

PLANNING APPLICATIONS

The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Northallerton on Thursday 26 May 2011. The meeting will commence at 1.30pm.

Further information on possible timings can be obtained from the Committee Officer, Jane Hindhaugh, by telephoning Northallerton (01609) 767016 before 9.00 am on the day of the meeting.

The background papers for each application may be inspected during office hours at the Civic Centre by making an appointment with the Head of Regulatory Services. Background papers include the application form with relevant certificates and plans, correspondence from the applicant, statutory bodies, other interested parties and any other relevant documents.

Members are asked to note that the criteria for site visits is set out overleaf.

Following consideration by the Committee, and without further reference to the Committee, the Head of Regulatory Services has delegated authority to add, delete or amend conditions to be attached to planning permissions and also add, delete or amend reasons for refusal of planning permission.

Maurice Cann
Head of Regulatory Services

SITE VISIT CRITERIA

1. The application under consideration raises specific issues in relation to matters such as scale, design, location, access or setting which can only be fully understood from the site itself.
2. The application raises an important point of planning principle which has wider implications beyond the site itself and as a result would lead to the establishment of an approach which would be applied to other applications.
3. The application involves judgements about the applicability of approved or developing policies of the Council, particularly where those policies could be balanced against other material planning considerations which may have a greater weight.
4. The application has attracted significant public interest and a visit would provide an opportunity for the Committee to demonstrate that the application has received a full and comprehensive evaluation prior to its determination.
5. There should be a majority of Members insufficiently familiar with the site to enable a decision to be made at the meeting.
6. Site visits will usually be selected following a report to the Planning Committee. Additional visits may be included prior to the consideration of a Committee report when a Member or Officer considers that criteria nos 1 - 4 above apply and an early visit would be in the interests of the efficiency of the development control service. Such additional site visits will be agreed for inclusion in consultation with the Chairman or Vice-Chairman of the Planning Committee.

PLANNING COMMITTEE

26 MAY 2011

Item No	Application Ref/ Officer	Proposal/Site Description
1	11/00283/FUL Miss A J Peel	Change of use of agricultural land to camp site (40 pitches for eco pods and safari style tents or caravans) construction of an amenity building, siting of a wind turbine (15M mast) and improvement works to existing vehicular access as amended by plan received by Hambleton District Council on 7 March 2011.. at Baxby Manor Bell Lane Hustwaite North Yorkshire for Mr Barnaby Smith. RECOMMENDATION: GRANTED
2	10/02790/FUL Mr A Cunningham	Retrospective application for the siting of a marquee to be used in connection with existing restaurant as amended by plans received by Hambleton District Council on 7 March 2011. at Fox And Hounds Bullamoor Road Northallerton North Yorkshire for Mr D Hawksworth. RECOMMENDATION: REFUSED
3	11/00485/FUL Mr J Saddington	Alterations and extension to existing bar/night club to form 14 flats and 2 shops at Elders, Elder Road, Northallerton for Mr P Cochrane RECOMMENDATION: REFUSED
4	11/00330/FUL Miss A J Peel	Construction of an agricultural building for the housing of livestock. at Sunbeck Farm Pilmoor Helperby York for Mr C Fryer. RECOMMENDATION: GRANTED
5	11/00797/FUL Mrs T Price	Retrospective application for a material change of use from agricultural land to a private gypsy site for one mobile home.. at Hillside View Farm Tame Bridge Stokesley North Yorkshire for Mr J McElvaney.

		RECOMMENDATION: GRANTED
6	11/00615/FUL Mrs H M Laws	Revised application for a change of use of an existing industrial building (B1 and B8 use) and agricultural building to an abattoir. at Unit 6 Sutton Grange York Road Sutton On The Forest for Mr C Hodgson. RECOMMENDATION: GRANTED

1.

11/00283/FUL

**Change of use of agricultural land to camp site (40 pitches for eco pods and safari style tents or caravans) construction of an amenity building, siting of a wind turbine (15M mast) and improvement works to existing vehicular access as amended by plan received by Hambleton District Council on 7 March 2011..
at Baxby Manor Bell Lane Husthwaite North Yorkshire
for Mr Barnaby Smith.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks consent for the change of use of agricultural land to a camp site for 40 pitches, the construction of an amenity building, the siting of a wind turbine and improvement works to an existing vehicular access. The camp site is located to the west of Baxby Manor and is approximately 400 metres from the western end of Husthwaite village. The application proposes to provide 'ecopods' and 'glamping' style accommodation. The amenity building will be located centrally within the site and measures approximately 24.5 metres x 8.1 metres with a height of 4.8 metres.

1.2 The proposed wind turbine will be sited to the west of Baxby Manor and measures 15 metres high to the hub and 19.2 metres at full height.

2.0 RELEVANT PLANNING HISTORY

2.1 06/02961/FUL - Change of use of agricultural land for the siting of 11 static holiday caravans and improvement works to existing access. Withdrawn.

3.0 RELEVANT PLANNING POLICIES:

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

- Core Strategy Policy CP1 - Sustainable development
- Development Policies DP1 - Protecting amenity
- Core Strategy Policy CP2 - Access
- Development Policies DP3 - Site accessibility
- Core Strategy Policy CP4 - Settlement hierarchy
- Development Policies DP9 - Development outside Development Limits
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP32 - General design
- Development Policies DP33 - Landscaping
- Core Strategy Policy CP18 - Prudent use of natural resources
- Development Policies DP34 - Sustainable energy
- Core Strategy Policy CP21 - Safe response to natural and other forces
- Development Policies DP43 - Flooding and floodplains
- PPS1 - Delivering Sustainable Development 2005
- PPS7 - Sustainable Development in Rural Areas
- PPS22 - Renewable Energy
- Good Practice Guide on Planning for Tourism - May 2006

4.0 CONSULTATIONS

4.1 Parish Council – Wishes to see the application approved. The expansion of business opportunities and creation of local employment is one of the priorities in the Parish Plan. The proposal is in line with this aspiration and with the revised siting of the wind turbine next to Skonoker the application should be approved, received 7 March 2011.

4.2 National Air Traffic Services – No safeguarding objection to the proposal, received 7 March 2011.

4.3 The Lower Swale Internal Drainage Board – No comments received, expiry 15 March 2011.

4.4 AONB Advisory Committee – No comments to make on the proposal, received 25 March 2011.

4.5 The Environment Agency – No objections but recommended conditions, received 14 March 2011.

4.6 The Ramblers Association – We suggest the Applicant shows the position of the cross-field FP.14 on his plan, in conjunction with the NYCC PROW Section.

It appears to be about 30 m. away from the cross-field FP.14, 50 m. from FP.15 and 70 m. from Angram Grange FP.5 (on the NW side of Ings Beck), satisfying our suggested minimum 110% of the 'fall-over' distance from these Foot Paths.

It appears to be just under 60 m. from Bell Lane, just about satisfying the recommended minimum 3 times 'fall-over' distance (58 m.) from a lane used by horse riders, 110% being just under 64 m.

If the applicant is happy with the proximity to his property and the available wind, the current suggested site would appear to satisfy our requirement of 110% of 'fall-over' distance from any FP, or road used by walkers, but we are of course unaware as to the requests of any horse riders' groups, received 4 April 2011.

4.7 The British Horse Society – No response, expiry 15 March 2011.

4.8 NYCC Highways – No objections but conditions suggested, received 16 March 2011.

4.9 NYCC Archaeology – It is recommended that any ground disturbance during the construction of the wind turbine and associated cable trenches be subject to archaeological monitoring in the form of a Watching Brief. A suitable scheme of archaeological recording should be undertaken over this site/area in response to the proposed development. This is in order to ensure that a detailed record is made of any deposits that will be disturbed, received 21 March 2011. Further information submitted by the applicant. Comments received from NYCC Archaeology to confirm that the condition is unlikely to be required, received 26 April 2011.

4.10 National Grid Protection – No response, expiry 15 March 2011.

4.11 Environmental Health – The Environmental Health Service is concerned about noise impact on the holiday cottages, farm and caravan park at Baxby Manor which are approximately 60 metres away from the turbine, we are also concerned about the noise impact on the residential properties at Hushwaite Village which is approximately 320 meters away from the turbine.

In rural areas, night time background noise can reach levels as low as 18/20dB. Noise passing through an open window is reduced by about 12dB. A 3dB change in noise level is generally just noticeable. Therefore noise levels above 35 dB have the potential to be heard and cause noise disturbance inside properties such as impact on sleep.

Based on the information submitted by the applicant the 'Proven P35-2' turbine produces a noise level of 45dB(A) at 140 meters and 40dB(A) at 248 meters. With the turbine situated at a short distance from residential properties, external noise levels created are likely to be above 35dB(A) and have the potential to cause noise disturbance.

Domestic wind turbines are a new technology and as yet no detailed national guidance or standards have been produced to help Local Authorities determine applications with regards to noise and likely impact. Due to low background noise levels in rural environments the rigid application of unsuitable standards can lead to noise nuisance and each site must be assessed independently to prevent this. Without data on the existing background noise levels associated with wind speed we cannot determine what impact the turbine will have or what controls if any can be applied i.e., the turbine should not operate at certain wind speeds or times of the day.

We acknowledge that some of the properties discussed are owned by the land developer. However these properties may be rented to third parties such as the proposed holiday units or if further residential properties are built close by they may be exposed to higher than recommended noise levels.

We therefore recommend that suitable noise standards are applied to the use to protect the land use for existing and future amenity. To enable me to fully assess this application the applicant must either:

1. Submit noise report which from a specialist noise consultant or other suitably qualified person which enables the planning authority to make a comparison against the proposed predicated noise levels created from the installation of a wind turbine and the existing background noise environment. The report should consider the following areas:

- Noise levels from the wind turbine at various wind speeds from minimum to maximum capacity when the wind is blowing from the turbines towards noise sensitive premises*. These figures should include any tonal feature of the noise.
- Predicted noise levels from the wind turbine over distance including any tonal features, at the nearest noise sensitive premises*.
- Existing background noise levels at the nearest noise sensitive premises* at various wind speeds. These levels must take into account seasonal variations i.e. Leaves will create higher background levels with increasing wind speeds. Day time and night time backgrounds are required.
- The LA90, 10min descriptor should be used for both the background noise and wind turbine noise. Further guidance on survey parameters can be provided from ETSU-R-97

* Noise sensitive premises includes dwellings and external garden areas.

OR

2. Situate the wind turbine further away from the noise sensitive properties or change the design to ensure that noise level at the nearest noise sensitive property noise is limited to an LA90, 10min of 35dB (A) up to wind speeds of 10m/s at 10m height, then this condition alone would offer sufficient protection of amenity and background noise surveys would be unnecessary.

Informative

If planning permission is granted the applicant will need to apply for a caravan site licence; This licence has conditions attached in relation to static units such as the ecopods & safari style tents, these being 'Conditions for Holiday Caravan Sites' and in relation to touring caravans 'Conditions for Touring Sites'. Copies of these conditions are attached.

The applicant should ensure that all the conditions can be met before starting construction work. For example attention is drawn to the requirements under the 'Drainage, sanitation

and washing facilities' condition. If there are to be 40 pitches as stated for the ecopod/safari style tents then the proposed amenity block will need slightly additional provision to meet this condition, and the similar condition relating to touring caravans, received 4 April 2011.

4.12 Neighbours consulted and site notices posted. One notice was posted at the site entrance and two notices posted within the village. Six responses from nearby neighbours who made the following comments:

- a) The camp site will be too near the village and there is likelihood of noise and loud music in the summer.
- b) The wind turbine will be unsightly.
- c) Fully support the application. It will bring a well needed source of tourism to the area.
- d) Excellent idea and utilising a sustainable energy source.
- e) Well screened site with no impact on the local countryside.
- f) Wind turbines are much better to look at than the unsightly and numerous overhead power lines.
- g) Objection to the proposal.
- h) Harmful impact upon the character and appearance of the countryside.
- i) The development would be viewed from the nearby public footpaths.
- j) The scale of the development is disproportionate.
- k) Pollution of Ings Beck.
- l) Flooding issues.
- m) Noise and traffic disturbance.
- n) Compliance with holiday occupation condition.
- o) Field is of historic value and proposal would have an adverse impact on the area's historic interest.
- p) Impact on wildlife and habitats.
- q) Eco-pods are made by North Yorkshire Timber in North Yorkshire. Such a development would enable inward investment in the region and secure employment.
- r) The pods encourage sustainable forms of tourism encouraging walkers and cyclists.
- s) The village pub and shop would benefit from the development.
- t) There would be no detrimental effect on the village community.

5.0 OBSERVATIONS

5.1 The issues to be considered include whether, having due regard to the tourism needs of the area, the site would be a sustainable location for the proposed development, the effect of the development on the character and appearance of the surrounding landscape, the scale of the development, the impact on the amenity of local residents, the availability of opportunities for recreation, the accommodation of traffic on the local highway network, and flooding issues.

5.2 PPS1 and PPS7 support development which promotes economic growth whilst protecting the landscape and promoting sustainable patterns of development. The local guidance is contained within the Local Development Framework whereby Policy CP4 allows development in the open countryside in exceptional circumstances. One of these exceptional circumstances is that 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 the countryside and will help to support a sustainable rural economy. Another of these exceptional circumstances is it would make provision for renewable energy generation, of a scale and design appropriate to its location.

5.3 The site is located outside the development limits of Hustwaite but is approximately 400 metres from the village which can be accessed along public footpaths. Hustwaite has been designated as a Service Village within the Settlement Hierarchy of Policy CP4 and it is considered that the local village services such as the pub and shop will benefit from the proposal. The applicant intends to encourage the use of the nearby network of paths and cycle routes by providing visitors with leaflets of nearby walks and bike rides as well as the opportunity to hire bikes from the site. Visitors of the site will have access to the adjacent Baxby Airsports Club and the horse riding facilities at White Rose Riding School at Park

House Farm. Furthermore, there are tennis courts and a children's play area adjacent to the village school which will be available for use by visitors. It is considered that there are numerous opportunities for recreation on or near to the site which would help to limit car usage. Although the proposal is sited outside the development limits it is located close to a Service Village and will help to sustain local facilities and the rural economy. The proposal therefore meets with Policy CP4.

5.4 The camp site is fairly large with the introduction of 40 camping pitches but the camp site and wind turbine are set back from the road site by at least 60 metres. There are nearby public footpaths and the camp site will be visible but the existing and proposed landscaping will help to screen the development from the surrounding landscape. The wind turbine will be clearly visible within the surrounding landscape however it is not excessive in terms of height. It will be sited reasonably close to the buildings at Baxby Manor and will not therefore be an isolated feature within the landscape. Although the structure will be visible it is considered that it will not have an unacceptable visual impact upon the surroundings.

5.5 The camp site is located approximately 400 metres from the western end of Husthwaite village and approximately 300 metres from the nearest neighbour. Due to the size of the development and the traffic generated it is expected that there will be some disturbance on nearby neighbours. However, the site is fairly isolated and is away from the majority of the residents within the village. It is therefore considered that the noise and disturbance will not be so excessive as to unacceptably harm the amenities of the surrounding residents. The Environmental Health Department have concerns relating to the noise impact of the wind turbine given its positioning close to the properties at Baxby Manor. However, these properties are within the applicants control and they are aware of the noise implications of the turbine. The applicant has the ability to prevent noise nuisance to residents by limiting the use of the wind turbine during conditions where noise may cause nuisance. It is considered that the turbine is at an acceptable distance from the other nearby neighbours to ensure that the development will not cause unacceptable levels of noise disturbance.

5.6 NYCC Highways have no objections to the proposal but recommend some conditions relating to access, parking and turning arrangements on site. There are public footpaths and bridleways near to the siting of the wind turbine. The safety guidance in the Companion Guide to PPS22 Planning for Renewable Energy states that the height of the turbine to the tip of the blade plus 10% is often used as a safe separation distance to prevent injury to human or animal life. In this case the proposal meets with the appropriate separation distance of at least 21 metres. It is considered that the proposals will not have a harmful impact upon the local highway network, or pedestrian or animal safety.

5.7 The Environment Agency have assessed the proposal and has no objections to the development but has suggested that a scheme be submitted to address the management of surface water run-off and that the floor level of the amenity block is raised by 300mm above the existing ground level. It is considered that the development will not increase flood risk at the site. The application proposes a non-mains solution for managing foul drainage from the site. The Environment Agency have confirmed that the water environment in the area of the site is of low sensitivity and they therefore have no objections to the proposal. However, they have recommended that the Planning Authority, through consultation with the Environmental Health Department, are satisfied that the management of foul drainage meets with the requirements of DETR Circular 03/99. It is therefore considered appropriate to request further information regarding the drainage details. This can be controlled by condition.

5.8 It is considered appropriate to attach a holiday occupancy condition to this type of development. Although a nearby neighbour has concerns regarding this it is felt that this condition can be easily monitored and any permanent residential use can be controlled effectively.

5.9 NYCC Archaeological Department have no objections to the proposal.

5.10 The formation of a camping site and construction of a wind turbine will have some impact upon the local wildlife. However, the application proposes additional landscaping to help screen the development which will provide additional habitat sites. It is considered that the proposal would not unacceptably harm the nearby wildlife species and their habitats.

5.11 Taking into account all of the above, it is considered that the proposal is in accordance with the policies and proposals of the Hambleton Local Development Framework, and the application is therefore recommended for approval.

SUMMARY

It is considered that the scheme is in accordance with the requirements of the policies stated above, is in a sustainable location, will not cause unacceptable harm to the character and appearance of the countryside, biodiversity, flooding, neighbouring amenity or highway safety.

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 occupation of the accommodation hereby approved shall be as follows: (i) the holiday accommodation is occupied for holiday purposes only; (ii) the holiday accommodation shall not be occupied as a person's sole, or main place of residence; (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of the holiday accommodation on the site and of their main home addresses and shall make this information available at all reasonable times to 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. The development hereby permitted shall not be commenced until such time as a scheme to address the management of surface water run-off and raise the floor level of the amenity block by 300mm above existing ground level has been submitted to, and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with any timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be approved, in writing, by the local planning authority.
5. The development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted and approved in writing by the Local Planning Authority.
6. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 5 above.

7. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:

(ii)(b) The existing access shall be improved by constructing as a conventional 2 way junction in accordance with Standard Detail number E7 VAR for a distance of 15 metres into the site (iii) Any gates or barriers shall be erected a minimum distance of 15 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway. All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

8. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 70 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

9. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: (i) vehicular parking (ii) vehicular turning arrangements No part of the development shall be brought into use until the approved vehicle parking and turning areas have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

10. No external lighting shall be installed other than in complete accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority.

