

**North Yorkshire Council
Community Development Services
Richmond (Yorks) Area Constituency Committee**

11 May 2023

22/00930/FUL – RETROSPECTIVE CHANGE OF USE TO B2

**AT COULBECK GRAINGE, SEXHOW LANE, HUTTON RUDBY
ON BEHALF OF KARL SYSON**

Report of the Assistant Director - Planning

1.0 Purpose of the Report

- 1.1 To determine a planning application for retrospective change of use of part of the existing building to B2 use at Coulbeck Grainge, Sexhow.
- 1.2 This application is brought to Planning Committee owing to the relatively high public interest in the application and call in by a Member of the Council.

2.0 Summary

Recommendation: That planning permission be REFUSED for the reasons at section 12 of this report.

- 2.1. This application seeks retrospective planning permission for the use of the northern element of the existing building for a specific B2 (general industrial) use, as a steel shot blasting and coatings business. The southern element of the existing modern agricultural building in question has remained in agricultural use (currently used for the storage of bales and agricultural machinery), although the northern element of the building in question was granted planning permission to form a workshop for the servicing/repair of agricultural machinery in December 2019. With the exception of the recent installation of an additional roller shutter door within the eastern elevation of the building (as shown on the amended elevation and floor plans), no external alterations to the building are included within the application.
- 2.2 The modern rural building in question is of concrete block and profile sheet construction and is located in a countryside location at Sexhow, approximately 0.5 mile to the south-east of Hutton Rudby. There are agricultural fields immediately to the south, west and east of the building. Access to the building is via an unsealed track which has a priority T- junction with Sexhow Lane.
- 2.3 Despite the re-use/conversion of rural buildings for sustainable uses being supported by Local Plan policy and the clear but small-scale economic benefits of the development, it is recommended that the application is refused because of the

additional adverse impact on users of the public bridleway and due to the potential adverse amenity (noise) impact on the residential property of Park House.



3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found here:- <https://documents.REF=22/00930/FUL>
- 3.2. During the course of the application, several (relevant) additional and amended plans, documents and information have been submitted, as summarised below:
- Noise Impact Assessment, dated 28.06.2022 (later superseded by version 2, dated 27.07.2022)
 - Traffic Movements Data (Excel Spreadsheet) and applicant's covering email, dated 26.07.2022.
 - Applicant's email clarification regarding operating hours, dated 03.08.2022.
 - (Revised) Proposed Floor and Elevations Plan (P22-343-001 Rev.P3), dated 04.08.2022.
 - (Revised) Existing Floor and Elevations Plan (P22-343-001 Rev.P2), dated 04.08.2022.
 - Copy of the applicant's covering email, dated 01.08.2022.
 - Location Plan with 'shared access' identified.
 - Transport Statement, dated January, 2023.
- 3.3 Re-consultation exercises were undertaken in August 2022 and again in January 2023 (following the LPA's receipt of the Transport Statement). All consultation and re-consultation periods have now expired.
- 3.4 For completeness, the application plans/documents as originally submitted which are still considered relevant (in full or in part) to the consideration of the application are listed below:
- Application Form and Certificates
 - Site Location Plan (with land-edged-red and land-edged-blue)
 - Supporting Statement
- 3.5 There is 4 relevant planning applications and 1 enforcement case for this site, which are detailed below:
- 22/00044/CAT3 - Use of grain store for unlawful businesses/activities, 2 permanent statics, 4 storage containers, 5 caravans stored, unsightly appearance, non-implementation of landscaping scheme, barn on bridle way - (submitted to clarify B2 Use), 'Ending consideration'.
- 19/01949/FUL - Part change of use of an existing building to form a workshop for the servicing of agricultural machinery (use class B2), Approved, 18.12.2019.
- 16/01704/FUL - Retrospective consent for retention of 4 storage containers, use of static caravan as a residential base during events only, use of existing grain store for D1 & D2 purposes for 21 days use of open land for siting up to 80 touring caravans for up to 21 days and installation of a septic tank. – Approved, 23.10.2018.
- 11/00076/FUL - Extension to an existing agricultural grain store – Approved, 10.03.2011.

07/00516/FUL - Construction of an agricultural building, Approved, 11.04.2007.

