stored on any part of the application site outside the building the use of which is hereby approved.
10. Whenever work is being carried out on any vehicle, the building's doors and windows shall remain closed.
11. No external ventilation equipment shall be installed without the approval of the local planning authority.
11. Prior to development above ground level, details of the construction of the proposed building shall be provided demonstrating the incorporation of materials which contain and prevent the transmission of air borne noise. Details of the construction method, design and equipment siting shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be implemented and maintained in accordance with the approved details.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies CP 16, DP30 and DP32.
3. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties.
4. The existing wall/hedge is considered to make a worthwhile contribution to the character of the area and is worthy of retention in accordance with Hambleton Local Development Framework Policy DP30.
5. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.

6. In order to protect the amenities of residential properties in the locality in accordance with Hambleton Local Development Framework Policy DP1.
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8. The Local Planning Authority would wish to carefully examine any alternative use of the building to assess whether the development would be acceptable in terms of policy, access and amenity in accordance with Hambleton Local Development Framework Policy DP1.
9. To ensure that the site is maintained in a tidy manner in the interests of local amenity in accordance with Hambleton Local Development Framework Policy DP1.
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