11. If the wind turbine ceases to operate the landowner upon which the wind turbine is sited shall as soon as practicable notify the Local Planning Authority of the cessation of use. If it is to remain non-operational for a period of 6 months or more it shall then be removed before the 7th month has elapsed.

12. No development shall commence until details of the colour(s) and surface finish of the wind turbine blades and mast and details of the materials for the external surfaces of all other structures or buildings have been made available on the application site for inspection. 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.

13. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered received by Hambleton District Council on 14 February 2011, 18th February 2011, 7 March 2011 and 28th March 2011 unless otherwise agreed in writing by the Local Planning Authority.

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. To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation and can thereby contribute to the economy without undue demands on local schools, social and health services etc, and in accordance with Local Development Framework Policy CP 1.
3. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policy CP16, CP17, DP30 and DP33.
4. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed amenity block and future occupants.
5. In order to avoid the pollution of watercourses and land.
6. In order to avoid the pollution of watercourses and land.
7. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
8. In the interests of road safety.
9. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
10. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with LDF policies.
11. In the interest of visual and landscape amenity in accordance with Policy CP1, CP16 and DP30 of the Hambleton Local Development Framework
12. 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.
13. 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 Policy(ies) CP16, DP30, CP17 and DP32.

2.

10/02790/FUL

**Retrospective application for the siting of a marquee to be used in connection with existing restaurant as amended by plans received by Hambleton District Council on 7 March 2011.
at Fox And Hounds Bullamoor Road Northallerton North Yorkshire
for Mr D Hawksworth.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This retrospective application seeks planning consent for siting of a marquee to the south-west of the existing public house at the Fox and Hounds, Bullamoor, Northallerton. The marquee has been sited on an agricultural field to the southern portion of the site, and has been so since September 2010. The application was deferred from the 28th April 2011 Planning Committee.

1.2 The proposed marquee measures approximately 24.3m x 12.5m, with a total height of approximately 6.5m, and is constructed of white laminated coated PVC.

1.3 Access to the site is via an entrance from Bullamoor Road to the northern boundary of the property. Parking provision for the marquee is serviced by the existing 37 bays and 4 disabled bays located to the east of the Public House.

1.4 The northern boundary of the field adjacent the northern elevation of the marquee is formed of a 2m hedgerow. No boundary treatment screens the remaining elevations of the structure. Open agricultural land extends to the south and west of the structure.

1.5 The application site is located to the east of the principal service centre of Northallerton, and approximately 1.8 miles from the town centre.

1.6 Both 'The Garths' and Bullamoor Farm are located approximately 75m to the east at the nearest point from the marquee.

1.7 The existing and proposed staffing levels are at 7 employees.

1.8 Amended plans have been received on 7 March 2011 setting out the levels of parking provision, and supplying an accurate elevation drawing.

2.0 RELEVANT PLANNING HISTORY

2.1 05/02729/FUL - Construction of eight holiday units and associated works. Application withdrawn 2/2/2006.

2.2 07/00349/FUL - Revised application for the construction of eight holiday units and associated works. Permission refused 5/4/2007 for the following reasons:

1. The proposed development is located in an area of Special Landscape Value where its alien appearance, inadequate screening and the scale of the development and activity on site would have a harmful effect on the special visual amenity and open character of the rural surroundings and the amenity of local residents contrary to Policies L9 and TO1 of the Hambleton District Wide Local Plan, CP1 of the Hambleton Local Development Framework Core Strategy 2007 and advice contained within PPS7, PPG13 and the Good Practice Guide Planning for Tourism May 2006.

2. Clear visibility of 120 metres cannot be achieved along the public highway in a westerly direction from a point 2.4 metres from the carriageway edge measures down the

centre line of the minor/access road and consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety.

2.3 07/00374/FUL - Single storey extension to existing pub. Permission granted 27/3/2007.

2.4 10/01075/FUL - Proposed development to include 12 Letting rooms and new toilet facilities for the restaurant; Permission granted 07/7/2010.

3.0 RELEVANT PLANNING POLICIES:

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP12 - Priorities for employment development
- Core Strategy Policy CP15 - Rural Regeneration
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP1 - Protecting amenity
- Development Policies DP3 - Site accessibility
- Development Policies DP4 - Access for all
- Development Policies DP9 - Development outside Development Limits
- Development Policies DP16 - Specific measures to assist the economy and employment
- Development Policies DP25 - Rural employment
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Development Policies DP32 - General design
- Planning Policy Statement 4: Planning for Sustainable Economic Growth

4.0 CONSULTATIONS

4.1 Northallerton Town Council; expires 04.03.11 - Response awaited

4.2 NYCC Highways - Response received requesting additional parking provision details. Formal response awaited.

4.3 Environmental Health - Notes that on Thursday 12th May 2011 I visited the above premises and discussed with Mr Hawksworth the noise issue relating to amplified live or recorded music in the marquee adjacent to the public house. He has attempted to reduce the impact of this type of event on the neighbouring premises by positioning a double stack of large round bales in a semi circle on the east side of the site between the marquee and the neighbouring houses, and another single stack on the west side of the marquee. He has also obtained insulating boards which slot into the wall areas of the marquee. Using these means there will be some sound level reduction however, they will not absorb the bass frequency components of the amplified music which generally cause disturbance and give rise to complaints. In order to prevent these frequencies affecting neighbouring premises a substantial, dense and enclosing barrier would be required.

I discussed the nature of the events held in the marquee with Mr Hawksworth and the statutory nuisance provisions of the Environmental Protection Act 1990. He is aware that in the current circumstances, if amplified live or recorded music events are held in the marquee and if they happen regularly, without any noise control, are of significant duration and times, are likely to disturb the sleep of neighbours or materially affect their enjoyment of their property in some other way, then I am of the opinion that it is likely that I would be able to establish a statutory nuisance from such events. He is also aware that the Licensing Committee could be asked to review the status of the current premises licence which

includes the area where the marquee is located. Quieter events without amplified music would not have this detrimental effect.

Mr Hawksworth and I discussed the British Standard 'BS 4142:1997 Method for rating industrial noise affecting mixed residential and industrial areas'. This standard is intended to be used for assessing the measured or calculated noise levels from existing premises and new or modified premises, and predicting the likelihood of complaint by looking at a number of factors including a comparison with background levels. The circumstances at the Fox and Hounds which have already given rise to complaints, and will give rise to further complaints involve unpredictable and potentially frequent events of loud amplified live and recorded late night music which affects the neighbours' enjoyment of their property and for which BS 4142:1997 is not a suitable standard.

4.4 Police Architectural Liaison Officer; expires 16.03.11 - Advise that

On 23rd April 2011 a complaint was made by telephone to the NYP Force Control Room at 01.58.10hrs. The complaint was made in respect of noise from the marquee at the Fox and Hounds public house

For your information police incident 12110065410 refers.

4.5 Neighbours notified and site notice posted; expires 16.03.11 - One response received, in summary, mainly concerning: impact on visual amenity, impact on highway safety, design of marquee, sustainability of location, impact of noise.

5.0 OBSERVATIONS

5.1 The main planning issues to take into account when considering this application relate to the impact of the marquee structure on the visual amenity of the surrounding area, neighbour amenity, highway safety, and the principle of the enlarged commercial premises in this countryside location.

5.2 Policy CP4 allows for the provision of new developments outside Development Limits where an exceptional case can be made for the proposal in terms of CP1 and CP2 and the scheme will not cause harm to the environmental protection and nature conservation policies. It is currently unclear whether the proposal can be justified as an exceptional case as inadequate information has been provided to show whether the scheme is necessary to meet the needs of the existing enterprise and indeed the functional relationship with the existing public house and restaurant with approved letting accommodation.

5.3 Policy DP30 of the Hambleton Local Development Framework (LDF) sets out how the design and location of new development should take account of the landscape character and its surroundings and not have a detrimental impact on the immediate environment or on any long distance views. The marquee at the Fox and Hounds is of a design that is not commonplace within the countryside. Its siting is such that it is highly prominent from domestic properties to the south-east of the site, and views of the structure are afforded on approach from the east and from other locations. Therefore it is considered at odds with the landscape character and has a significant detrimental impact on the immediate environment, and on long distance views. The structure also fails to take account of the local character and distinctiveness and the safeguarding of key views and therefore the marquee is considered contrary to Policies DP30 and DP32 of the LDF.

5.4 Policy DP1 of the LDF states that all development proposals must adequately protect amenity, particularly, as relevant, in regard to noise, daylight and privacy, and that developments must not unacceptably affect the amenity of residents or occupants. The structure is sited sufficiently far from neighbouring dwellings to not raise any issues in regard to privacy and daylight, however in the absence of evidence to the contrary it is capable of being harmful by way of its noise output, given the scale and type of events for which the marquee provides accommodation. There is no evidence to support the use of planning conditions to limit the impact on neighbours. Therefore the proposal is considered contrary to the criteria of DP1 in that it would not adequately protect amenity in regard to noise.

5.5 A formal NYCC Highways response is awaited, however when scrutinising the proposal in terms of the parking standards set out in 'Transport Issues and Development - A Guide 2003', on site provision for the public house and marquee. It is noted that the letting rooms scheme has not been commenced and that its parking requirement does not need to be considered as it would be served by separate facilities. On the basis that the public house and marquee would be at capacity and that a degree of overlap would occur between users of each, proportions of vehicle parking required for area are accepted to be at the levels: 100% for the public house and 75% for the marquee. The public house and marquee would be assessed on the basis that they would predominantly be providing restaurant accommodation. Therefore the requirements for the 320 square metre public house would be 67 spaces (on the basis of 1 space/5 square metres plus 1 space/3 staff), and for the 298 square metre marquee would be 45 spaces (on the basis of 1 space/5 square metre and not re-counting staff as no more are proposed). This clearly highlights the substandard provision of the existing 41 vehicle spaces on-site. Policy DP3 of the LDF sets out that development should incorporate minimum levels of car parking commensurate with road safety. This is clearly not met in this case and consequently it is considered that the proposal would cumulatively have a harmful impact on highway safety contrary to Policy DP3 of the LDF.

5.6 Policy CP2 of the LDF sets out how development and the provision of services should be located so as to minimise the need to travel, essentially with the aim of reducing the need to travel via the private car. Policy DP3 also sets out that all proposals for new development must include provision for sustainable forms of transport to access the site. The Fox and Hounds is located 1.8 miles away from the centre of Northallerton within a rural setting, not served by Public Transport. It is likely that visitors using the marquee would be travelling to the site via private car and the scheme makes no proposal to reduce the reliance on the private car contrary to Policy CP2. No evidence has been supplied demonstrating the implementation of sustainability measures to limit visitors travelling to the site by private car, or to highlight any initiatives relating to the implementation and use of the existing visitor accommodation and therefore the proposals would also not meet with Policy DP3.

6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason(s)

1. The marquee fails to take account of the landscape character and its surroundings, it has a detrimental impact on the immediate environment, harms visual amenity, and fails to respect the character and local distinctiveness of the area, and is therefore contrary to Policies CP1, CP17, DP1, DP30 and DP32 of the Hambleton Local Development Framework.
2. In the absence of details to justify to the contrary, the marquee fails to protect the amenity of nearby residents by way of its noise impact and is contrary to Policies CP1 and DP1 of the Hambleton Local Development Framework.
3. The marquee fails to minimise the need to travel and reduce reliance on the private car, or provide sustainable forms of transport to access the site and is therefore contrary to Policies CP2 and DP3 of the Hambleton Local Development Framework.
4. The marquee fails to provide minimum levels of car parking commensurate with road safety and is contrary to Policies CP1, CP2 and DP3 of the Hambleton Local Development Framework.

3.

11/00485/FUL

Alterations and extension to existing bar/night club to form 14 flats and 2 shops at Elders, Elder Road, Northallerton for Mr P Cochrane

1.0 PROPOSAL AND SITE DESCRIPTION

- 1.1 Planning permission is sought to undertaken various alterations and extensions to convert the former Elders bar / nightclub into 14no. two-bed residential apartments for open market sale and 2no retail units.
- 1.2 It is proposed to insert 4no apartments and 2no retail units at ground floor level and 6no apartments at first floor level whilst an additional level will be constructed over the main building to create space for 4no apartments. Each apartment contains 2no bedrooms, a lounge, kitchen and bathroom. The proposed retail units extend to 59 sq m and 55 sq m respectively.
- 1.3 The existing external façade of the building has approximately seven differing materials ranging from render to three or four different brick types, including three different styles of windows including plastic, aluminium and timber.
- 1.4 It is proposed to re-face the building's external façade by rendering up to the existing eaves level and changing to facing brickwork to construct the proposed second floor. It is proposed to use aluminium windows and doors with a tiled roof construction to match the existing. The existing building will be increased in height from 8.2m to 10.2m, i.e. an additional 2m, to accommodate 4no apartments.
- 1.5 The submitted plans show 2no cycle stores incorporated within the ground floor of the main building and a detached refuse store located within Tweddles Yard adjacent to the proposed retail units.
- 1.6 There are no car parking spaces shown within the application site. However, the submitted plans indicate that 8no car parking spaces are available directly adjacent to the existing building on Elder Road and may be formalised for use by the eventual residents.
- 1.7 The application site extends to approximately 0.046ha and has a frontage of approximately 28.3m. The main building is approximately 10.8m wide and 8.2m high. The two-storey historic element of the building running along Tweddles Yard measures approximately 20.4m x 7.2m x 9m in height.
- 1.8 The site is located at the end of Elder Road opposite the Northallerton Working Mens Club and adjacent to yard used by Central Car Sales, which is allocated within the Allocations DPD for a mix of uses including retail, leisure and office (NM3).
- 1.9 "Elders" ceased trading during the winter of 2010. The interior of the building was stripped in order to prepare the building for its new occupants, Weatherspoons. Unfortunately, the arrangement with Weatherspoons was not concluded and as a consequence the owner is looking to deliver an alternative project.

2.0 RELEVANT PLANNING HISTORY

- 2.1 11/00486/LBC - Application for listed building consent for alterations and extension to existing bar/night club to form 14 flats and 2 shops (Pending consideration).

- 2.2 07/00855/FUL – Retrospective application for installation of two windows at existing pub (Granted 05.06.2007).
- 2.3 04/00874/FUL - Alterations and first floor extension to provide additional accommodation to public house (Granted 14.06.2004)
- 2.4 2/94/110/0358K – Alterations to existing public house (Granted 15.06.1994)

3.0 RELEVANT PLANNING POLICIES:

- 3.1 The relevant Regional and Local Policies within the Development Plan and National Policies are as follows;

Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP2 - Access
 Core Strategy Policy CP3 - Community Assets
 Core Strategy Policy CP4 - Settlement hierarchy
 Core Strategy Policy CP7 - Phasing of housing
 Core Strategy Policy CP8 - Type, size and tenure of housing
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Core Strategy Policy CP18 - Prudent use of natural resources
 Core Strategy Policy CP19 - Recreational facilities and amenity open space

Development Policies DP1 - Protecting amenity
 Development Policies DP2 - Securing developer contributions
 Development Policies DP3 - Site accessibility
 Development Policies DP4 - Access for all
 Development Policies DP6 - Utilities and infrastructure
 Development Policies DP8 - Development Limits
 Development Policies DP12 - Delivering housing on "brownfield" land
 Development Policies DP13 - Achieving and maintaining the right mix of housing
 Development Policies DP32 - General design
 Development Policies DP34 - Sustainable Energy
 Development Policies DP36 - Waste
 Development Policies DP37 - Open space, sport and recreation

PPS1 - Delivering Sustainable Development 2005
 PPS 3 - Housing (Nov 2006)
 PPS5 - Planning for the Historic Environment (2010)
 PPG13 - Transport (3rd edition 2001).
 PPS22 - Renewable Energy

4.0 CONSULTATIONS

Northallerton Town Council

- 4.1 No observations, however possible parking issue due to lack of in development (sic).

NYCC Highways

- 4.2 The applicant has stated that 8 car parking spaces are available. However the space that is shown for this parking forms part of the highway and is also restricted by a Traffic Regulation Order and as such this area cannot be considered as providing parking for this development.

- 4.3 During a site visit, it was noted that this area is already being parking upon and that vehicles are obstructing the turning head. Without adequate parking provision, this proposed development is likely to worsen this situation.
- 4.4 The Highway Authority would anticipate an off street parking provision of 1 space per unit for a development of this scale.
- 4.5 The Highway Authority would like the applicant to demonstrate how the two retail units are to be serviced.
- 4.6 Finally with regard to the red line plan for the proposal, the Highway Authority would like the applicant to demonstrate:
 - 1) They have a right of way to access the retail units to the rear.
 - 2) The western side of the hammerhead according to our records is highway, which seems to have been encroached by the proposal, we would advise the applicant to carry out a search to show otherwise.

Planning Policy & Conservation Officer

- 4.7 This proposal lies within the Northallerton Conservation Area and as such, any alterations / extensions to the existing buildings will need to take account of this and related policies.
- 4.8 The buildings...are historic buildings and are typical outbuildings within such rear yards. Their integrity should be retained to show the original layout of the plots and retain the historic fabric.
- 4.9 Variation in roof levels should be retained along with all 3 sections of stone water tabling and stone kneelers.
- 4.10 These sections should be retained as a brick finish. Existing render on right hand section could be removed and all re-pointed. If right hand section needs to be re-rendered then this may be acceptable. However, the historic section to left should be retained as brick in order to accurately read the buildings within their setting.
- 4.11 The short chimney should be reinstated as a feature of the roofscape.
- 4.12 Roof coverings on this section should be clay pantile in keeping with the character of the conservation area.
- 4.13 *Town Centre Location / Adjacent to LDF Allocation NM3* - The proposal lies within the town centre of Northallerton and also adjacent to Site NM3 (to the north and east boundaries), identified in the adopted Hambleton LDF Allocations DPD (2010). Site NM3 is identified for non-residential town centre uses including retail, leisure and office development (see Allocations DPD). It needs to be considered whether residential development in this location will be the most appropriate use as there is potential for conflict and resident disturbance from such uses identified for Site NM3 within the LDF.
- 4.14 *Access and Parking Arrangements* - Vehicular access to the site is gained via Elder Road. Opportunities to maximise more sustainable modes of transport (e.g. walking and cycling) should be incorporated into the scheme. This should not be difficult given the sites location within the town centre.
- 4.15 Parking provision of 1 space per unit plus visitor parking should be provided for the proposal (e.g. up to 17 spaces). This may prove to be difficult given the tightness of the site and its surrounding uses and neighbouring parking arrangements. Perhaps

some form of innovative parking provision could be incorporated into the scheme (e.g. undercroft parking)?