- 3.6 The following relevant application relates to Sexhow Park Farm and associated land to the north of the application site:

20/01430/FUL - Change of use of agricultural land to a secure dog walking field and for an old agricultural building to be used as an indoor dog walking area, Approved, 27.08.2020.

- 3.7 As of November 2022, the Elim Family Festival which used to operate from the site annually, has ceased to run due to a fall in numbers and increased cost which has made the festival unviable. It is therefore no longer a material consideration to consider the impact of the development on this event.

4.0 Site and Surroundings

- 4.1 The building in question is located in a countryside location at Sexhow, approximately 0.5 mile to the south-east of Hutton Rudby. There are agricultural fields immediately to the south, west and east of the building. Access to the building is via an unsealed track (a public bridleway, 10./28/7/1) which has a priority T-junction with Sexhow Lane (C142) approximately 210m to the north of the building. The eastern elevation of the building is positioned immediately adjacent to the western side of the track/public bridleway, with the track continuing southwards past the building eventually joining the wider public bridleway network at Sexhow Grange. In addition, there are public footpaths with north-south routes located approximately 470m to the east and approximately 500m to the west respectively. Immediately to the west of the access track/Sexhow Lane junction is the residential property and building complex of Sexhow Park Farm. Sited between the building complex of Sexhow Park Farm and the north of the building and its curtilage is an intervening field currently used as a secure dog-walking field, including dog agility equipment. The residential property of Coul Beck House is sited immediately to the north of Sexhow Park Farm.
- 4.2 The wooded watercourse of Coul Beck/ Goulton Beck (a tributary of the River Leven) is located approximately 385m to the west of the building, although the building, its curtilage and the access track are all fully within Flood Zone 1. The site is within the designated Aerodrome Safeguarded Area for Teesside International Airport and the Local Plan-designated Green Infrastructure Corridor. The building is located approximately to the south-west of The Ings Site of Interest to Nature Conservation (SINC) and approximately 468m to the south-east of the Sexhow Meadows SINC. The building is approximately 1.2 miles to the north-west of the nearest part of the North Yorks Moors National Park. The nearest listed building is the Grade 2* listed Old Hall Cottage (Sexhow Hall) located on the north side of Sexhow Lane.
- 4.3 The building is a large, agricultural-style building. With the exception of shipping containers to its east and to its southern gable elevation and a static caravan associated with the now discontinued Elim Festival further to the south (none of

which are related to the B2 business), the building stands alone surrounded by a modest, non-landscaped curtilage. An informal staff parking area is located within the unsealed hardstanding to the north elevation of the building, an area which also included a portable toilet used by the business, while to the east of the access track, the business utilises an area of land as an informal turning head. There is a large steel roller shutter door within the north gable elevation which has been fixed shut. A more recent roller shutter door opening has been created within the building's side (east-facing) elevation which is currently being used in relation to steel deliveries and pick-ups. There is a pedestrian door within the northern elevation of the building.

- 4.4 Although a single structure, the building (constructed circa. 2007/8) is internally partitioned with the southern part of the building used for agricultural storage (a recent site visit by the Case Officer confirmed that the southern part of the building is currently being used to store hay bales). The northern half of the building used by the business has a gross internal floor space of 540 square metres.

5.0 Description of Proposal

- 5.1 This application seeks retrospective planning permission for the use of the northern half of the building for a B2 (general industrial) use. More specifically, this half of the building is currently being used by a steel processing business. The business involves the automated/mechanised shot blasting of steel, with the business currently operating a single automated shot blasting machine. The business also involves steel preparation, including the application of steel coatings. As well as housing the shot blast machinery, the northern half of the building stores steel pending being processed or picked up by the client. There is a raised/partitioned internal office/observation area used by the business, erected on top of a raised platform along the internal western wall of the building. Prior to the current use of the northern half of the building, it was used as a workshop for the servicing and repair of agricultural machinery. It is stated on the application form that the retrospective use of the northern part of the building started in January 2022. It is stated on the application form that the 'hours of opening' for the business is 08:00-17:00 (Mon-Sat), although a subsequent email from the business owner clarified that the operating hours were actually 08:00-18:00 (Monday-Friday) and 09:00-14:00 (Saturday) to facilitate weekend work, as required. It is also stated on the application form that the business has 3 FTE employees, which is proposed to rise to five FTE, although it is understood from conversations between the business owners and the Case Officer that the business is currently operating with only 2 FTE (i.e. the business owners themselves). No external alterations to the building are included within the application, with the exception of a new roller shutter door that has been installed within the eastern elevation of the building (and as shown on the amended elevation and floor plans).

6.0 Planning Policy and Guidance

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

6.2. The Adopted Development Plan for this site is:

- Hambleton Local Plan, adopted February 2022
- Minerals and Waste Joint Plan, adopted 2022

Emerging Development Plan - Material Consideration

6.3 The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

Guidance - Material Considerations

6.4 Relevant guidance for this application is:

- National Planning Policy Framework, 2021
- National Planning Practice Guidance

7.0 Consultation Responses

7.1. The following consultation responses have been received and have been summarised below. Please note that all responses below have been submitted in respect of the latest re-consultation exercise, unless where specifically stated otherwise.

7.2. **Parish Council:** The following comments were submitted by the chairperson of Sexhow Parish Council in relation to the original consultation exercise, objecting to the application:

- As chairperson, he has been approached by several residents expressing their objections to the application; no residents have come to him on support for it.
- The main objection of residents is due to the size of wagons delivering/collecting from the business.
- Sexhow Lane (C142) is very narrow in places and has blind corners; the wagons are too large for the road which is having a detrimental impact on the highway verges and any drainage ditches and subterranean infrastructure within them.
- Sexhow Lane does not have any footpaths along its length but is regularly used by hikers, cyclists, dog walkers and horse riders...large wagons approaching horse riders on such a narrow lane 'is an accident waiting to happen'.
- Large wagons passing existing properties on the lane are causing buildings to regularly shake.
- Activity and noise outside of the stated operating hours has been noted and is not considered acceptable in a 'quiet rural community'.

7.3 **Local Highway Authority (LHA):** The LHA provided the following comments/observations following the latest reconsultation, having previously requested that the applicant provides additional trip generation and traffic movement information:

“Concern must be raised with regard to the size of some of the vehicles, such as the articulated lorries, that are involved with the transport of materials to and from the site. The submitted transport statement however shows that the proposals generate a low level of traffic throughout a typical day/ week and as such a highway refusal would be difficult to sustain on this occasion.”

Following a request from Officers, the following clarification was received from The Highway Authority:

“The primary consideration for the Local Highway Authority and the Planning Authority is if the impact of the proposed development can be considered unacceptable in the context of Paragraph 111 of the National Planning Policy Framework. As you will know Paragraph 111 states ‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’. The application is supported by a Transport Statement that details the traffic movements associated with the site which has been reviewed by the Highway Authority. Given the level of traffic described in Section 3 of the report in particular Table 4.4. which indicates 3 daily two way trips involving a HGV and 3 daily two way trips involving a car or LGV it is considered that it would be very difficult for the Highway Authority to object to this application. As well as the HGVs associated with the new operation there will also be HGVs and other vehicles using Sexhow Lane in association with the existing farming operations in that area. It is acknowledged that the route to and from the site to the A172 is not ideal as Sexhow Lane is a narrow lightly trafficked road however we are not aware of any problems reported along here in terms of damage to the verges or vehicles associated with this use and the existing uses being unable to pass each other. Therefore in consideration of the traffic generation figures and the advice in the National Planning Policy Framework a highway objection would be difficult to sustain on this occasion.”

- 7.4 **Public Rights of Way (PROW) Team:** Have confirmed that their previous (re-consultation) comments remain the same, objecting to the application and having made the following comments: *“The shot blasting and fabrication operations proposed in the application are not safe alongside a rural public bridleway due to the potential of loud noise frightening horses. Advisory: If approved, the public bridleway must be kept clear at all times and not be used to park or unload vehicles.”*

Confirmed within their original consultation response that there is a PROW within or adjoining the application site boundary and provide generic advice about the protection the PROW network and its users, as well as details of the appropriate procedures to be followed should the PROW be permanently physically affected by the development or need to be temporarily closed during construction.

- 7.5 **The Ramblers:** No representations received.

- 7.6 **British Horse Society (BHS):** The BHS remain their objection to the application, commenting that the amended plans show that the (roller shutter) door will open

directly onto the bridleway; the increased use of vehicular traffic is spoiling the enjoyment of the bridleway for all users.