- 4.16 *Design Comments* - Support the approach set out by the applicant to render the facades of the proposal up to the existing eaves and also proposed brickwork to the new floor height. This will help to bring the building together visually, making a significant improvement to the existing patchwork of multi-material elevations. Windows and doors should provide features which better reflect those of neighbouring buildings, particularly those within the Conservation Area. Reference should be made to the Conservation Area Design Guide (2010) for further detail and advice.
- 4.17 The proposal provides a three storey building which is in keeping with the surrounding developments and does not overpower them. Doors and windows are of a suitable scale, however, they do not reflect any existing features of nearby buildings, particularly those in the Conservation Area (see above comments).
- 4.18 It is accepted that the location of the site minimises opportunities for landscaping improvements. However, where there is opportunity (e.g. in parking areas and entrances), these should be maximised. There is also no public or private amenity open space. Contributions towards this provision (off-site) will be sought to address this through the mechanisms set out in the Open Space, Sport and Recreation SPD.

Environmental Health Officer

- 4.19 There are a couple of issues that I would like to raise: -
1. Adequacy of the refuse store for the number of properties - what standard have you followed?
 2. Noise from use of the cycle store for residents of adjacent flats - is there noise insulation between this facility and the adjacent flats?
 3. Refuse storage for retail units - where will they be able to locate refuse storage facilities?
 4. Facilities in the retail units will have to comply with the welfare requirements of the Workplace (Health, Safety & Welfare) Regulations 1992 - do you have any detailed drawings of what will be provided in the retail units?

Design & Maintenance Officer

- 4.20 Comments awaited.

Environment Agency

- 4.21 No objection subject to a condition relating to finished floor levels.

Allertonshire Civic Society

- 4.22 We have no objection to the use of this site for residential purposes as a block fronting onto Elder Road, nor to the inclusion of two retail units on the return facing onto Tweddles Yard with two flats above on the first floor.
- 4.23 We are concerned that the window of bedroom 1 of flat 4 has its window fronting onto the general yard area to the north at ground floor level, which area may well be redevelopment within the new LDF timescale.

- 4.24 It is appreciated however that it would be difficult to reconfigure flat 4 to obviate this, but an alternative might be to turn flat 4 into a third retail unit, with access and windows onto Elder Road.

Police Architectural Liaison Officer

- 4.25 Comments awaited.

Yorkshire Water

- 4.26 Comments awaited.

Publicity

- 4.27 The application was advertised within local press, by site notice and directly to the neighbouring residents. One objection has been received from Enterprise Inns, the owner's of The Fleece Inn. They are concerned that the proposed increase in height will block sunlight from the newly constructed beer garden and that flat windows will directly overlook the pub's private accommodation. They are also concerned about the limited bin storage, car parking and servicing arrangements detailed within the application. A comment has been made that the drainage regularly blocks on Elder Road.

5.0 OBSERVATIONS

- 5.1 The main issues to consider in this case are the principle of developing the site for housing and matters relating to design and layout, impact on the character and appearance of the Conservation Area, protecting amenity, drainage, car parking, servicing arrangements, sustainable construction, affordable housing, impact on neighbouring businesses / residents and other developer contributions.

Location of New Housing

- 5.2 Policy DP8 of the Development Policies DPD states that "*Permission for development will be granted within the settlement Development Limits as defined on the Proposals Map, provided that it is consistent with other LDF policies*".
- 5.3 The application site is located within the development limits of Northallerton as defined in the saved Hambleton Local Plan Policy L1 on the Proposals Map.
- 5.4 In addition, the proposed development constitutes reuse of a brownfield site within a sustainable location close to existing services and amenities. Consequently, the location of the proposed development is considered to be acceptable in locational terms.

Design & Layout

- 5.5 Policy DP32 stipulates that "the design of all development must be of the highest quality. Attention to the design quality of all development will be essential...Development proposals must seek to achieve creative, innovative and sustainable designs that take into account local character and settings and promote local identity and distinctiveness."
- 5.6 Whilst the building is water-tight and usable in its present condition, the building has suffered from repeated unsympathetic alterations culminating in its current unattractive appearance. The proposed development aims to address the building's confused mix of styles by re-facing the external elevations with a combination of render and a single facing brick. In addition, the building's fenestration will be rationalised via the insertion of evenly spaced modern aluminium windows.

- 5.7 This modern approach is considered to be an acceptable treatment to the main building. The resultant external appearance will not be out of character with the existing built environment along Elder Road. Although it must be noted that the prevailing character is not particularly desirable and should not necessarily be regarded as a suitable benchmark for all future development.
- 5.8 Likewise, the proposed increase in height to three-storeys does not render the building inappropriate. Whilst a two-storey building would be preferable, the proposed three-storey building will not exceed the height of the nearby Working Mens Club or the newly constructed three / four storey apartments on East Road and is therefore generally in scale with the surrounding environment.
- 5.9 The Council's Conservation Officer had expressed concern about the proposed alterations to the two-storey historic element of the building adjacent to Tweddles Yard. This proposal lies within the Northallerton Conservation Area and as such, any alterations or extensions to this element of the building needs to take account of this and related policies.
- 5.10 The two-storey element of the building is typical outbuilding within rear yards located behind Northallerton High Street. Its integrity should be retained to show the original layout of the plots and retain the historic fabric. Various alterations have been requested by the Conservation Officer, see paragraphs 4.9 to 4.12 of this Committee Report.
- 5.11 The applicant has submitted amended plans in response to the concerns raised by the Conservation Officer. The historic element of the building adjacent to Tweddles Yard now incorporates traditional shop fronts, traditionally profiled sliding sash windows whilst the existing ridge-line and water tabling has been retained.

Protecting Amenity

- 5.12 Policy DP1 requires all development proposals to adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, odours and daylight.
- 5.13 As identified above, the application site lies within Northallerton Town Centre and is adjacent to Allocation Site NM3, which is identified for non-residential town centre uses including retail, leisure and office development. The Council should consider whether residential development in this location will be the most appropriate use or whether a potential conflict with neighbouring uses exists.
- 5.14 PPS3 encourages new housing development in sustainable locations with easy access to alternative modes of transport (i.e. town centres). However, PPS3 also aims to provide everyone with the opportunity of living in a decent home.
- 5.15 It is not uncommon for new housing developments, particularly apartments, to be located in and around commercial uses within Town Centre locations. A number of A3, A4 and A5 uses (generally associated with the night-time economy) are situated nearby and, a consequence, it is likely that occupants will experience a certain level of disturbance and be witness to anti-social behaviour.
- 5.16 The comments of the Police Architectural Liaison Officer have been sought in this regard. Furthermore, the Council's Environmental Health Officer has sought assurances from the applicant about noise disturbance to the eventual occupants from various sources, such as the bin stores. A response from the applicant is awaited.
- 5.17 Without wishing to prejudge the final comments of these consultees, it is possible that noise and other disturbance can be mitigated, for example: mechanical ventilation. It

is also important to note that PPS3 encourages local planning authorities to help create mixed communities through supporting a variety of housing and to widen opportunities for home ownership. Clearly, residential accommodation close to pubs, shops and nightclubs is likely to attract younger residents who may be less interested in a peaceful environment. Furthermore, an aspiration for gardens and nearby open space is likely to be less.

- 5.18 A neighbouring business (The Fleece Inn) has expressed concerned about the impact on their business, particularly with regards to the proposed increase in height blocking sunlight from the newly constructed beer garden and new windows overlooking the pub's private accommodation.
- 5.19 It is anticipated that the proposed third-storey will reduce sunlight to the newly constructed beer garden. However, the application site stands to the north-east of The Fleece Inn and therefore a loss of sunlight will only occur prior to mid-morning. Consequently, the beer garden will be unaffected by the development during its busiest times.
- 5.20 The pub's private accommodation is located over 30m away from the application which is well over the 21m rule-of-thumb separation distance generally applied by the Council. Therefore, the occupants are unlikely to experience a loss of amenity through increased overlooking.

Drainage

- 5.21 A number of local businesses have expressed concern about the ability of the local drainage system to accommodate the additional foul and surface water drainage. The comments of Yorkshire Water and the Council's Engineer are awaited. It is likely that an appropriate method of surface water drainage can be secured via planning condition.

Car Parking

- 5.22 In January 2011, Central Government changed the text of *PPG13: Transport* to better reflect localism. The Government's position on parking standards is that local authorities are best placed to take account of local circumstances and are able to make the right decisions for the benefit of their communities. As such, the central requirement to express "maximum" parking standards for new residential development has been deleted.
- 5.23 NYCC maximum parking standards require one space per two-bed apartment and one visitor space per five apartments within market towns, which equates to approximately 17 spaces. The proposed layout incorporates 8 car parking spaces, on land not within the control of the applicant, which is 9 spaces less than the maximum standard.
- 5.24 The applicant contends that the development is classed as 'Town Centre' and within a short walk there are 4no car parks with in excess of 780 parking bays (Applegarth Short Stay 148, Applegarth Long Stay 268, Crosby Road 228, Hambleton Forum 138 spaces). Also, the applicant points to 250 car parking on the High Street and approximately 40 (unauthorised) car parking bays located on Elder Road as adequate provision for the residents.
- 5.25 The applicant also refers to previous residential developments within Northallerton which were approved with no car parking facilities, namely: land to the rear of the County Arms for 6no dwellings (ref: 09/00447/FUL) and residential development adjacent the 'House' on Applegarth Mews.

- 5.26 The Local Highway Authority, the Town Council and a neighbouring business have all expressed concerns about the level of car parking provision proposed within the application. In particular, the Local Highway Authority is concerned about obstruction of the turning head on Elder Road which already suffers from illegal parking. Without adequate parking provision, the proposed development is likely to worsen the situation.
- 5.27 The applicant has stated that 8 car parking spaces are available. However, the land shown for residents parking currently forms part of the highway, is outside of the control of the applicant and is restricted by a Traffic Regulation Order. Consequently, the currently proposals cannot be considered as providing parking for the proposed apartments.
- 5.28 The applicant has tentatively approached the Local Highway Authority to discuss the possibility of legalising and utilising the existing bays to the front of the application site as residents parking.
- 5.29 This area could possibly be managed by means of parking permits/charges but should also be designed to offer some defensible space to the site using changes in surface colours or textures and demarcation fencing/pillars.
- 5.30 In the absence of an agreed car parking scheme, the application is considered to be contrary to Policy DP3 (Site Accessibility) which requires new development to include minimum levels of car parking commensurate with road safety and the reduction of congestion.

Servicing Arrangements

- 5.31 The amended layout plan shows an external bin store to the rear of Tweddles Yard and 2no internal bin stores located adjacent to Tweddles Yard. The applicant has yet to confirm what standards have been applied to determine the size of the bin store. The proposed bin store is not situated in a convenient location for residents or for refuse collectors. The comments of internal consultees are awaited.

Sustainable Construction

- 5.32 Policy DP34 of the LDF requires all developments of 10 or more residential units to address sustainable energy issues, by reference to accredited assessment schemes and incorporate energy efficient measures which will provide at least 10% of their on-site renewable energy generation, or otherwise demonstrate similar energy savings through design measures.
- 5.33 The applicant has not submitted any firm proposals that demonstrate compliance with Policy DP34. Consequently, if Members are minded to approved the application a suitably worded condition would need to be imposed in order to deliver energy savings via sustainable construction techniques and/or infrastructure.

Affordable Housing

- 5.34 Policy CP9 relates to the provision of affordable housing and seeks the provision of 40% affordable housing on sites of more than 0.5 hectares or 15 dwellings within Northallerton. The scheme does not exceed either threshold and, as a result, there is no absolute requirement to provide affordable housing. Nonetheless the proposed development allows for smaller or affordable properties in a sustainable location and will contribute to the provision of mixed communities.

Public Open Space

- 5.35 Policy DP37 requires new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development.
- 5.36 Given that no public open space can be provided on site, the applicant has agreed to pay a commuted sum of £31,185.56 towards off-site provision.

Other Developer Contributions

- 5.37 Policy DP2 requires contributions from developers for additional highway or transport infrastructure (criterion viii). Contributions sought from this development will contribute towards addressing *'the cumulative implications of a number of developments, and thus obligations may be sought from each development as part contributions towards addressing a specific matter'* (para. 3.4.8 ii, page 9, Development Policies DPD).
- 5.38 The methodology for calculating a contribution from most new development within Northallerton, Romanby and Brompton is set out within the North Northern Link Road Deliverability Report (3rd October 2008 & 8th January 2009 rev1) and the subsequent Developer Contributions Document (November 2010) produced by Jacobs. Having deducted existing "potential" trips from the existing use, the calculation shows that a contribution of £85,699 is required towards the NNLR. The applicant has agreed to pay this sum.

Procedural Matters

- 5.39 Despite the applicant's agreement to pay the necessary commuted sums, two additional reasons for refusal are recommended for non-compliance with Policy Dp2 (NNLR contribution) and DP37 (POS contribution) due to the absence of a signed s.106 agreement. These reasons for refusal will be deleted should a signed s.106 agreement be submitted in advance of the final decision notice being issued.

Conclusion

- 5.40 In light of the above considerations, the application is recommended for refusal due to inadequate car parking provision and in the absence of a signed s.106 that covenants to pay contributions towards the North Northallerton Link Road and the delivery of off-site public open space, sport and recreation facilities.

6.0 RECOMMENDATION REFUSAL

1. In the absence of an agreed car parking scheme, the application is considered to be contrary to Policy DP3 (Site Accessibility) which requires new development to include minimum levels of car parking commensurate with road safety and the reduction of congestion.
2. The proposed development fails to deliver any open space, sport and recreation facilities contrary to Policy DP37 of the Development Policies Development Plan Document which requires new housing developments to contribute towards the achievement of the local standards by reducing or preventing both quantitative and qualitative deficiencies in provision related to the development.
3. The proposed development fails to contribute to the delivery of the North Northallerton Link Road, contrary to Policy DP2 of the adopted Hambleton Local Development Framework

4.

11/00330/FUL

Construction of an agricultural building for the housing of livestock. at Sunbeck Farm Pilmoor Helperby York for Mr C Fryer.

1.0 SITE DESCRIPTION AND PROPOSAL

1.1 This application seeks consent for the construction of an agricultural building for the housing of cattle. The building measures approximately 18.28 metres x 18.28 metres with a height of 3.35 metres increasing to 5.18 metres and will be constructed of profile steel sheeting and Yorkshire boarding.

1.2 The building will be sited at Sunbeck Farm, Pilmoor which is approximately 4 km north east of Helperby village. The application site is within the Parish of Sessay, the access passes through both Brafferton and Raskelf Parishes.

1.3 The application states that site and the surrounding land has been used for agricultural purposes by the Fryer family since 1947 and the haulage business at the site has supplemented the agricultural business. The applicant, Mr Fryer, and his family occupy the existing caravan on the site. There are some existing agricultural and commercial buildings at the site.

2.0 RELEVANT PLANNING HISTORY

2.1 2/80/129/0032 - Construction of an intensive pig unit. Granted 25 September 1980. Permission expired unimplemented.

2.2 2/00/129/0108 - Application for a certificate of lawfulness in respect of the existing use of land for the siting of 2 mobile homes. Granted 20 July 2000.

2.3 2/00/129/0111 - Application for a certificate of lawfulness in respect of the existing use of land and buildings in connection with a haulage business. Granted 5 January 2001.

2.4 2/01/129/0111A - Increase in the number of commercial vehicles operating from an existing haulage base from 1 to 5 (as amended). Refused 3 December 2001.

3.0 RELEVANT PLANNING POLICIES:

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

- Core Strategy Policy CP1 - Sustainable development
- Development Policies DP1 - Protecting amenity
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Development Policies DP30 - Protecting the character and appearance of the countryside
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP32 - General design

4.0 CONSULTATIONS

4.1 Sessay Parish Council - (consultation issued 16 May 2011 target response date 6 June 2011) reply awaited.

4.2 Raskelf Parish Council – Wishes to see the application approved, received 16 March 2011.

4.3 Brafferton Parish Council - (consultation issued 16 May 2011 target response date 6 June 2011) reply awaited.

4.4 NYCC Highways – No objections to the proposal, received 15 March 2011.

4.5 Environmental Health - Comments to be supplied prior to the Committee meeting.

4.6 Neighbours consulted and site notice posted – Observations received for adjacent neighbour who made the following comments:

- a) Mainly concerned about noise, traffic and odour as the building is so close to the dwelling. Especially on evenings and weekends.
- b) Inaccuracies within the application and on the plans.
- c) Ownership of road and surrounding land.
- d) Name of property.
- e) Impact on bridge from traffic movements.
- f) Maintenance and repair of bridge for access to Oak Tree Farm.
- g) The site has not continually been used for agricultural purposes.
- h) Building will be visible from Oak Tree Farm.
- i) Disposal of slurry.
- j) Water pressure.

5.0 OBSERVATIONS

5.1 The main issues are whether the proposed building is suitable in terms of scale, materials and design and whether the introduction of a livestock building on the land will have a harmful impact upon the surrounding countryside or the nearby neighbours.

5.2 The proposed building is an appropriate scale and design for the agricultural use and for the scale of the site. It will be partly visible from the neighbouring property but will not appear overbearing or cause excessive levels of overshadowing. The building will be constructed of profile sheeting and Yorkshire boarding. It will be screened from the surroundings by existing buildings and landscaping. The scale, design, siting and materials are considered acceptable and it is felt that the development will not have a significant impact upon the surrounding countryside.

5.3 The Environmental Health Department is considering the application and reviewing the history of the site. To date they have noted that there is no history of complaints. Some noise and odour from a livestock building is anticipated but it is also noted that the surrounding land use is agricultural but that there is no recorded history of livestock being kept indoors. There is potential for the development to cause harm to the amenities of the nearby neighbours and the full considered opinion of the Environmental Health Officer is required.

5.4 The Planning Officer met with the neighbours to discuss their concerns. The issues were discussed and the proposal clarified. The issues relating to the land/road ownership, impact on the privately owned bridge and existing issues with water pressure are not material planning considerations and cannot be used as a reason for refusing the application. However, the concerns expressed by the applicant regarding highway safety, impact on the existing bridge and increased use of the access have been sent to NYCC Highways for consideration. The agent has confirmed that if the water supply is affected by the development then measures will be put in place to rectify this. The agent has suggested improving the water pipe or providing a water holding tank for the livestock. The agent has confirmed that there will be no slurry to be disposed of as the livestock will be housed on straw yards and the resultant material will be spread on the agricultural holding.

5.5 The full considered response of the Environmental Health Officer is yet to be provided. If the response concludes that there are no objections to the scheme or that any objection can be overcome by condition the scheme can be recommended for approval. It is anticipated that the full response of the Environmental Health Officer will be available before the Planning Committee meeting.

SUMMARY

The scheme is considered acceptable and will not have a harmful impact on the amenities of the nearby neighbours or the character and appearance of the surrounding countryside. The development is therefore able to comply with the policies of the Hambleton Local Development Framework.