The BHS objected to the application as originally submitted, raising the following comments and observations, (as summarised below) that are still considered relevant to the application (as amended):

- The proposal directly affects and completely disregards the amenity and safety value of the public bridleway (10./28/7/1) and the importance and amenity value of the public bridleway has been completely ignored.
- The use of the public bridleway for motor vehicle traffic (i.e. HGVs) in association with the business is totally unacceptable and against national planning guidance.
- The HGVs drive along and turn on the unsurfaced public bridleway, causing extensive surface damage.
- The noise and traffic movements will change the ambiance and rural open nature of the route to its detriment.
- No meaningful mitigation or compensatory proposals have been submitted to safeguard the users (pedestrians, cyclists and horse riders) of the public bridleway.
- Sudden, unexpected loud shots in a quiet rural location could result in a horse bolting which has the potential to cause serious injury, which is a potential serious safety hazard to both horse and rider and should be considered as an obstruction on the bridleway.

7.7 North Yorkshire Fire & Rescue Service: No representations received.

7.8 Environmental Health (EH): The EH have responded to the latest consultation to confirm that they have no further comments to make.

Their previous representations made the following comments/representations (as summarised):

- Confirmed that a site visit had been undertaken, and that noise from shot blasting with the roller shutter door closed was not audibly distinguishable above the background noise environment stood by the boundary of Sexhow Park House.
- However, as recommended within the Noise Impact Assessment, recommended that the roller shutter door be repositioned to the eastern elevation to remove any 'direct line of site'.
- Noted that the Noise Impact Assessment has identified that noise from HGV movements exceed the background noise level by a maximum +2dB above the background noise level.
- Whilst large vehicles, such as agricultural machinery, would already use the shared access to Coulbeck Grainge, further controls are recommended to minimise the impact from HGV movements on neighbouring properties by containing the unloading and loading of such vehicles to inside the building only with the roller shutter door closed.
- The adjacent dog walking and discovery business will introduce an additional sporadic noise to the environment.
- Recommended the following conditions (some of which were recommended within the Noise Impact Assessment):

- Relocation and removal of the North-western façade roller shutter door to the Eastern façade of Coulbeck Grainge within 3 months from the date of permission.
- Hours of operation shall be restricted to Monday to Friday between 09:00 – 18:00, Saturday between 09:00 – 14:00 and not at all on Sundays and Bank Holidays.
- No external fixed plant machinery shall be installed on site without prior approval from the Local Planning Authority.
- Doors and windows shall remain closed whilst shot blasting and accompanying machinery is in use.
- The unloading and loading of HGV vehicles shall take place inside the building of Coulbeck Grainge with the roller shutter doors closed (with an informative note advising that steel should be unloaded on materials such as wood or rubber to absorb the impact and reduce noise impacts).
- No storage of materials externally. The unloading of metal delivered to the premises shall only be done onto absorbent material.

7.9 **Northumbrian Water:** Confirmed in a response made to the original consultation that they have no comments to make, as no connections to the public sewerage network are proposed within the application documents.

7.10 **Local Representations**

A total of 26 local representations have been received of which 5 are in support; 20 are objecting; and 1 commenting (neither supporting/objecting) following consultation and consultation on the application (NB – some respondees have submitted more than one representation) A summary of the consultation and reconsultation comments are provided below, however, please see website for full comments.

7.11 Support (received in response to the consultation undertaken on the application as originally submitted):

- No problems experienced in relation to undertaking farming operations in the locale.
- No issues with access (from the perspective of the transport manager of a company who has delivered agricultural machinery, fertiliser, *et.al* to the site.
- The public bridleway is rarely used.
- Cannot foresee any additional issues with regards to access, traffic volume and noise.
- Considered to be an ideal location for the business.
- The operation of machinery within the building creates only minimal noise.
- The nature of traffic movements and size of vehicles would be similar in comparison with if the building was (fully) used for agriculture.