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) received by Hambleton District Council on 17th February 2011, 21st February 2011 and 22nd February 2011 unless otherwise agreed in writing by the Local Planning Authority.

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 Policy(ies) CP16, DP30, CP17 and DP32.

5.

11/00797/FUL

**Retrospective application for a material change of use from agricultural land to a private gypsy site for one mobile home.
at Hillside View Farm Tame Bridge Stokesley North Yorkshire
for Mr J McElvaney.**

1.0 PROPOSAL AND SITE DESCRIPTION

1.1 This application seeks retrospective planning permission for change of use from agricultural land to a private gypsy site for one mobile home to accommodate one family at Hillside View Farm, Tame Bridge.

1.2 The site is located at Tame Bridge to the south of a minor road referred to locally as Stokesley Road. Tamebridge is a small linear settlement that has developed along a minor road running west from Stokesley to Hutton Rudby. The site is a smallholding of about 2.5 hectares (6.0 acres) and is used for the grazing of horses. The site is bound to the north and east by woodland, to the south by a field in pasture and woodland and to the west by the drive to Brawith Farm.

1.3 Planning permission has previously been granted for eight stables on the site to the north east section 08/02956/FUL .The stables are currently being used for the storage of animal feed. The mobile home was erected on the site on the 7th April 2011 to the east side of the existing stables. The unit measures 14m x 6m and is located 32m from Stokesley Road and 50m from the nearest residential property opposite. The mobile home unit will be served by an existing septic tank. The mobile home unit cannot be seen from the roadside due to the dense tree formed landscaping. The application specifies the site is for one mobile home unit.

1.4 The existing hardstanding/driveway to the mobile unit and stables is subject to an enforcement investigation. The agent has confirmed that a second application will be submitted to cover these works as planning permission is required however no date has been confirmed.

2.0 HISTORY

2.1 08/02956/FUL - Change of use of land from agricultural to equestrian and construction of a stable/storage building, approved 2008

3.0 RELEVANT PLANNING POLICIES:

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- Core Strategy Policy CP4 - Settlement hierarchy
- Core Strategy Policy CP8 - Type, size and tenure of housing
- Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
- Core Strategy Policy CP17 - Promoting high quality design
- Development Policies DP1 - Protecting amenity
- Development Policies DP3 - Site accessibility
- Development Policies DP4 - Access for all
- Development Policies DP9 - Development outside Development Limits
- Development Policies DP14 - Gypsies and travellers' sites

Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP33 - Landscaping

4.0 CONSULTATIONS

4.1 Parish Council - waiting for a response

4.2 Highways at NYCC – waiting for a response

4.3 Environmental Health - waiting for a response

4.4 Northumbrian Water – waiting for a response.

4.5 Neighbours/site notice expired on the 19th of May and four representations have been received and can be briefly summarised below:

- Application is an attempt to circumvent planning regulation, disregard of planning procedures.
- Object to the proposed change of use; loss of tranquillity and amenity
- To close to the existing Seamer Site where capacity is available.
- Do not support the application, too close to residential properties
- Against planning law

5.0 OBSERVATIONS

5.1 The main issues for consideration are detailed within the policies of the Hambleton Local Development Framework, as identified above, and relate in this case to: the principle of creating a gypsy site in this location (including distance from services/amenities); need for additional gypsy accommodation; visual impact on the landscape; whether the site provides an acceptable living environment; highway safety and impact on the amenity of local residents.

The principle of a creating a gypsy site in this location

5.2 The site lies outside the development limits of a sustainable settlement and is within the open countryside. Consequently, there is a strong presumption against new residential development on the site except for exceptional cases or for use by certain types of occupier. Policy CP4 and DP14 allow the establishment of gypsy sites outside development limits where certain criteria are all met, in particular where the scale, location or type of existing provision is inadequate.

5.3 Whilst the application site is outside development limits, it is located within 1.2km of Stokesley, a substantial market town containing a range of shops and local services which is a walkable (along an existing footpath) and cyclable distance. Alternative means of transport are accessible and the family would be in easy reach of key services such as schools and medical facilities.

Need for additional gypsy accommodation

5.4 Policy DP14 accords with the government's circular on gypsy and traveller caravan sites (1/06). The circular states that local authorities should help gypsies secure the kind of site they need, in locations that are appropriate in planning policy terms. Circular 1/06 requires local authorities to undertake an assessment of need for gypsy and traveller accommodation to ensure that gypsies secure the kind of site they need.

5.5 A Gypsy & Traveller Accommodation Assessment (GTAA) for North Yorkshire was undertaken by consultants Arc4 in 2007/08. It established a shortfall of 14 pitches in the Hambleton District. The Assessment noted the largest population being in the Stokesley area, of the 192 households estimated as being resident in Hambleton at the time of the survey 136 households (70.8%) were in the Stokesley area. This calculation of pitch

requirements was based on CLG modelling as advocated in Gypsy and Traveller Accommodation Assessment Guidance (CLG, 2007). The CLG Guidance requires an assessment of the current needs of Gypsies and Travellers and a projection of future needs.

5.6 It is noted that the nearest traveller site is at Seamer which was factored into the Gypsy and Traveller Accommodation Assessment as an existing authorised site. This is a North Yorkshire County Council owned site in which Horton Housing have taken over to redevelop due to its poor state. There are three official residents on the site at the moment who have been on site since they took over management. The Seamer Site is designed to be a sixteen pitch site and Horton Housing have a waiting list with 10 applications all from the Seamer/Stokesley area.

5.7 In review of the findings of the GTAA, it is considered that there is a need for additional gypsy and traveller accommodation in the Stokesley area. This requirement extends to local authority controlled sites, private sites and transit sites. Consequently, the principle of the application site, as a private site, is acceptable due to a shortfall of provision within the locality.

National Policy

5.8 Circ 1/2006 is to be revised but this has not yet been done and the guidance is still valid. The Communities and Local Government secretary Eric Pickles told councils and the Planning Inspectorate in May of last year that the decision to abolish the regional planning regime for England should be a material consideration in terms of planning decisions. Mr Pickles's statement in May 2010 read that "Consequently, decisions on housing supply (including the provision of traveller's sites) will rest with local planning authorities without the framework of regional numbers and plans." The Government realises that Local Authorities are still required to assess need through their GTAA and to make provision accordingly (Government message November 2010). Therefore without an alternative evidence base the findings and recommendations contained within the GTAA should still be deemed a material consideration in the determination of this application, albeit one that may now carry less weight than before.

Visual impact

5.9 It is important to ensure that the proposed development does not adversely affect the character and appearance of the rural landscape. The position of the mobile home is within a smallholding of about 2.5 hectares (6.0 acres). The land is presently in grass and is used for the grazing of horses. The site is bounded to the north and east by woodland, to the south by a field in pasture and woodland and to the west by the drive to Brawith Farm. Access is from an existing drive off Stokesley Road. The mobile home cannot be seen from Stokesley Road or indeed the wider area due to this substantial landscaping. The site is therefore not prominent. A planning condition is recommended to ensure that landscaping along the northern boundary is retained to protect the visual amenity of nearby residents and to ensure the countryside setting is not compromised.

5.10 It is considered that the mobile home unit currently on the site is simple in design however the colour is not particularly in keeping with the character of the surrounding countryside as it fails to reflect existing rural buildings scattered throughout this landscape. It is therefore recommended that the mobile home unit is painted a dark brown colour to complement the existing stable block doors. A condition should be applied to this affect to ensure that the existing unit or any subsequent replacement is finished in accordance with an approved scheme.

5.11 As detailed within paragraph 1.3 of this report, the existing access and hardstanding is subject to enforcement investigations and a separate application is anticipated. This application should be judged on its own merits and the Council is entitled to take a different view of the access and hardstanding.

5.12 Subject to a further condition relating to no outside storage and external lighting, it is considered that the scheme will not create an adverse impact upon visual impact.

Impact on the amenity of local residents

5.13 Officers acknowledge that the prospect of land being used for a gypsy site can cause tensions in a local community. Nevertheless, the site is well screened from the public highway and the nearest neighbouring house is over 50m away. Subject to suitable safeguards to prevent commercial activity or abuse of the site by the occupiers, officers see no reason why the site should cause any material loss of amenity to local residents.

5.14 Concerns relate to the retrospective nature of the application as work commenced before the planning application was submitted. The Local Planning Authority determines retrospective applications in the same way as any other application. Although not to be encouraged the Local Authority would not actively seek to cease the work while the application was being determined but to stress to the applicant that any work was being undertaken at his own risk.

5.15 The Local Planning Authority has a live application 09/02127/FUL at a traveller's site at OS Field 8732 Ings Lane, Great Broughton. This application is for the change of use from agricultural land to a private gypsy site for 1 family and the creation of a new vehicular access and is due to be presented before planning committee later in the year. This site is located approximately 90m from the nearest neighbouring property and 180m from the main road known as the B1257.

Highway safety

5.16 A response is awaited from the Highway Authority.

SUMMARY

The application is recommended for approval subject to a highway and environmental health response as the site will provide a sustainable private gypsy site for one family in accordance with the Development Plan policies noted above.

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 HN/11/007/001/A & HN/11/007/002/A received by Hambleton District Council on 26th April 2011 unless otherwise agreed in writing by the Local Planning Authority.
3. The number of mobile homes on the site shall be restricted to no more than one mobile home at any one time.
4. The occupation of the single mobile home hereby approved shall be restricted to a single gypsy family.
5. The land hereby approved shall be used only as a residential gypsy site, as defined within ODPM Circular 01/2006, and not for any other type of domestic or business use.
6. Within three months of the date of this decision notice, the mobile home unit shall be painted a dark brown colour to match the existing stable block

doors. Thereafter, the existing mobile home or any subsequent replacement mobile home shall be maintained in accordance with this colour scheme.

7. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.

8. There shall be no outside storage unless otherwise agreed in writing by the local planning authority.

9. No tree along the northern boundary adjacent to Stokesley Road shall be cut down, uprooted or destroyed, nor shall any retained tree be the subject of any form of tree surgery without the written approval of the Local Planning Authority. Any works to a tree shall be carried out in accordance with British Standard 3998 (Tree Work). If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority

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 Policy(ies) CP1, CP2, CP4, CP8, CP16, CP17, DP1, DP3, DP4, DP9, D14,DP33.

3. To safeguard the character of the area and the amenities of local residents in accordance with Policy CP1, CP17, DP1 and DP30.

4. To safeguard the character of the area and the amenities of neighbouring occupiers in accordance with Hambleton LDF Policies CP1, CP16, DP1 and DP30

5. To ensure the caravan is occupied in association with the use of the site as a gypsy caravan site, safeguard the character of the area and safeguard the amenities of neighbouring occupiers in accordance with Hambleton LDF Policies CP1, CP4, CP8, CP16, DP1, DP9, DP14 and DP30.

6. In the interests of the visual amenities of the locality in accordance with Policies CP16 and DP30 of the Hambleton LDF.

7. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Hambleton Local Development Framework Policies CP1, CP16, CP17, DP1, DP30 and DP32.

8. In the interests of the visual amenity of the area in accordance with policies CP1, CP16, CP17, DP30 and DP32.

9. The trees are of important local amenity value and protection of the trees is appropriate in accordance with Local Development Framework Core Strategy Policy CP16.

6.

11/00615/FUL

**Revised application for a change of use of an existing industrial building (B1 and B8 use) and agricultural building to an abattoir.
at Unit 6 Sutton Grange York Road Sutton On The Forest
for Mr C Hodgson.**

1.0 PROPOSAL & SITE DESCRIPTION

1.1 This application seeks permission to change the use of an existing industrial building with adjoining agricultural building to an abattoir at Sutton Grange, York Road, Sutton-on-the-Forest. Members have had the opportunity to visit the site.

1.2 The building forms one of a group within a yard to the north of the main dwelling at Sutton Grange. To the south of the building is an agricultural building, to the east lies a building used as a workshop for stone fireplaces and at the main entrance is a farmshop/café. All use the same vehicular access.

1.3 The proposal is for the formation of an abattoir to employ up to 5 full time staff to operate 5 days per week, open from 8am to 5 or 6pm with an estimated livestock turnover per week of 25 cattle, 60 sheep and 100 pigs. This figure is “estimated” as the initial intention for the business. An “estimated total of 41 vehicular movements per week excluding staff transport” is also proposed.

1.4 A letter submitted on behalf of the applicant in support of the application is appended to this report.

2.0 PLANNING HISTORY

2.1 2/144/94 - Use of existing farm shop for re-sale purposes - Granted 1982.

2.2 2/87/144/94A - Use of disused farm shop as office accommodation in connection with catering business - Granted 1988.

2.3 2/89/144/9413 - Use of existing land and buildings for retail business and general industrial purposes was Refused in 1989 and the subsequent appeal dismissed in 1990.

2.4 2/92/144/94C - Use of part of agricultural building for storage and wholesale of agricultural and pet suppliers - Granted 1992.

2.5 2/00/144/94D - Change of use of existing agricultural buildings to Class B2 and Class B8 uses – Granted 2000.

2.6 06/00726/FUL – Construction of a farm shop with café – Granted 2006.

2.7 06/02286/FUL – Revised application for the construction of a farm shop with café – Granted 2006.

2.8 09/00571/FUL - Change of use of an agricultural building to storage (B1 and B8) (the building the subject of this current application) Granted 2009

2.9 10/02624/FUL - Change of use of an existing industrial and agricultural building (B1 and B8 use) to an abattoir. Application withdrawn 23/12/2010.

3.0 RELEVANT PLANNING POLICIES:

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

PPS7 - Sustainable Development in Rural Areas
Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP9 - Development outside Development Limits
Development Policies DP25 - Rural employment
Development Policies DP26 - Agricultural issues
Development Policies DP33 - Landscaping
PPS1 - Delivering Sustainable Development 2005
Planning Policy Statement 4: Planning for Sustainable Economic Growth

4.0 CONSULTATIONS

4.1 Parish Council – wish to see the application refused. A copy of the Council's comments is appended to this report.

4.2 NYCC Highways Dept – no objections subject to a condition regarding parking at the site.

4.3 Environment Agency – no objections but makes the following comments:
The site must be drained by a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul water. Prior to the commencement of any development, details of the storage of any substance which is toxic to the water environment or is persistent should be approved by the Local Planning Authority. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings should be passed through trapped gullies with an overall capacity compatible with the site being drained.

4.4 Yorkshire Water – It is the developer's responsibility to ensure that an adequate supply of water can be made available and that the development will not interfere with Yorkshire Water's rights of access to apparatus.

This proposal is in an area not served by the public sewerage system, the application should be referred to the Environment Agency and the Local Authority's Environmental Health Section for comment on private treatment facilities.

It is noted from the application that foul waste is collected and incinerated, from the site's main waste tank.

4.5 HDC Environmental Health Officer – Small abattoirs can operate successfully in semi rural areas surrounded by residential properties and we have many examples within the district where this works. However it is advisable that they remain small and activities are limited. As the turnover of the abattoir increases so does the ancillary activities such as the amount of animal by product waste created, stored and collected and deliveries to and from the site. If these activities are not controlled they have the ability to impact on local amenity from noise and odour nuisance. No objection subject to the following conditions:

1. I would recommend that the abattoir is restricted to the number of animals, as detailed in the application, to that of 185 animals per week.

2. I would recommend that the hours of use are conditioned to Monday to Friday 8am to 6pm as suggested by the applicant. Exceptions will be made for emergencies as determined in conjunction with a vet.

3. The applicant has suggested that a 30,000 litre 'Exon Pump' duraflo type system is to be installed on site. Details of this system or equivalent type shall be submitted to and

agreed in writing by the Planning Authority prior to the development taking place. A specific design aim of the drainage system is to prevent the release of odour nuisance, as detected outside the boundary of the development site.

4. The drainage system shall be emptied in accordance with best practice guidance to prevent odour nuisance detected outside the boundary of the development site.

4.6 Site notice/local residents – approximately 40 letters of objection have been received, which are summarised as follows:

1. noise and smells will have a damaging effect on residential amenity in the locality;
2. the work undertaken to make Sutton Park an important tourist attraction will be undone;
3. the B1363 is a busy and fast road and would present problems for large and slow goods vehicles entering and leaving the premises;
4. there are 3 unconnected properties in close proximity contrary to statements in the application;
5. there are perfectly feasible slaughterhouses at Kilburn, Escrick, Murton Bubwith, Busby Stoop and Brompton by Sawdon;
6. the submission states that all traffic will come from the south and all the submitted letters of support are from the north;
7. Sutton on the Forest is already suffering from far too much traffic and much of this traffic is made up of large vehicles, for example, six double decker buses pass down Main Street each weekday morning. There are many large industrial vehicles using Main St each weekday, quite a number are agricultural;
8. whilst we appreciate that this activity is necessary in our society, it is nevertheless anti-social and should be carried on in isolated locations where the lives of nearby residents will not be blighted;
9. this is yet another creeping industrialisation of the site whose primary purpose used to be farming. With the introduction of the farm shop plus a previous change to the use of one of the buildings away from agriculture, and now this one, it is clear the motivation is solely one of profit by changing relatively cheap agricultural land use over to manufacturing/packaging;
10. the prevailing wind direction is from the SW, and any odours/noise will of course travel up wind over the main village;
11. The wear of the verges is a major problem that goes beyond this case, but heavy vehicles passing traffic in the reverse direction will inevitably gradually worsen an already bad situation. As a minimum but partial solution, there should be condition that all traffic accessing and exiting the property does not do so via Main Street;
12. there is the worry that animals might escape and cause damage to the surrounding area;
13. we are very concerned about waste products and particularly disinfectant seeping into the waterways;
14. I cannot see that an abattoir is going to generate any business for any of the attractions in the village and will actually detract;
15. if an animal is found to be diseased, it has to be incinerated on site...is there any provision for that?
16. the applicant has produced no statistical evidence that local business requires another abattoir in this location, in particular when it is currently served by many existing local abattoirs north, south, east and west of the proposed site;
17. Whilst the "storage and production of meat at slaughterhouses are subject to strict regulation with respect to cleanliness, temperature control and protection from contamination. Similar requirements are not applied to inedible by-products. These are often stored at ambient temperatures and usually in a wet state, such conditions being ideal for rapid putrefaction" and hence odour, (Extracted from the Department of the Environment Industry Profile Report - Animal & Animal products processing Works);
18. the applicant should commission a specialist noise survey and any permission should ensure that attenuation is installed;
19. a specialist traffic impact assessment is required to determine reliable projections for traffic generation.

A petition of 71 names objecting to the proposed development has been received.

4.7 Approximately 35 letters of support include 26 copies of a standard letter submitted by local farmers. The other letters of support are from local businesses and the Association of Independent Meat Suppliers. The comments are summarised as follows:

1. we are local livestock farmers and to see an application for a local abattoir is an encouraging sign for the livestock industry. It will bring employment to the area, there will be less food miles and full local traceability which the general public are requesting now, unlike some objectors to the proposal who want traceability but not produced or slaughtered on their doorstep;
2. it will cause no inconvenience to neighbours or local residents;
3. small scale abattoirs are vital as part of a vibrant rural community and a key chain in the agricultural livestock production system;
4. it will improve animal welfare, create local jobs, reduce carbon footprint and provide a more sustainable rural community;
5. the reason the Tholthorpe abattoir closed in 2006 is because there was not enough space to meet regulation requirements. There may well be a need for a small scale abattoir in our area to meet the demands of the rural community, to help reduce food miles;
6. in reality abattoirs are no worse in terms of noise or smells than any normal working livestock farm;
7. I do not believe that given the already high level of road use, the perceived increase in traffic movements to and from the abattoir would be noticeable. Although it is not clear where all traffic movements will originate, given that a proportion will come from the south, the impact on the village would be even less than imagined;
8. I would welcome being able to purchase locally reared meat that has travelled a matter of a few metres from where it was slaughtered to the shop counter at Changing Seasons, the farm shop on site.

A petition of 77 names supporting the proposed development has been received.

5.0 OBSERVATIONS

5.1 The issues to be considered include the principle of a use in this location and its sustainability, the impact on the appearance of the locality, the effect on residential amenity, including the existing dwelling at Sutton Grange, the impact on tourism and other businesses in the locality and the impact on highway safety.

5.2 The site is located in open countryside, outside the Development Limits of a sustainable settlement. Policy CP4 establishes a general presumption against development in locations outside of the Development Limits of sustainable settlements, as defined by the Settlement Hierarchy. Policy CP4 also recognises that there must be exceptions to this principle, for example where there is an essential requirement to locate in the countryside.

5.3 The site, when the original working farm was in existence, has been used as part of an intensive pig unit. The buildings, the subject of the current application, were granted permission in 2009 for Class B1/B8 purposes but this use has not been implemented. Other buildings within the complex are used for a variety of commercial uses. Policy DP26 specifically allows “support for integration of agricultural activities, including for slaughter, processing and packaging facilities on farms which serve clusters or co-operatives of producers”. It is noted however that this proposed abattoir is to serve the local livestock industry in general.

5.4 Notwithstanding the LDF Policy requirements for development to be located within sustainable settlements, a use such as an abattoir is not always appropriate in close proximity to residential uses as there will be an element of noise from vehicles and livestock. The site lies approximately 0.7km south of Sutton on the Forest, which is included within the Settlement Hierarchy as a Secondary Village, where development can be acceptable in principle if sited within the Development Limits.

5.5 If it is accepted that this is an exceptional case (i.e. providing support for the local farming community and local employment) the proposed scheme must also comply with at least one of the criteria of Policy CP4. The criteria iv) is relevant. This states it is capable of

support if: “it would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy...”

5.6 It is demonstrated that the proposed development can help to support local farms and businesses and provides local employment opportunities, both directly and indirectly. There is a significant degree of support for the proposal from the local farming community and local businesses. The use gives rise to local provenance, local employment opportunities and in animal welfare terms, minimises the length of journeys from farms although there can be no control by the Local Authority of the location of the farms that the abattoir serves. The proposed use would therefore help towards supporting a sustainable rural economy.

5.7 Not all sites are suitable for development and consideration must be given to the potential impact of a proposal on features of acknowledged importance such as the character and appearance of the adjacent rural landscape, the amenity of neighbouring residents and highway matters.

5.8 The proposed development is for the re-use of an existing building within a complex of existing buildings and will therefore have no greater visual impact on the surrounding rural landscape.

5.9 The previous planning application was withdrawn prior to its determination as there was significant concern expressed regarding the impact upon the occupants of the nearby residential dwelling and occupants and customers of the adjacent businesses and the surrounding area, including Sutton on the Forest, due to noise and odour nuisance. An attempt has been made with the submission of this application to address these concerns. There are a significant number of objections to the application, many of which relate to the effect on residential amenity.

5.10 The Council's Environmental Health Officer is confident that if the abattoir operates with the numbers that are proposed and in accordance with regulations, there will be no harmful effect caused by noise or smells. There would be no incineration of animals on site; this is not standard practice. The nearest dwelling within the Development Limits of the village lies 775m from the application site. It is felt that the only residential property whose amenity could be directly affected for reasons of noise, odour nuisance and visual impact, is the dwelling at Sutton Grange. These issues have now been addressed to the satisfaction of the Environmental Health Officer subject to the imposition of appropriate conditions.

5.11 Concern has been expressed that the operation of an abattoir in this location will have an adverse impact on local tourism in the area, specifically Sutton Hall. Subject to the correct management of the abattoir and its compliance with regulations there should be no effect on the environment in respect of noise, smells and visual impact, therefore the use will not easily be apparent to visitors to the area. Likewise, it is not anticipated that businesses such as the village pub at a distance of more than 800m, will be affected. It is stated that the farm shop at the entrance to the application site will be supplied with meat from the abattoir, which could be viewed as a marketing strategy for that business.

5.12 The estimated 41 vehicle movements each week comprise live animal movements, dispatch of the finished products and waste disposal. It is unclear how many vehicles will transport animals to the site as this depends on where the animals are coming from. Smaller, locally based farmers may transport a few animals at a time thereby using smaller vehicles. A greater number of such instances would potentially increase the number of vehicle movements to more than 41. Waste disposal is likely to be more predictable as this will be regulated by the number of animals at the site, which can be restricted by condition. Waste collection could occur once every day.

5.13 The Local Planning Authority could not reasonably control the numbers or routes of vehicles associated with the proposed use as this would not allow the business to operate flexibly in terms of its customer base. The only indirect control that would have an effect is regarding the number of animals processed at the site. The site has an authorised

agricultural use and an authorised B1/B8 use, both of which could result in a relatively high number of vehicle movements. The surrounding road network is of a good standard, the road through the main part of the village and to York is 'B' classified and the Highway Authority has no objections to the use of these roads for the proposed abattoir. Additional vehicle movements through the village will detract from residential amenity but it is not anticipated that the scale of the movements associated with the use will be significantly greater than from alternative commercial or agricultural uses at the site.

5.14 There is clearly strong opposition to the proposed use as an abattoir amid concern that it will have an adverse impact on the environment in terms of noise, smells and vehicle movements. It is not considered that these effects will arise as a result of restrictive regulations and appropriate planning conditions. Approval of the application is therefore recommended.

SUMMARY

The scheme is in accordance with the requirements of the policies stated above, is in a sustainable location and will not cause serious harm to the amenities of local residents, the character and appearance of the landscape or highway safety.

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. Prior to the commencement of the development the wall, gate and fencing shall be installed as illustrated on the approved drawings received by Hambleton District Council on 21 March 2011 and thereafter retained.
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 more than ___ animals shall be processed at the site each week unless with the prior written agreement of the Local Planning Authority.
5. No operations shall take place at the site outside of the hours of 9am to 6pm Monday to Friday unless in an emergency. Details of any such emergency shall be submitted to the Local Planning Authority.
6. Prior to the commencement of the development details of the drainage system, including disposal, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved system shall be implemented prior to the first use of the development and thereafter retained.
7. Prior to the commencement of the development, details of the storage of any substance which is toxic to the water environment should be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented and retained.
8. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and

hardstandings should be passed through trapped gullies with an overall capacity compatible with the site being drained.

9. 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 the submitted Block Plan for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

10. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings received by Hambleton District Council on 21 March 2011 unless otherwise agreed in writing by the Local Planning Authority.

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. To protect the amenities of surrounding properties in accordance with LDF Policy DP1.

3. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP16 and DP33.

4. To protect the amenities of surrounding properties in accordance with LDF Policy DP1.

5. To protect the amenities of surrounding properties in accordance with LDF Policy DP1.

6. To protect the amenities of surrounding properties in accordance with LDF Policy DP1.

7. To prevent pollution of the water environment in accordance with LDF Policies CP21 and DP42.

8. To prevent pollution of the water environment in accordance with LDF Policies CP21 and DP42.

9. To ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development in accordance with LDF Policies.

10. 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.

Our Ref: DIB/DM/
Your Ref:

**CARTER
JONAS**

The Property People

Mrs H Laws
Planning Officer
Hambleton District Council
Civic Centre
Stone Cross
Northallerton, DL6 2UU

Regent House
13-15 Albert Street
Harrogate HG1 1JX
T: 01423 523423
F: 01423 521373

11 May 2011

Dear Mrs Laws

**PROPOSED CHANGE OF USE OF EXISTING INDUSTRIAL/AGRICULTURAL BUILDING TO
ABATTOIR AT SUTTON GRANGE, SUTTON ON THE FOREST, YORK, YO61 1EN
APPLICATION REFERENCE: 11/00615/FUL**

We act on behalf of the applicant, Mr C Hodgson, and have been asked to provide a view on the material planning considerations and issues associated with the above application. This is based upon the Design and Access Statement and Justification Report prepared by Tom Watson of Cundalls, subsequent supporting information submitted on behalf of the applicant and the receipt by the Local Planning Authority of various consultation responses both from local residents and also other statutory bodies.

This letter will provide clarification on what we consider are the main issues to be considered, relevant planning policies and wider context and reinforce the positive planning arguments which clearly relate to this site and specific proposal.

Background

It is understood that the particular application site forms part of a wider complex of former agricultural buildings which have now been put to a variety of commercial uses over time in the light of the contraction in the agricultural use of the particular farmstead. This involves both simple storage and workshop use adjacent to/adjoining the application site building and more detached commercial premises at the site entrance in the form of a photographers studio and farm shop/cafe.

A further former cattle shed to the south of the application site is in mixed use in terms of stabling and a commercial enterprise to the remainder with an enclosed yard to the front (east) of that particular building. Also within the farmstead group is the existing dwelling, Sutton Grange, which is occupied by the site and complex owner with all the commercial units being let to the respective occupants/users on an individual basis.

It is understood that the commercial use of this site for purposes other than solely agricultural activities has been established for some years with a planning history over a protracted period of time. This has culminated in a more recent application in 2010 (Reference: 10/02624/FUL) which was subsequently withdrawn for a proposal of the same nature and in fact in the same building as the present application site. The previous Officer Report to Planning Committee dated the 6 January 2011 has also been considered as part and parcel of this correspondence.

In the light of the submission of the present application it is fully appreciated that notable local concerns have been raised by residents regarding the appropriateness of this proposal and the likely consequences upon the local environment should planning permission be granted. Again these concerns have been borne in mind as part and parcel of this supplementary submission.

Proposal

The proposed change of use is adequately described in the Design and Access Statement and Justification Report prepared by Tom Watson of Cundalls and basically seeks to obtain planning permission for the conversion of this existing building to form an abattoir with associated lairage butchery and processing facilities and cold storage; all within the confines of the building presently on site.

Access and servicing for the proposed abattoir would be via the existing entrance onto the B1363 York Road through a shared yard but with any livestock unloading and vehicle turning and parking being within a defined and private area on the site for the sole use of the operator of the proposed abattoir.

Information has been provided in terms of the hours of operation (a five-day week, operating times 8.00am to 6.00pm) with throughput in the order of 185 animals per week providing full-time employment for up to 8 staff (in 12-24 months).

The applicant, Mr Chris Hodgson, comes from a farming background with 14 years of experience working for abattoirs and butchers in the region with the intention to operate his own business from this site to serve predominantly the local market/clients.

Planning Policy

The overriding context for development on this site originates from **PPS7 (Sustainable Development in Rural Areas)** which encourages development that would be of net benefit to the rural economy and equally the effective reuse of existing buildings, providing strong support for diversification of the rural economy and the pursuit of business opportunities - recognising the important role of reusing existing resources in the countryside in facilitating economic activity.

PPS4 (Planning for Sustainable Economic Growth) dated 2009 builds upon and supplants the approach in PPS7. It also is more up to date than the Local Authority's own adopted Core Strategy and Development Policies. In this respect the main emphasis of PPS4 is to help achieve and encourage new sustainable economic growth, maintaining and enhancing the vitality and viability of town and other centres and equally seeking to raise the quality of life and environment in rural areas by promoting thriving and locally distinctive rural communities.

Specific policies in this National Guidance which are of relevance are **Policy E6** (Planning for Economic Development in Rural Areas) states an encouragement for development of the nature as proposed due to the reuse of existing buildings and the sites location not remote from existing settlements and the prevailing commercial activities on the site.

Local Authorities are advised to;

“support the conversion and reuse of appropriately located and suitably constructed existing buildings in the countryside (particularly those adjacent or closely related to towns and villages) for economic development, set out the criteria to be applied to planning applications for farm diversification and support diversification for business purposes that are consistent in their scale and environmental impact with their rural location” (Paragraph EC6.2).

Policy EC10 (Determining Planning Applications for Economic Development) specifically states in Paragraph EC10.1 that;

“Local Planning Authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably”.

Of course this needs to be considered against the appropriateness of the specific proposal concerned both in terms of its geographical location/accessibility, likely economic benefits and of course amenity; notwithstanding the basic impact on local employment.

With reference to rural areas **Policy EC12** (Determining Planning Applications for Economic Development in Rural Areas) again identifies specific support for the reuse of buildings stating that *“economic development purposes will usually be preferable but residential conversions may be more appropriate in some locations and for some types of building”* (Paragraph EC12.1).

Importantly, Local Planning Authorities should

“support small-scale economic development where it provides the most sustainable option in villages, or other locations, that are remote from local service centres, recognising that a site may be an acceptable location for development even though it may not be readily accessible by public transport” (Paragraph EC12.1b).

Local Authorities should;

“approve planning applications for the conversion and reuse of existing buildings in the countryside for economic development, particularly those adjacent or closely related to towns or villages, where the benefits outweigh the harm in terms of:

1. *The potential impact on the countryside, landscapes and wildlife;*
2. *Local economic and social needs and opportunities;*
3. *Settlement patterns and the level of accessibility to service centres, markets and housing”*
(Paragraph EC12.1d).

Clearly with reference to this Planning Policy Statement alone there is clear basic support for a proposal of this nature given the site circumstances.

This approach is even further reinforced by recent **Ministerial Statements** (March 2011) regarding 'Planning for Growth' made by the Right Honourable Greg Clarke MP (Minister of State for Decentralisation) who has stated that:

"the Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be "yes", except where this would compromise the key sustainable development principles set out in National Planning Policy".

The statement goes on to state a;

"commitment to introduce a strong presumption in favour of sustainable development in the forthcoming National Planning Policy Framework which will expect Local Planning Authorities to plan positively for new development; to deal promptly and favourably with applications that comply with up to date plans and National Planning Policies"

"When deciding whether to grant planning permission, Local Planning Authorities should support enterprise and facilitate...economic and other forms of sustainable development. Where relevant and consistent with their Statutory Obligations they should therefore:

1. *Consider fully the importance of National Planning Policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;*
3. *Consider the range of likely economic, environmental and social benefits of proposals; including.... more viable communities and more robust economies (which may, where relevant, include matters such as job creation and business productivity);*
5. *Ensure that they do not impose unnecessary burdens on development"*

The statement is quite clear in that Local Planning Authorities are expected to *"ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with Policy in PPS4)".*

In conclusion, and regarding the status of this Ministerial Statement:

"the Secretary of State for Communities and Local Government will take the principles in this Statement into account when determining the applications that come before him for decision. In particular he will attach significant weight to the need to secure economic growth and employment". Beyond the consideration of a planning application *"benefits to the economy should, where relevant, be an important consideration when other development related consents are being determined. The Secretary of State for Culture, Olympics, Media and Support, Secretary of State for the Environment, Food and Rural Affairs.....have consequently agreed that to the extent it accords with the relevant*

statutory provisions and National Policies, decisions on these other consents should place particular weight on the potential economic benefits offered by an application. They will reflect this principle and relevant decisions that come before them".

Clearly there is notable weight in favour of development that proposes economic benefits, subject to the site specific circumstances and practicalities of development of any site, with a "strong presumption in favour" being now promoted by the Coalition Government as part of the positive approach to planning for such proposals.

Given the nature of the application and issues raised by local residents **PPS23 Planning and Pollution Control** may also be of relevance with a basic tenant that;

"the planning system should focus on whether the development itself is an acceptable use of the land, and the impact of those uses, rather than the control of processes or emissions themselves. The Planning Authority should work on the assumption that the relevant pollution control regime will be properly applied and enforced. They should act to compliment but not seek to duplicate it".

This is particularly relevant given the prevalence of other existing regulatory regimes/bodies who will ensure the proper management of the abattoir to minimise/eradicate any negative consequences (noise, smell, nuisance and welfare concerns) both within and beyond the confines of the premises itself.

In conclusion, the PPS states that;

"the overall aim of Planning and Pollution Control Policy is to ensure the sustainable and beneficial use of land. Within this aim, polluting activities that are necessary for society and the economy should be so sited and planned, and subject to such planning conditions that their adverse effects are minimised and contained to within acceptable limits" (Paragraph 26).

There is no requirement for a proposal to demonstrate no adverse effects in this respect – it is a question of degree.

The **Hambleton LDF Core Strategy and Development Policy DPD Documents** provide the more applicable Local Planning Policy context.

The following **Core Strategy Policies** are considered relevant to this application/proposal.

CP1 (Sustainable Development): Seeks to encourage development that makes best use of available resources, has a positive impact in terms of economic well-being and the vitality of an area whilst minimising any negative consequences for the natural and built environment.

CP2 (Access): Seeks to encourage development where it will minimise (not eradicate) the need to travel.

CP4 (Settlement Hierarchy): Allows development in the countryside where this would help to support the rural economy and involve the alteration and reuse of existing

buildings. In particular schemes will be supported where for instance existing buildings would be reused and help support a sustainable rural economy (Criteria iv) and support for the social and economic regeneration of rural areas may be achieved (Criteria vii).

CP15 (Rural Regeneration): Supports the social and economic needs of rural communities and specifically encourages retention and expansion of businesses outside existing settlements (Criteria i), reuse or replacement of suitable rural buildings for employment generating purposes (Criteria ii), and diversification of the agricultural sector (Criteria iv).

The following **Development Policies** are considered relevant to this application/proposal.

DP1 (Protection of Amenity): Seeks to ensure proposals take into account the amenity of both existing occupants/uses and future occupants/uses to minimise potential conflict – namely in terms of noise, privacy, activity etc.

DP9 (Development Outside Development Limits): Recognises the ability to either convert or replace existing buildings in the countryside. It does not place a moratorium upon development outside existing development limits based upon the relevant circumstances associated with any site and proposals put forward by the applicant.