7.12 Objections (received in response to the consultation undertaken on the application as originally submitted):

- Additional large vehicle traffic movements: (risking accidents, causing obstruction and damaging highway verges along the C142 (Sexhow Lane) and the narrow, winding local road network in the area more generally)

- Impact on the Lane, a public bridleway: (will result in an increase in large vehicles affecting pedestrians, cyclists and horse riders do to a lack of footways and places to go out of the way of traffic; HGVs regularly block/hinder access; safety concerns for bridleway users; potential to block/hinder emergency services)
- Access: (access and egress to the site is poor; limited visibility for large HGVs)
- Noise: (the business has increased the amount of noise emanating from the premises as a result of the operation of machinery, loading/unloading steel including forklift movements and noise from associated traffic movements); noise frequently occurring outside 'office hours', adversely affecting neighbour amenity; the running of existing businesses and affecting livestock, pets and wildlife)
- Location and existing building: (an industrial site located in an agricultural setting is unacceptable...intruding on the safety/tranquillity of the rural environs and the peaceful rural setting; the building was not designed, and is not considered suitable for the business use; such businesses should be directed towards existing employment sites)
- Concerns regarding future expansion of the business and setting a precedent of further businesses to be located in this area.
- Concerns about pollution and vehicle emissions.

7.13 Further objections (received in response to the consultations undertaken in August, 2022 and January, 2023 following the receipt of additional/amended application documents) where comments relate directly to the amendments to the application or were not raised during the original consultation exercise:

- The new position of the roller shutter door in the east elevation has the potential for the loading and unloading of vehicles to block the public bridleway.
- The amended plans appear to show an increase in the floor area used by the business.
- Request for a professional Transport Assessment to be undertaken.
- The confirmed opening/operating hours are not acceptable.
- The previous (extant) partial B2 use was for the servicing of agricultural machinery which is more in keeping with this type of location.
- The amendments to the application have no material impact or result in an improvement to the fundamental problems of the application, i.e. traffic movements and HGV vehicle movements.
- Perceived inaccuracies and limitations of the submitted Transport Assessment provided.

NB – a site notice was posted adjacent to the site, dated 27.05.2022 (now expired)

8.0 Environment Impact Assessment (EIA)

8.1. The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

9.0 Main Issues

9.1. The key considerations in the assessment of this application are:

- Principle of Development
- Impact on the Public Right of Way Network
- Highway Safety, Traffic and Parking
- The Impact on the Current Operations of Sexhow Park Farm and other businesses
- The Impact on Residential Amenity, including Noise Impacts
- Waste and Storage
- Heritage
- Impact on the Character and Appearance of the Rural Landscape
- Protected Species, Off-Site Habitats and Biodiversity Net Gain
- Green Infrastructure
- Flood Risk and Surface Water Management
- Land Contamination and Pollution

10.0 Assessment

Principle of Development

- 10.1 Policy S1 (Sustainable Development Principles) sets out the ways in which the Council will seek to achieve sustainable development and sets out the Council's expectations for all development in the District. Development shall ensure that it makes a positive contribution towards the sustainability of communities, environmental enhancement and climate change adaptation/mitigation by achieving the seven objectives. Of particular relevance, is objective (d) which seeks to 'promote Hambleton as a recognized location for business by providing a range of employment opportunities that meet local aspirations, including high quality jobs, meeting the needs of new and expanding businesses and recognizing the contribution of the rural economy. It is however recognized that increases in noise and pollution from increased vehicle movements will damage the environment, wildlife, countryside and village life/tranquility.
- 10.2 In order to meet this objective and the Council's aspiration for Hambleton to be 'a place to grow', Policy S2 (Strategic Development Needs) states provision is made within the plan period (2014-2036) for approximately 77.8ha of employment land (approximately 220,000 sq.m. of floorspace) Policy S3 (Spatial Distribution) sets out the spatial development strategy and identifies where (in terms of locations and settlements) the focus for economic development within Hambleton will be: the market towns and designated large villages within the Plan Area; Key Employment Locations within the central transport corridor of the A1(M) and A19; and 'limited development' within defined Small Villages. Designated/defined new and existing employment locations (including defined town centres) are identified within policies EG1, EG2, and EG3/EG4/EG5 of the Local Plan, with the policies requiring specific requirements to be met in relation to proposed development within these new and existing identified employment locations.