DP25 (Rural Employment): Encourages proposals that will foster rural employment opportunities where such are small-scale (albeit not defined in policy), involves conversions of existing buildings, the proposal supports and sustains the local economy and community. The scheme meets all these requirements due to the limited scale and location, reuse of buildings, provision of an effective employment generating use within an existing commercial context with suitable separation from non-commercial uses when considering amenity.

DP26 (Agricultural Issues): Identifies support for development "related" to agriculture and specifically states (iii) "support for integration of agricultural activities, including for slaughter, processing and packaging facilities on farms which serve clusters or cooperatives or producers". ***This provides a basic context of a positive consideration of activities beyond mere agricultural production both on farmsteads and in the countryside as a whole.***

The above raft of local policies and national guidance provides a clear picture and favourable context for the proposed development given the scale, extent and nature of the use combined with site circumstances and other legislative and regulatory controls that relate to the day to day operation of this site – and consequently ensure that any actual impact is minimised.

Planning Considerations

The acceptability of any planning proposal needs to be considered on a number of levels ranging from the overall principle of development on the site through to the more detailed design specific issues. It is considered that the following are the main issues to consider as part of the determination of this application with the proposals suitably adhering to prevailing planning policy and/or other material considerations in this regard.

- a) ***The Principle of Development:*** It is fully appreciated that the site lies in open countryside and in a rural location beyond any existing settlement. However, the site does lie within an enclave of development which includes commercial uses endorsed by the previous grant of planning permission. Therefore, this is an established site of mixed character and nature wherein a range of further non-agricultural/commercial uses could be accommodated both under the terms of the existing planning approval on the site and indeed in the light of prevailing planning policy at both national and local level.

As stated in the commentary previously, the location of any particular site outside established settlements does not necessarily mean the introduction of new activity should be prohibited as a matter of course and it is a matter of judgement based upon the prevailing circumstances. When proposals relate to commercially orientated schemes which will provide an economic benefit and re-use of existing buildings then there is clear momentum in planning policy terms in the form of a *"strong presumption in favour"* which is increasingly being brought to the fore in the light of the prevailing economic circumstances. While this does not override wider planning considerations it is a basic starting point in this respect.

As for the specific nature of the use, the creation of a proposed abattoir clearly gives rise to questions with regards to the appropriateness of such a use relative to the site context and general location.

In terms of the general appropriateness of such a re-use of an existing building, policy does not require an assessment of (what may be deemed) sequentially preferable sites to be considered as a matter of course and clearly, given the nature and extent of comments from local residents from Sutton on the Forest, the basic requirement to locate such a facility within an established settlement would give rise to perhaps even more vociferous concerns in this regard from the local population.

Equally a more remote and isolated location would give rise to concerns over sustainability and appropriate servicing of such a use (or any commercially orientated activity) and therefore a suitable balance and judgement needs to be made in this regard.

Of paramount importance, is that it must be appreciated that the use seeks to provide a service to a basic and over-riding countryside/rural activity – namely agriculture, and in particular livestock farming. The provision of such within a rural context and close to the 'source of production' is wholly logical and, by definition, sustainable.

In terms of the site itself, it is not unduly remote but forms part of an enclave of development and would relate to the reuse of an existing building. Planning policy even allows the redevelopment of such sites where the development would bring employment benefits and, therefore, the principle of the reuse of this building for a commercial purpose is clearly not an inappropriate proposal.

The site is accessible (adjacent to the B1363) with direct and immediate access from the adopted highway and therefore is adjacent to, in the context of this rural location, the main transport network and area of vehicular activity at the present moment in time - the B1363 being the main road between York and Helmsley in this respect.

As a consequence, it is considered that the site in principle terms should not be deemed inappropriate given the specific locational characteristics of the site, prevailing context and nature of the proposed use.

- b) **Amenity:** The nature of the proposed use as an abattoir clearly gives rise to an emotive response and perhaps misconceptions with regards to the actual consequences of the activity on any particular site with regards to amenity.

The proposed activity would be predominantly contained within the existing building on site with animals being delivered and offloaded immediately adjacent to the existing building in a secure and contained area beyond external view, then subsequently contained within the building and in a highly regulated environment from thereon in.

Finished carcasses would be dispatched from the site via a single entrance door on the eastern elevation where vehicles can reverse to be immediately adjacent to the building and, equally, any waste contained within the existing building until collected. In this respect appropriate refrigeration facilities are proposed to negate any potential concerns regarding smells from animal waste (including liquid waste) and the proposal identifies arrangements for the collection of such on a daily basis in any event.

The scale of the proposed use and throughput (stated as in the region of 185 animals per week) would ensure that there would be no notable onsite external lairage or delay in processing animals which potentially could give rise to concerns from an animal welfare perspective, distress and possible animal noise etc. In any event this is a former livestock farm wherein animal movements and noise would be part of the norm in such an agricultural environment and, indeed, to a much more substantial extent than will be generated by the proposed abattoir.

As stated in other supporting information the proposed use would be highly regulated and need to meet clear standards regulated by other Authorities (Food Standards Agency) and the application clearly shows how the internal arrangements of the building will meet the requirements of an abattoir operation in a fully contained manner. Combined with the proposed management regime the use would have no more notable impact beyond the confines of the existing building (indeed more likely less) than the use of the building for livestock purposes either on an extensive or intensive basis. As stated in PPS23, given other regulatory controls, local planning authorities are required to *“work on the assumption that the relevant pollution control regime will be properly applied and enforced”*. As this is the case, the proposed use should be no more onerous upon local residents than other alternative uses on this site – commercially or agriculturally orientated.

It must be appreciated that the previous orientation of the farm holding was one of pig rearing amounting to in the order of a 700 sow pig herd giving rise to both noise, smell and vehicular activity associated with the movement of stock, delivery of feed etc on a continuous basis.

The proposed use of the building would be more limited both in terms of the specific days of operation (Monday to Friday) and equally hours operation (8.00am to 6.00pm). It is understood that the Environmental Health Officer has raised no concerns with regards to

the application - which is a notable consideration in this regard given the precautionary approach usually undertaken by Officers in this respect.

As a consequence it is considered that the proposed use would have no perceptible impact upon amenity; be that in general terms or more specific relative to neighbouring uses (which will be discussed later).

There would be no undue generation of noise, smells or other nuisance associated with this use that is likely to give rise to concerns to the local resident population. Indeed the perception of the proposed use - a modest part of a substantial range of buildings set back from the adopted highway, well screened and adequately separated from the main extent of the village of Sutton on the Forest by some distance - will be one of a diversified/mixed use farmstead set within an open countryside location. Therefore, such would be no different from the existing perception of the site and activities therein.

The proximity to the southern extremities of the parkland at Sutton Park (as a 'heritage asset') is not considered an issue on a similar basis; with the basic physical separation of the site in this respect as well as the proposed operating times of the abattoir being no different than other commercial activities that could be accommodated on this site.

- c) **Compatibility with Existing Neighbouring Uses:** As stated previously, the proposed abattoir would be introduced into an existing commercial context. Neighbouring uses vary in terms of nature and extent and indeed the degree of activity and their public accessibility too. The position of the proposed abattoir (in the north west corner of the site) would be adjacent to existing storage units and a stonemasons workshop - an area which is not generally accessible to members of the public or required as part of the mainstay of the respective uses in this locality and, indeed, can be readily segregated in this regard. The stonemason has a retail outlet in York with this site being predominantly his production base in this respect.

The existing photographic studio and farm shop at the site entrance have their own specific parking areas wherein which members of the public are predominantly contained and even in terms of the activity within the large building to the south of the site any public access is limited and view of the application site is screened in this respect by existing fencing.

Customer vehicles parked in association with the commercial uses on this site, those which attract members of public, are in the south east corner of the farmstead with existing boundary enclosures and landscaping screening buildings to the northwest in this regard. Consequently, the position of the proposed abattoir would not be the dominant element within this group relative to how the site presently attracts members of the public as part and parcel of the neighbouring businesses day to day activities.

The whole of the site is owned by the occupant of Sutton Grange (the nearest dwelling) and, therefore, there is a single, over-arching management regime for this site and of course a clear motivation to ensure that all the activities are compatible and continue to operate in an appropriate manner. It is not in the site owners interests to introduce and retain any use/activity that would give rise to the vacancy of units on this farmstead - it would make no business sense. Equally, the site owner is aware of the activities on this



site and their potential impact upon his own amenity - having control in this respect through appropriate contractual clauses in any tenancy of the business units (as existing and proposed) so the nature of the use of the site can be duly controlled by those most likely to be effected.

As stated previously the operation of the abattoir would be wholly contained within the existing building (including lairage for animals) and therefore the use would not be intrusive in this regard.

The servicing and access arrangements would be readily accommodated on the site and be no different from if the building were retained in agricultural use and used for livestock accommodation. This is the context within which the present commercial premises have evolved and, in part, been instigated in any event.

The clear separation of the various activities, mitigating measures as proposed in the planning application and supporting statement clearly ensure that neighbouring uses are not hindered as a consequence of the introduction of the abattoir use on this site.

d) Access and Highway Safety

In terms of vehicular movements from the site the statement indicates in the order of 41 vehicle movements per week being a mixture of livestock delivery vehicles and, to a lesser extent, dispatch vehicle movements of finished carcasses/meat from the site, removal of waste and of course staff movements. Again this needs to be compared against the previous livestock use of this site both in terms of volume of traffic and nature of vehicles as well as the direction of travel.

The submission includes correspondence from a range of local farm/butchery businesses which support the proposal (effectively references of the applicants experience and background) and are not necessarily intended users of the abattoir. The additional correspondence submitted to the Local Authority on the 4 May 2011 indicated five customers within close proximity to the proposed abattoir, which would benefit from the proposals in terms of reduced travel miles to slaughter of animals farmed, and have expressed an intention to use the abattoir if planning permission is granted. On this basis there is likely to be in the region of 10 livestock vehicle movements per week plus those associated with the dispatch of finished meat from the site using two delivery vehicles (4 vehicle movements per week) through the village.

It is understood that at the present moment in time Mr Hodgson arranges for stock to be taken to an abattoir in Leeds in this respect - which is clearly a notable distance away from the source of production of these animals. We can provide information of these individual farmers upon request, albeit on a confidential basis.

It is considered that any vehicular movements generated by the operation of the premises would be limited as a consequence of the capacity of the abattoir (the indicated throughput and limited times of operation of the premises) and therefore predominantly through the normal working week and hours of the day. The scale and timing of such vehicle movements would not harm amenity as a result.

Vehicles may well travel through the village of Sutton on the Forest to and from the site but it must be appreciated that this is upon the main adopted highway (B1363) between York and Helmsley and in terms of the carriageway width, construction and alignment obviously meets an appropriate standard for its classification in this regard.

In any event this does form part of the rural highway network already used by, and anticipated as the main route for, a whole range of vehicles servicing existing premises and businesses in the locality both of a commercial and agricultural nature. There is a clear prospect of vehicles equally using the southern entrance/exit from the site to/from York. Therefore any vehicular activity can be suitably dispersed throughout the local highway network as a consequence.

It must also be appreciated that the farms to be serviced already generate the traffic required to meet the needs of transporting stock to slaughter. Equally so, in terms of the removal of waste from the site, the appropriate company vehicle (Whitkirks/Hughes & Co), already passes the site on a daily basis in this respect.

It is considered that the generation of traffic in the locality as a consequence of the proposed use, to the indicated extent and given the scale of the proposed operation, could not be deemed to be sufficient to give rise to a highway concern over safety, the adequacy or capacity of the highway network or specifically amenity as a consequence. This is clearly endorsed by the lack of objection to the proposals from the Highway Authority and Environmental Health Officer.

Conclusions

The proposal relates to the re-use of part of an existing commercial site/complex of buildings in a location adjacent to the main adopted highway and local catchment area to serve existing agricultural businesses and, therefore, is suitably accessible and sustainable as a consequence.

There is clear policy encouragement for commercial development which provides a positive consequence in economic terms.

It is considered that the specific site circumstances are such that the operation of the use would not give rise to any adverse impact upon residential amenity of the occupants of the neighbouring village (Sutton on the Forest), isolated properties to the south of the application site or with regards to the general amenity of the wider area. The scale and operation of the use are suitably limited, controlled and contained in this respect.

As stated in the supporting documentation the proposed activity and use would be suitably discreet, well contained within the existing building and highly regulated and managed. The applicant has demonstrated this clearly in the supporting information - as endorsed by the comments of the Environmental Health Officer who raised no objections to the proposals.

It is considered that the day to day operation of the premises would be suitably discreet, no more intrusive than the previous activity generated at this site as part and parcel of the previous livestock activity (pig rearing farm) and is clearly limited in terms of scale, nature and kind by the proposed days and hours of operation, available floor space and extent of site area. A more intensive commercial use of the site under the remit of the existing planning permission on the



premises could equally have an adverse consequence in terms of vehicular movement and activity through the village and it is considered that the proposed use would be no more onerous in this regard.

Any impact upon Sutton Park will not be perceptible given the degree of separation and intervening landscaping. Indeed there are numerous other abattoirs of this scale and kind which operate within the residential context without any undue consequences and, therefore, this site is ideally located in this regard with a greater degree of isolation proposed in this case.

There are clear and substantial planning grounds to support both the principle of development on this site and the nature, scale and extent of the proposed use. The consequences would not give rise to material harm and the Local Authority are strongly advised to support the proposals in the light of the body and weight of evidence in support of this case.

Yours sincerely

A handwritten signature in black ink, appearing to read "David Boulton", with a long horizontal flourish extending to the right.

David I Boulton Dip TP MRTPI
Partner
For and on behalf of Carter Jonas LLP

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Sutton on the Forest

Parish Council

Mr T Wood
Development Manager
Hambleton District Council
Stonecross
Northallerton DL6 2UU

10 May 2011

Dear Mr Wood

11/00615/FUL, Sutton Grange, York Road

Attached is the response of Sutton on the Forest Parish Council to the above application which comprises the following:

1. The formal views' of the Parish Council.
2. Notes taken by the Parish Council Clerk of proceedings of an open meeting held on Thursday 28 April 2011 in the Village Hall to discuss the application.
3. Copy of the address given by the Applicant's Agent to the open meeting.
4. Copy of the address given by Mrs Jackson on behalf of a number of local residents/objectors.

Please note in particular the final paragraph of the Parish Council's response which post-dates the open meeting.

Yours sincerely

Sue Bracewell (Mrs)
Parish Clerk

**Response on behalf of the Sutton- on-the-Forest Parish Council
Planning application 11/00615/FUL, Sutton Grange, York Road**

The Parish Council is unanimously opposed to this application.

The Parish Council has had access to and reviewed all the background information submitted on behalf of the Applicant but considers that the nature of the application remains unclear: also, much of the detail provided is vague and/or contradictory and in the Parish Council's view no clear planning justification has been made for the development. Examples of inconsistencies/lack of adequate or credible detail are:

- The lack of clarity as to whether a cutting room is envisaged
- The precise nature and effect of traffic movements
- The effect of smell on the local community
- The effect on other local businesses, particularly at Sutton Grange
- The hours of operation
- The costs of the venture

The Parish Council's researches indicate there are 3 broad types of slaughterhouse which generally reflect earlier EU definitions namely small, medium and large. Under the EU definition a small slaughterhouse is one killing no more than 20 "units" per week. This equated to 1 cow or 7 pigs or 10 sheep. In current circumstances this size of business tends to be run by local butchers as an integral part of their retail operation.

The application proposal is clearly not small scale.

Middle-sized slaughterhouses tend to supply butchers and catering establishments and large slaughterhouses supply supermarkets.

The proposal is clearly not intended to supply an adjacent butcher's shop and the Parish Council has therefore assessed the application on the basis that it falls within the "middle-sized" operation.

How will the proposed slaughterhouse operate?

No cutting room is proposed, which is essential if the intention is to supply butchers and catering establishments. Separate space constructed to high hygiene standards and licenced by the Food Standards Agency would be needed for such a facility.

If it is the intention to take carcasses to another establishment for cutting/processing, this begs the question why seek to develop a slaughterhouse at Sutton? It needs to be clearly established from the Applicant whether a cutting room is envisaged at Sutton as this has implications for the ultimate size of the development, throughput of animals, traffic generation etc.

It is the Parish Council's view that should this business be established, it could be difficult if not impossible for the Planning Authority to refuse permission for the conversion of further buildings to provide a cutting room.

The Parish Council is advised that for the size of operation apparently proposed, slaughterlines appropriate for the three different species would need to be set up. Once this is established, throughput would be determined by two factors NEITHER OF WHICH IS WITHIN THE CONTROL OF THE PLANNING AUTHORITY, namely:

1. The number/size of chillers (since carcasses and offals must be chilled down before being released from the site. This takes, for cattle, around 2 days; for pigs and sheep, overnight) and
2. The number of slaughter men and assistants employed.

The Applicants previous application indicated an estimated livestock turnover per week of 25 cattle, 60 sheep and 100 pigs based on 3 full time staff. Although this throughput is "estimated", the Parish Council is advised that at this staffing level, the proposed throughput is easily achievable and could be considerably higher than estimated.

3. The Parish Council does not believe there are any means of controlling throughput through planning conditions once the business is operational. There is no information currently available concerning the number or capacity of chillers.

It would be unreasonable for the Planning Authority to refuse permission for additional chillers once the business had become established (see also below: Costs)

4. If a cutting room is envisaged at any future date the Parish Council believes it would markedly change estimated traffic flows with the need to remove the much greater quantity of extra waste generated by the process. Such waste has to be dealt with and completely separated from the blood and green waste. The Planning Authority would find it difficult to refuse permission for such an extension to an already running business.

Traffic

The amount and type of traffic associated with the development remains unclear. A double-decker livestock transporter can carry about 38 cattle or 200 pigs or 400 sheep.

Clearly one such vehicle per week could deliver well in excess of the throughput currently estimated by the Applicant and it is accepted refusal of permission could not be justified on the grounds of one such movement. However, no estimates are available of vehicle types and numbers which might be involved in the distribution of carcasses from such an arrangement.

However, a major part of the Applicant's case appears to rest on the reduction in food miles which would result from a local slaughterhouse serving the local farming community. The Parish Council's views on this are as follows:

- It is implicit in this that a large proportion of livestock deliveries will be by individual farmers using their own vehicles and trailers and it is impossible to assess the traffic volumes which might be involved.
- Current practice is now for independent livestock hauliers to collect from many farms to deliver animals in quantity to slaughterhouses or farmers take animals to market and they get transported from there by the hauliers.

- If the needs of individual farmers are to be met, this suggests the maximum flexibility in hours of operation would be required (see also Hours of Operation below).

Smell

It is accepted that procedures and facilities would need to be put in place to collect the animal by-products, blood hides and green waste. The Parish Council considers it is impossible for any system to avoid some smell leakage when tanks, particularly tanks storing red and green waste, are emptied. The Parish Council understands smell will linger for a greater or lesser period depending on weather conditions. The application site lies within a complex of buildings with some adjacent tree cover. On calm days, the smell will tend to be “trapped” by these existing features (see also The local economy: existing businesses at Sutton Grange, below). On windy days, smell will be blown towards the village. The Parish Council notes that the Environmental Health Officer advised in relation to the earlier application that liquid waste such as gut contents is *extremely odorous* and similar waste storage and collection systems have given rise to complaints elsewhere within Hambleton District.

The frequency with which waste will need to be removed will depend on livestock throughput and the size of the waste storage tanks – neither which piece of information is currently available.

It follows that the greater the on-site waste storage capacity, the less often it will be necessary to empty the tanks but the length of time taken to empty the tanks will be correspondingly greater. These are not matters which can be controlled by planning condition but as detailed operational matters could have significant effects on the local environment.

The local economy: existing businesses at Sutton Grange

The local economy at Sutton on The Forest is largely based on tourism/visitor spend and this in turn is a reflection of the character of the village and surrounding area. Local restaurants, cafes and public houses and Sutton Park provide local employment as well as recreational and leisure facilities for residents and visitors from a wide surrounding area. Other businesses are encouraged where these make efficient use of existing buildings and are compatible with the surroundings.

The Parish Council encourages the establishment and maintenance of *suitable* local employment and the planning history of Sutton Grange confirms that the District Council has also taken the same view. Permissions have been granted for the establishment of a farm shop, use of existing buildings as offices and for storage and the wholesale distribution of agricultural and pet supplies and for B1 and B2 uses. A planning application for general industrial purposes was refused and a subsequent appeal dismissed – and a slaughterhouse also falls to be considered as a general industrial development.

Sutton Grange has developed in recent years as a mixed employment site where the following businesses co-exist with the operation of the farm:

- Cafe and farm shop
- The manufacture of high value/specialist fireplaces
- A recently established specialist nursery/plant/pond centre
- Photographic studio

These businesses co-exist happily together and each makes a positive contribution to the local area. The Parish Council considers a slaughterhouse to be entirely incompatible with these uses and very likely to lead to their relocation *either* due to the loss of amenity, noise, smell and general disturbance caused by the slaughterhouse activities in the immediate area *or* by the termination by the landowner of the leases to these other businesses to enable the slaughterhouse to expand.

Hours of operation (including consequential noise and smell)

It is normal – and considered good practice – for animals to be given a period of rest after being delivered to slaughterhouses as this reduces stress which in turn produces a higher quality of meat. Animals for the morning production are frequently delivered the night before. Animals held overnight in lairages can and do create noise, which can be above normal farmyard levels caused by the unfamiliar surroundings. Whilst this may not be audible in the village, there are houses unrelated to Sutton Grange in close proximity to the site whose occupants are likely to be disturbed. Also, animals held overnight need to be bedded down and this creates additional waste. Whilst this could be considered “normal” farmyard waste, it is an additional source of potential nuisance to the nearest unrelated local residents and to those employed and visiting the businesses already established at Sutton Grange.

In the event that the District Council is minded to approve this application, the Parish Council would seek hours of operation restrictions on the development which would contain vehicular traffic *of all types associated with the development* to normal working hours and in particular times which have least impact on local tourist and leisure activities – that is to say there should be no operations on site or vehicular movements outside the hours of 8am – 5pm or at weekends or Bank holidays.

“Operations” in this context should include ALL operations including delivery of stock, removal of the meat, collection of the animal by-products and waste preparation and washing down and maintenance activities so that, effectively, the slaughterhouse would not open even for preparatory work before 8am and should be fully closed by 5pm.

The Parish Council strongly opposes any proposal to deliver animals to the site at any time on Sundays for slaughter on Mondays.

Costs: the nature of the application

The planning application form indicates that no changes are proposed to the existing buildings and the application as submitted is described as being for a change of use. This is an incorrect description as the buildings concerned – which are of very basic agricultural design and construction – would effectively need to be rebuilt to comply with current standards in respect of food hygiene as set out in the EU Food Hygiene Regulations 2006, animal health and welfare as set out in the Animal Welfare (Slaughter of Animals) Regulations 1998, health and safety, facilities for staff etc.

The Parish Council considers that in reality the proposals involve the construction of new buildings and the application should be resubmitted on this basis and assessed in relation to relevant planning policy concerning the erection of new industrial buildings in the countryside.

Although the costs of the development to the Applicant are not a matter of direct concern to the Parish Council or local Planning Authority, the Parish Council is advised that the

development proposed could cost up to £600,000 at which level it is believed the development would not be viable and could not be justified on the throughput estimated by the Applicant. With so much of the detail of the development unclear and the potential for expansion inherent in the loose description of the scheme, the application must be assessed as a proposal for a slaughterhouse unrestricted as to throughput and traffic generation and ultimately also with the potential for the Applicant to be able to argue for unrestricted hours of operation.

The need for the Applicant to maximise throughput at the site to recoup his initial investment adds to the Parish Council's concerns that the development will ultimately lead to the loss of the businesses already established at the site.

21.4.2011

ADDENDUM

The Parish Council's concerns and objections set out above were based on information submitted to the District Council on behalf of the Applicant and publicly available on the Council's website. The Parish Council wish to confirm that none of the objections were satisfactorily addressed by the Applicant's submissions to the public meeting which, if anything, raised additional concerns and contradictions – for example, in relation to the direction from which the majority of deliveries would come – said initially to be generally from the south with no impact on the village whereas at the public meeting it was confirmed by the Agent that there could be no guarantee whatsoever of the geographical source of incoming livestock.

The Parish Council remains totally opposed to this application.

10.5.2011

Notes of a public meeting held on Thursday 28 April 2011 at 7.30pm Grey Village Hall, Sutton on the Forest.

Apologies were received from Sir Reginald and Lady Sheffield, Sutton Park, Willie Anderson, Main Street, John Harrison, Main Street, Frank Gutierrez, Main Street, Mr & Mrs Lister, Newton Farm Court.

The Chairman welcomed everyone to the meeting and in particular welcomed Tom Watson, Cundalls representing the applicant; Chris Hodgson (the applicant), James Barker (landowner).

The chairman explained the process that the Parish Council has in place for dealing with all planning applications.

Tom Watson, Cundalls spoke in support of the application. (notes attached)

Donna Jackson spoke, representing several residents. (report attached)

Other comments from the floor:

- If anyone had lived close to a slaughterhouse they would be aware that the smell is obnoxious and that property nearby is devalued.
- All by-products and blood collections will be done daily and taken to a plant in Lincoln. The application was supported by local farmers.
- The company collecting the waste had a veterinary practice in their group. Were they to be the vets involved in this project? (it was confirmed they were not)
- The distances from the village were incorrectly stated
- Letters of support were standard letters signed by different people, rather than personally written letters. Whilst food miles may be reduced on the meat produced, the by products would increase the carbon footprint
- There are already 16 slaughterhouses within a 16 mile radius. Slaughterhouse workers are normally self employed and move around
- If foot and mouth was to return, the village would come to a standstill
- Drainage/sewage would be a problem as there is already disruption caused to the sewage system by heavy vehicles.
- It is often relatively easy to get a small development through planning and then increase it at a later date to a much larger development
- Why had no sequential test been carried out? How is this application different from the first one?
- Why was the first application withdrawn
- There is both a school and playgroup on the Main Street and therefore children passing along it regularly, who would be affected by the increased volume of traffic
- Tourism in the area is mostly at weekends. Slaughterhouse would be damaging to the existing business environment.
- Emergency work may take place at weekends and out of hours. Working hours are too vague
- The traffic issue is not clearly stated, there is no indication of where the traffic will come from nor how many vehicles are planned
- Highways will have to look into the impact of the traffic and will recommend to the planners. They will seek clarification on the number of vehicles
- Are the 16 slaughterhouses already in the area unable to meet demand?

- There is already a shop on the site – how will it be affected? What the effect be on the future of the industrial site
- If weekend working is possible, will there also be night working?

Response from Tom Watson, Cundalls (notes attached)

- Hours of work: applicant is happy to agree to restricted hours eg 8 to 5 pm 4 days a week
- Proximity: normally the mid point in a village is used to measure distances. These will be checked
- Vehicles: it is likely that small vehicles and trailers will be used rather than very large articulated lorries
- Environment Agency are happy that the proposal meets their requirements
- Validity of letters of support – these are all valid
- Applicant happy to agree to restricted numbers of livestock
- Traffic – may come from the North or South, not possible to state at this time
- There would be no large signs and there will be good screening so that it will not be seen from the road. There will be no smell; there is no effluent plant planned on the site
- Viability of the business is not a planning issue
- Shop on site has not lodged any objections
- Site visits are welcomed, anyone who wishes to take this up should contact Cundalls
- Foot and Mouth – should this return, all slaughterhouses in the country would be closed
- Devaluation of local property is unlikely in his view
- Five full time jobs will be provided
- The earlier application was withdrawn to provide more information to the planners

A vote was taken with the following result:

For	6
Against	60
Abstentions	13
Proxy votes against	3

The meeting closed at 9.10pm

CUNDALLS report
PLANNING APPLICATION I I/00615/FUL
PARISH COUNCIL PUBLIC MEETING, SUTTON ON THE FOREST VILLAGE HALL
28 APRIL 2011

INTRODUCTION

Ladies and Gentlemen, thank you all for coming to tonight's meeting. My name is Tom Watson, I am a Chartered Surveyor at Cundalls and I am here to represent my Client, Mr Chris Hodgson, who is the applicant for the planning application I I/00615/FUL which, as I am sure you are all aware, is for the change of use for an industrial and agricultural building (B1 and 88 use) to an to be located at Sutton Grange, Sutton on the Forest.

Thank you all for coming to night. I can see from the fully attended room that obviously this is a very emotive issue for many of you and whilst we do not agree with many of the comments that have been received on the Hambleton District Council website and the various objections, we are here to listen to your side of the story whilst also putting our thoughts and views on the application forward, as to why we feel that the application should be granted full planning permission.

I am here to night to represent by Client, Mr Chris Hodgson and also with us tonight is Mrs Jane Grant from Whitkirks Waste Collection and Mr Stuart Stark of Fridlington Farmers who is a large scale arable and sheep farmer who is here to represent many of the farmers in the local community.

As you are aware, the site for the proposed is situated at Sutton Grange to the South West of Sutton on the Forest Village which is situated outside the main Village boundaries.

Grange Farm is currently a working arable and livestock farm which, in recent years has diversified under current planning policy guidelines to provide commercial and industrial use on the site such as warehousing storage and also a farm shop.

The proposed application is to allow a change of use on one of the existing industrial/agricultural buildings which has planning permission for B1 and B8 use to form a concealed .

Please note the proposed site of the will be in an existing building and will, therefore, not require any further development and the building is also based to the rear of the yard and is well screened by the existing building and from existing mature vegetation around the farmstead.

MAIN CONSIDERATIONS

I am assuming that most of you will have been on to the Hambleton District Council website and accessed the submitted Design and Access Statement/justification and therefore having viewed some of the concerns residents have, I will go through the issues as follows:

- o Traffic
- o Noise
- o Smell & Odours
- o Affects on the Village
- o Planning Policies

TRAFFIC

A number of concerns have been raised by Village residents on the negative traffic affects that the proposed could have. Whilst I will admit that if the proposed receives planning and comes into operation, there will be more traffic, I do not believe that it will be of any more detriment than the existing agricultural use or the Potential B1 or B8 use if the building was occupied for a commercial business. For instance, if the shed was to be used as an agricultural building and was occupied by cattle or pigs, there would have to be many weekly visits to and from the site including feed wagons, veterinary surgeons, hay and straw deliveries and movements of the animals to and from pasture or to and from Market/ sites.

I also strongly dispute the increase in volume of traffic and damage that this could cause on the basis that as a B1/B8 use which the building currently has planning for, the site could be used for many industrial/commercial uses which could mean employing a number of people but also mean a number of vehicle movements daily in and out of the site which could be substantially more than the proposed . For instance, if the site was to be used as a general warehouse/storage with palletised goods, lorries could be coming on and off the site on an hourly basis to off load supplies and pick up supplies. I would also suggest that these vehicles would be most likely faster moving than either an articulated lorry full of livestock or a 4x4 vehicle with livestock trailer attached.

Whilst coming to the meeting to night, I also realised that one of the areas most well known and popular, successful businesses is Ride Away, situated to the North of Sutton on the Forest Village. This is situated .75 miles from the centre of the Village (I have based my calculations from the site entrance to the Village Public House). Obviously as this site is situated to the North, one could argue that a large percentage if not the majority of traffic will be coming from the South and therefore, will have to pass through the Village to get to and from the site. I, therefore, cannot see how an could be any worse than an existed commercial use such as this. I also then calculated the distance from the centre of the Village to the site (Village pub to Sutton Grange). I calculated this to be approximately 1 mile and whilst I would not argue that the site isn't closer to the edge of the Village to the West, from the centre of the Village it is, in my opinion, it is far enough away to prevent any negative impact on the Village.

One must also consider that the proposed development is accessed off the B 1363 which is the principle classified road between York and Helmsley. Therefore, based on the fact there is already high level of road use, I do not perceive that there will be a noticeable number of vehicles passing through the Village due to the receiving planning permission.

NOISE

I understand that a number of people have concerns regarding potential noise pollution from the site. In my opinion, again, I do not feel that this is a major issue or concern as a current agricultural unit, I cannot see how there will be any more potential noise than those of existing animals being bred and reared for agricultural production.

One must also consider that as the building currently has permission for B 1 and B8 industrial use, this could mean businesses being based there which use heavy machines and processing systems that could cause serious noise affects on the surrounding countryside and in my opinion the will be no worse than agricultural or commercial use.

Please note it is my view that as s are such an emotive issues, people often wrongly assume that sites are like scenes from a horror movie thinking of graphic images of blood, guts and significant noise. However, in reality, this is not the case. Animals are usually handled and treated with as much respect as possible and are killed in a very quick and clean manner. Therefore, there is usually minimal noise pollution from sites.

SMELL & ODOURS

Again a number of concerns have been stated on the website regarding smell and odour pollution from the site and whilst we can understand people's concerns, in reality odour and smell problems are not usually a problem especially on modern sites. Please note that s have to be operated under very strict guidelines and as a consequence, new sites have to have the most efficient and careful means of storing and removing animal waste which is both environmentally friendly and smell pollutions from the site. Please note that the site will be serviced with a large bunded tank which the drains would run into.

I would also suggest that, as the building is a working farm, smells from animals can be part and parcel of everyday country life for traditional rural Villages such as Sutton on the Forest and whilst there will not be odours from the site, in the rare event that there are any, I would not perceive that they would be any worse than if the building was occupied and full of intensive pigs.

Please note that Jane Grant of Whitkirks has confirmed that the site would be emptied on a daily basis of all liquid waste from the site and please note that Whitkirks already provide this service for a number of local business and actually pass through Sutton on

the Forest daily. Therefore, in reality, there would be no extra traffic movements through the Village for this service. Please also note that the way the waste is stored and collected, there should be no smells emanating from the site. We also understand that some local residents are concerned regarding liquid and solid waste being used on close proximity to the site for agricultural purposes and I can confirm that the waste will move on a daily basis and will actually be spread in Lincoln as that is where Whitkirks have their contract. There will, therefore, be no spreading of the waste material used within proximity of the village or on neighbouring land.

AFFECT ON THE VILLAGE

Again, whilst I understand that an is an emotive issue especially for those who maybe have no previous experience of what a small scale s are really like in reality and therefore go on often unrealistic portrayed in horror films, etc. In reality, in my opinion, a layman passing the Sutton Grange site in a years time, should the planning application be successful, will not realise that there is an on the site.

My applicant is not proposing to erect any signs to advertise the site and it is not likely there will be any large illuminated sign saying " here, please call in". In my opinion, visitors coming to the area, may not even realise there is an there and it will just look like an existing agricultural building and in the event that there is a trailer or livestock wagon there, it will just look like usual everyday agricultural activities at the site and therefore, I cannot see how this will have a major impact on either Village lifestyle, property prices or local tourism attractions, i.e. Sutton Hall.

There has been many concerns regarding the impact on Sutton Hall. However again, given the proximity away from the Village, I do not believe this will be an issue. I could also counter argue that the Sutton Hall would have more impact on Village traffic than this application will and could also suggest that many people visiting rural attractions such as Sutton Hall, have an interest in sustainability and locally produced food and therefore, the addition of an would be an attraction to some people as they would be able to visit the farm shop which could, in turn, supply the locally produced meat and therefore can see clear traceability which is both high in animal welfare and friendly on the environment.

Whilst I could understand that there would be severe concerns if the was to be located in the centre of the Village, however I believe its position approximately 1 mile from the centre of the Village is sufficiently far away from the Village community and residential houses not to have an impact on the properties. Whilst I do not believe that there would be particularly bad smell or noise pollution from the if it was located in the centre of the Village, I can understand some people's reservations and therefore given that it is on the edge of the Village, I think this would allow people's fears to be eliminated.

We are of the opinion that the new could provide a number of jobs for local people who, given the poor current economic climate, would be a great way for people in the community to train for a new profession. Alternatively, employees at the site

will use local community facilities and businesses which will be of benefit to the local community.

PLANNING POLICIES

The main issue to consider with this application, as with all planning applications, is how the Local Authority deal with applications based on their planning policies

I am of the opinion that our proposed application meets a number of Hambleton District council's planning policies most notably, policy EM.6, DP.26, E.25, EM.9.

Local and national planning policies support farm diversification and this proposed planning application both is farm diversification and also provides sustainable and alternative agricultural uses which helps allied businesses such as the farm shop already situated on the site.

In the previous planning application, the Officer's Report commented on issues mainly regarding their concerns as to the affect the would have on the immediate residential Property and surrounding commercial businesses. please note that we have had no objections from the neighbouring property or the adjoining commercial industrial businesses including the farm shop. Please also note that the owner of the residential Property 70 mtrs away from the site is also the owner of this building and, therefore, if he is not in agreement with the proposed development he would not be allowing the planning application. We, therefore, do not believe that the proposed use will result in significant detrimental impact upon the occupants of the nearby residential dwelling and occupants and customers of the adjacent businesses. I also do not believe that the surrounding area will be affected as I do not believe there will be significant noise and other nuisance.

RESPONSE TO MRS JACKSON'S COMMENTS (FOLLOWING MRS JACKSON REPRESENTING VILLAGE RESIDENTS OPPOSED TO THE PLANNTNG APPLTCATTON)

Thank you to Mrs Jackson for providing her comments on behalf of the Village and providing us with information and views of the Village in terms of what they are concerned with of the proposed planning application.

Firstly, whilst we appreciate that the proposed application is a very emotive issue, we do feel that in reality many of the residents do not have first hand experience of small scale s or how they are run in reality and smell, noise and traffic pollution is very, very minimal.

I must also state at this point, that there have been a number of comments posted on the Hambleton District Council website which are both inaccurate in terms of content and in some cases are slanderous towards the applicant and states that the applicant has

raised many concerns regarding these various comments. I must state that the majority of comments raised by Mrs Jackson whilst understandably are concerns are matters that are to be decided by the Planning Officers and in many aspects have nothing to do with planning policy and are more personal opinions and therefore, I will try to comment on planning matters only.

I must also state that the majority of comments based on Mrs Jackson's views on behalf of the residents have already been mentioned in my previous notes.

Please note that the applicant is more than willing to accommodate the concerns of the Village and on the basis that you have concerns regarding working hours and weekend working, our client is happy that if approval was granted, that he would be happy for working hours to be limited to between 8 a.m. and 5 p.m. and he would also be happy to have the Planning Authority place a restriction that no weekend working can take place.

Our Client is more than happy for all Planning Officers, Parish Counsellors and local residents to visit the site in order to see how the building line and context of the existing buildings and how well screened the site already is.

There were some concerns raised regarding matters such as Foot and Mouth and can confirm that (a) animals that came in diseased would immediately taken by Whitkirks and dealt with and in the event of a Foot and Mouth national outbreak, all s across the country would be closed.

Regarding Property values, again whilst I do not believe that this is a planning policy matter, as an example that Property prices are often not decreased, in the Village of Brompton by Sawdon, situated between Pickering and Scarborough off the A170, house prices in this Village are above average for the area and often command premiums compared to Villages such as Snainton and Sherburn which are neighbouring Villages. Please note that the well known of B. Glaves & Son is located directly in the centre of Brompton by Sawdon Village and not only is it one of the most well regarded Butchers and s in the area, but it is also regarded for the quality of locally sourced and produced meat it provides and in many respects is a selling point to the village due to the rural nature of the area and the quality of supplies provided.

Regarding traffic movements, as already stated in my opinion, with the there would be no more traffic than there could be under it's existing agricultural use or if it was let under commercial use as it has planning for.

Regarding concerns that it may have a negative affect on the Village and tourist hotspots, as discussed, we are happy for the to be closed between 6 p.m. and 8 a.m. and on weekends.

Regarding screening, again whilst we believe that the site is well screened due to the existing vegetation and buildings, and the fact that the building is already in place and is not a new build, we do not feel that screening is a major issue. However, we are

Prepared to work with any planting and screening conditions that the Planning Authority place on the application..

I must also confirm that all gates and doors leading into the property will be fully screened so that nobody in the yard or the road could see into the building or into the holding areas and therefore there will be no sign of animals on the site.

Regarding Mr Hodgson's supply of animals, we do not know the exact location of where animals will come from. However, since the application, Mr Hodgson has forged links and been approached by a number of local producers who say they would use the due to it's proximity to them and therefore we hope that the proposed will mainly service local farmers within the vicinity.

IN CONCLUSION

In conclusion and looking at the proposals from a planning policy prospective, the development complies with all aspects of Policy EM.9 of the Hambleton District plan and also DP.25 and DP.26. In my opinion the layman passing the property on the road between York and Sutton on the Forest will notice no visible difference as we hope that by screening and using the existing building, it will appear just like the working farm/industrial unit it currently is.

The proposal will have no more vehicle or traffic noise than most VI./B8 uses and significantly less than the previous pig operation operated from the site.

The proposed will be allied business to the adjoining farm shop and will be able to supply meat to the shop should they so wish.

The proposed will not have a detrimental impact on the immediate neighbouring Property 70 mtrs away. The owner of the house owns the site, has full control in terms of agreeing a Lease and supports the application.

Again, the noise, smell and traffic will be no worse and may indeed be better than the previous intensive pig enterprise.

Whilst we understand that an is an emotive subject, in reality they often sound much worse than they really are and we believe that the location is far enough away from the Village to minimise any potential disturbance.

Therefore, I believe that the views stated tonight have countered the claims provided by Mrs Jackson on behalf of the local residents who are opposed to this scheme and in conclusion it is our opinion that local s minimise animal stress, create employment and create a sustainable business which encourages the availability of locally produced meat which is vital in rural communities such as Sutton on the Forest. For these reasons, I would hope that the Planning Committee and members of the parish Council would support the planning application.

Sutton-on-the-Forest Parish Council Public Meeting - 28/04/2011
(Residents Collective Planning Objections - Sutton Grange Abattoir)
Planning Application No: 11/00615/FUL

I have been asked to speak on behalf of a number of concerned residents who strongly wish to see this application Refused. I would like to make very clear that the issues that I will be raising are the collective concerns of a number of concerned residents some of whom are not able to attend today's meeting and some who are present. I would respectfully request that any questions posed by or arising from my presentation are left to the end to be answered. Accepting the inherent problems of scheduling such a meeting, it has been expressed by a number of concerned residents that this meeting has been called on a less than optimum date for many people to attend as they are away for the Easter Break. However, in absentia they have expressed that their opposition to the plans be made fully transparent at this evenings meeting.

It does need to be made clear from the onset that many of the residents who have objected to the proposal do understand the requirements for s such as that which the applicant wishes to introduce and that food provenance and the need to reduce food miles is an important aspect of the food industry, they do however have a number of significant and legitimate concerns with regard to this application.

Without any further pre-amble I would like to present the most salient points in order to outline the residents concerns with regard to their specific objections:

- The vagueness of the Applications Design & Access Statement
- Proposed Change of Use
- Proximity to the village
- Increased traffic in and around the village
- Traffic Safety & Road Infrastructure (including Erosion of the Grass Verges)
- Pollution – Odour and Noise
- Commercial Viability
- Business Requirement
- The validity of applicants Letters of Support
- Omissions

Vagueness of the Application

The application is considered by many of the residents to be beset with a number of omissions and bare assertions in the Design & Access Statement, that as yet have not been sufficiently and satisfactorily answered to suggest that this application is Granted.

- The planning application does not give any firm or fixed statistics with regard to its hours of operation, amount of livestock movement and amount of traffic that will be generated by the site on which to base any precise calculations, with words such as "initially", "normally", "likely" and "probably", "not expected to" and "only when expected to" having been used throughout.
- The further use of caveats for the purposes of extending any normal business operation to include evenings and weekends for "emergencies" has also caused a great degree of concern.
 - Such ambiguity and lack of preciseness leaves the applicant potentially free to interpret permitted business activities in such a way that leaves an open ended level of operation (allowing the applicant the ability potentially to trade 24/7). This potentially gives rise to further intrusion from noise and odour to residents and tourists on evenings and at weekends when it is more likely that people are enjoying their own and the village amenities.

Sutton-on-the-Forest Parish Council Public Meeting - 28/04/2011
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- Questions have also been raised as to the validity of the applicant's assertions that 3-5 local jobs will be created by the applicant's proposed business.
 - Butchery is by its very nature a highly specialised field. It is understood that Slaughterers are usually self-employed and typically travel to a number of different s in order to conduct their business. They are not ordinarily employed at one alone. It has been asked that the applicant provides a greater level of detail and the precise nature of the 3-5 local jobs that would be created.

Change of Use

With regard to the proposed change of use for the purposes of storage and distribution as well as an :

- There is significant cause for concern that the business will be very much bigger than the application suggests. The scale and sheer size of the site and its proposed use would suggest that the is not small scale as outlined in the planning application and has instead significant scope to become a much larger concern once initial planning permissions have been granted.
- With regard to distribution, a crucial question has been raised as to whether the applicant could in future run his own haulage if necessary from the site, as the Kilburn currently does?

Proximity to the Village

The proposed site is considered by many of the residents to be situated too close to a well populated residential area (too close to "potential human receptors") and as such is not an appropriate site for an .

- The proposal remains, despite revisions to the original application, "harmful to the amenities of neighbouring residents/users/visitors to the village contrary to the requirements of Policies CP1 and DP1 of the Local Development Framework.", (as outlined in the Officer Report for the original planning application 10/02624/FUL).

Increased levels of Traffic

Many residents believe that there will be an unacceptable level of further traffic generated by the proposed . This is despite the applicants assertions that the main bulk of the traffic will come from the South of the village.

- I will expand on this in more detail later in order to highlight it's relevance to these concerns.

Traffic Safety and Road Infrastructure

Many of the residents have voiced significant concerns over the Highways Agencies lack of consideration as to the suitability of the Road infrastructure at the proposed site as well as in and around the village itself.

The residents wish it to be noted that a new aquatic business has recently opened at Sutton Grange, subsequent to the Highways Agencies original observations at the site, and as such this has diminished the existing turning area.

The road infrastructure in and around Sutton is simply not designed for large volumes of heavy traffic. The salient points being:

- Whilst the applicant appears dismissive of the verges being eroded by the increased traffic, the villagers are not, as it is an ongoing major problem

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- The parked traffic along the Main Street in the mornings, especially during term time and when the Church is in use, when the bulk of the traffic is predicted to arrive at the site, creates problems for all passing and stationary vehicles
- The surrounding roads already have a significant problem with speeding traffic which ignores speed limits
- The houses along Stillington Road and Main Street were not designed for such traffic and physically shake when large vehicles pass
- Due to increased levels of heavy vehicles the water mains regularly burst along stretches of the roads in and around the village. More specifically, on the approaches into the village from Stillington and from Huby. It is understood from Yorkshire Water that this is as a direct result from passing heavy vehicles on an unsuitable road infrastructure.

The residents assert that these are significant planning considerations and should not therefore be dismissed so readily by the applicant or his agent in what is a Conservation Area.

Odour and Noise Pollution – Impact

The residents believe that the will have a significant detrimental impact to their enjoyment of their own and the village amenities through likely odour and noise pollution.

- The village is unquestionably a tourist hot spot and current businesses are finding it very tough in the current economic climate to remain competitive. For example, Sutton Park generates a significant contribution to the local economy and other businesses, via weddings, the birds of prey centre and the gardens which in turn bring tourists to the two pubs, bed and breakfasts and tea rooms in the village.
- It should not be underestimated the impact that an would have on those businesses currently promoting tourism and business to the village and its existing local economy. It is a valid concern that visitors will choose not to visit the locality and make use of the local amenities with likely odours and noise from the in such close proximity?
- With the prevailing South Westerly wind, it is widely believed there will be noxious smells carried across the village, despite the assertions from the applicant and his supporters that it will not.
 - The Environment Agency's own report on slaughterhouses clearly states that "For slaughterhouses the emission of odours from the storage and handling of animal by-products, particularly blood, and odours from effluent treatment plants can be the most problematic day to day environmental issue. All animal by-product installations can potentially cause significant local odour problems". Those residents who have worked around s or lived near them can testify to the problem.
- The applicant might counter argue that the liquid wastes will be stored in sealed tanks and that the "storage and production of meat at slaughterhouses are subject to strict regulation with respect to cleanliness, temperature control and protection from contamination". Similar requirements "are not applied to inedible by-products. These are often stored at ambient temperatures and usually in a wet state, such conditions being ideal for rapid putrefaction" and hence odour.
- Given that the Waste Framework Directive states that liquids (otherwise known as Animal By Product wastes or ABPs) generated in such facilities and spread on land for agricultural benefit are no longer seen as wastes, is there not a further significant risk that the village will be blighted by noxious odours emanating from the site and the

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surrounding land if this method is chosen for the disposal of such by products in the locality.

- The residents ask the applicant specifically where and how the ABP liquid wastes are going to be disposed? Are these potentially going to be spread on the surrounding land owned by Mr Barker?

Commercial Viability

Residents have expressed concern that the applicant has not produced a valid business case or supporting statistical evidence in support of his application which outlines the commercial viability of the proposal or that outlines local business requires another in this location in particular when it is currently served by many existing local s North, South, East and West of the proposed site. Based on its current merits and projected figures it is not believed to be a viable commercial proposition.

- Many similar small/medium sized s are finding that they are no longer commercially viable on the scale that the applicant proposes and as such it is consistently and widely reported that they are closing down or are running under capacity.
- Given the close proximity of other s to the proposed site, does the introduction of another give the potential for over-saturation?
- It has been argued that it might potentially take business away from those businesses already established in the locality and could only do so by undercutting on price. Thus, the proposal would serve to detract from and not enhance the local economy as the applicant asserts.
- Based on the applicants own very vague projections for both livestock movements and carcass tonnage, the figures cited for typical weekly livestock movements would suggest that they would not generate sufficient income to make this a viable business concern. The application is beset with a number of anomalies and upon careful scrutiny the predicted vehicular movements of Livestock to and from the site do not tally with those cited by the applicant as to its estimated output in terms of carcass tonnage. For example:
 - to use the applicant's predicted animal movements alone to the proposed site, in calculating its commercial viability it could be estimated that only a nominal income would be generated and provide only enough work for 4 men for one day.
 - With normal operating costs factored into this and the applicants own projections it would be fair to suggest that the business requires a greater number of livestock movements per week than has been stated, in order to meet the carcass tonnage quoted in the application and remain a viable concern.
- Should the proposal be approved and the applicant find this business is not commercially viable even with a more realistic projection of vehicular movements, there is valid concern that the applicant may or would apply for an increase to the carcass tonnage threshold at a later date and so further increase the predicted vehicular movements to and from the site and the likelihood of further noise and odour pollution to the village.

Business Requirement

The letters of support within the locality, are very few in number as opposed to those who strongly object merely serve to highlight the supporters own benefit from a personal commercial gain, rather than for the overall benefit of the community as a whole. They do not serve to support a valid business case for the approval of an .

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- There are s at York, Escrick, Bubwith, Kilburn, Nunnington (left off the application), two at Thirsk, Northallerton, Malton, Brompton, Driffield, Goole, Whitby, Bridlington, Hull, Malton (pigs only), Leyburn and Selby, a further one is not required as the 90 objections from Sutton & Huby attest.
- A great deal of scrutiny has been afforded to looking more closely at the exact type and nature of those businesses who have offered letters of support to the applicant and their relevance in offering any valid commercial reasons for support of this proposal.
 - To say that great store has been set by traceability and food miles, the applicants support base disproves that this is of interest. What relevance a butcher in Filey has to an application in Sutton is questionable. Whilst it is true that a few of his support letters who live close to Sutton would have less distance to travel, in many instances, this is not the case. Places such as Coxwold are nearer to Kilburn and some farmers in the area use s as far away as Cleveland or Lancashire because they are contracted to do so. At least one farmer in Sutton has said he would not use an in Sutton but would continue to use the existing one at Kilburn.
- As Mr Hodgeson is also a meat supplier from Rillington (as listed in The Yellow Pages) and not just a slaughterer, he would potentially be taking business away from other local producers of meat such as Hartleys at Tholthorpe, Castle Meats at Sheriff Hutton, Piercys at Easingwold, and the meat producers in Sutton itself.
- It has been highlighted that the cafe currently operating at Sutton Grange is not likely to continue to be a going concern next to an despite the assertions made in the application. Drinking coffee outside of such an emotive commercial enterprise is hardly a pleasant pastime with lorries, animals, noise and smell adjacent.
 - Questions have been raised as to whether that would be potentially taken over in its entirety to sell the meat slaughtered and packaged on site? This would likely impact upon local businesses in Sutton-on-the-Forest, such as Sutton Beef & Lamb, Dents and Oaklands. In which case, the enterprise would potentially become much larger in scale and the number of traffic would be far greater coming in to the locality. The applicant's traffic projections would thus be rendered meaningless.

Letters of Support

Of significant concern to many of the residents who have objected is the validity and relevance of the applicant's letters of support. A map which is available for everyone to peruse illustrates the location of support that the applicant has solicited.

- They are considered to be somewhat contrived, having been submitted using a pro-forma template and from businesses significantly outside of the locality. (Only eight supporters actually took the trouble to write in personally, only four of those being farms)
- They do not put forward or support valid business or commercial reasons as to why an is best suited to this site rather than closer to their own businesses in Malton, Pickering, Whitby, Scampston, Stamford Bridge, etc. where their business requirements would be better served and would thus potentially support the applicants desire to reduce food miles.
- They are also in complete contradiction to the applicants assertions that the main bulk of traffic using the would be from the south of the village (from York).

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- The bulk of support was found to be in Ryedale and East Yorkshire where all but those who are in support from Sheriff Hutton and Flaxton have an nearer than Sutton.
 - It has prompted many residents to ask the question...why here?
- Of the 15 supporters solicited by the applicant from Sutton & Huby, virtually all are far enough away not to be affected by noise, traffic or any resultant odour. The following should therefore be noted...
 - One is the owner, Mr Barker who intends to lease the site and so make commercial gain.
 - One is an ex-worker of his. Neither is believed to have livestock.
 - The farmers who have land adjoining Sutton Grange, rent land from Mr Barker
 - It is understood a further six farm addresses are also believed to have no livestock.
 - Another one in Sutton supplies a supermarket chain which has its own so we have been informed.
 - Other farms are contracted to certain so such as Cleveland and Malton and would not therefore be likely to use the proposed one in Sutton
- Amongst Mr Hodgeson's other letters of support they include:
 - a local company who supply veterinary surgeons to so
 - a landscaping firm who rent a property at the proposed site
 - one congratulating him on trying to open an in **Full Sutton**
- Granted, The Association of Meat Suppliers has stated that they will support Mr Hodgeson "if" the neighbouring so have full capacity. Many of the residents opposing the application would assert that having investigated this further this is not the case.
- Tholthorpe was not closed for personal reasons as stated by the applicant it was closed because it was too small to meet EU regulations, as highlighted in their letter of 11th April 2011.

Omissions

- No mention has been made on the plans about the second point of access which we understand is required in order to keep "clean" meat separate from "dirty" meat. Animals coming in are not permitted to pass directly by, meat going out. This would entail a second point of entry, presumably by the pair of semi-detached houses along the road, *which is noted as being located on the plans submitted*. This means there will be wagons, trailers and lorries turning in two places on a 60mph stretch of road, not just one.
- Questions have also been raised as to what would happen if an animal was found to be diseased and had to be incinerated on site...there seems to be no provision for this on the plans.

Conclusions

In conclusion, owing to a significant number of shortfalls with this planning application, the predicted additional vehicular movements in and around the village, potential noise and odour nuisance and a lack of business requirement or commercial viability the residents would request that this planning application is Refused and that an alternative site is found away from potential "human receptors" and where demand can be clearly validated as a business and commercial requirement.