- 10.3 Policy EG2 also supports development involving 'non-designated' existing employment sites through their expansion, intensification, upgrading or redevelopment. However, new employment-generating uses will only be supported by Policy EG2 within the built form of 'defined settlements' (i.e. within the settlement hierarchy of Policy S3), although as explained below, Policy EG7 does provide some exceptions within rural areas.
- 10.4 Policy EG7 (Businesses in Rural Areas) states that employment generating development will only be supported outside of the main built form of a 'defined settlement' where it involves any of the four scenarios below:
- (a) The expansion of an existing business where there is a demonstratable need for expansion that cannot be accommodated within the existing site; or
 - (b) The re-use (conversion) of an existing building of permanent, structurally sound construction that is capable of conversion without the need for substantial extension, alteration or reconstruction and can accommodate the functional needs of the proposed use, including appropriate parking provision; or
 - (c) A new building that is well-related to an existing rural settlement where it cannot be located within the built form of a settlement or an identified employment location, or
 - (d) Proposals specifically requiring a countryside location.
- 10.5 As the development involves the partial re-use of an existing countryside-based building, the development is considered to meet criterion (b) of Policy EG7, the conversion of which the supporting policy text (para. 4.69) states is 'a sustainable way of supporting the diversification of the rural economy without detracting from the character of the countryside.' This is in general accordance with paragraphs 84 and 85 of the NPPF which state that planning policies/decisions should enable: the sustainable growth and expansion of all types of business in rural areas including through conversion (para.84), and recognising that sites to meet local business/community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport (para.85).
- 10.6 There is no evidence to suggest that the building is not in structurally sound condition, capable of meeting the functional needs of the business.
- 10.7 As such, the locational principle of new economic development in this countryside location (due to the partial re-use of an existing building) is considered to be acceptable in relation to the strategic and economic policies of the Local Plan, specifically criterion (b) of Policy EG7.

The impact on the Public Right of Way (PROW) Network

- 10.8 Policy IC3 (Open Space, Sport and Recreation) states that the Council will seek to protect and enhance open space...in order to support the health and well-being of local communities, stating (in relation to public rights of way) that a proposal will be supported where it demonstrates that:

- the routes of any rights of way and their associated amenity value will be protected or, where this is not possible, the affected routes can be diverted with no loss of recreational or amenity value (criterion h.); and
- opportunities for enhancement through the addition of new links to the public rights of way network and/or the provision of new facilities have been fully explored and, where reasonable and viable, incorporated into the proposal (criterion i.)

- 10.9 Policy IC2 (Transport and Accessibility) states that the Council will...secure a safe and efficient transport system and secure a safe and efficient transport system that supports a sustainable pattern of development that is accessible to all, where it is demonstrated that (*inter alia*): it seeks to minimise the need to travel and maximise walking, cycling, the use of public transport and other sustainable travel options, to include retention, where relevant, and enhancement of existing rights of way (criterion c.)
- 10.10 Policy E4 (Green Infrastructure) that the Council will seek to protect existing green infrastructure, secure improvement to its safety and accessibility...by requiring development proposals to (*inter alia*): take opportunities to protect and enhance the public right of way network, avoiding unnecessary diversions and through the addition of new links (criterion f.)
- 10.11 The unsealed access track which provides vehicular access to the building/business from Sexhow Lane to the north of the site forms part of the route of a public bridleway (ref. 10./28/7/1) Having been reconsulted on the application, both the Council's Public Right of Way (PROW) Team and the British Horse Society (BHS) have submitted formal objections to the application (as per the latest amendments), both raising safety concerns for horse riders utilising the bridleway due to the potential for spooking of horses as a result of potentially loud noises emanating from the building as a result of the business operations. The BHS have also raised concerns in their objection regarding adverse impacts to the amenity/enjoyment and safety of users of the bridleway as well as the surface of the PROW as a result of the movements of HGVs and other larger vehicles associated with the business, noting that no meaningful mitigation or compensatory proposals have been submitted to safeguard the PROW users (including walkers, cyclists and horse riders). Within their representations on the application, local residents have referred to occasions when HGVs (due to their size, relative to the track and its access) have resulted in an obstruction and restricted accessibility along the public bridleway, particularly given the lack of appropriate passing places, to the detriment of the safety and amenity value of the PROW for users.
- 10.12 The applicant has provided traffic movement information during the course of the application, providing information on the actual (and post-July 2022, predicted) number of traffic movements (including the type of vehicles) per month in relation to the agricultural use of the building and then the business' use of the building. A Transport Statement (TS) (January 2023) has also been subsequently submitted by the applicant in support of the application. Paragraph 3.4.1 of the Transport Statement concludes:

“The vehicular trip generation associated with the proposed development in isolation is considered to be minimal, and when considered in tandem with the potential traffic generation associated with the extant permission for a B2 workshop for agricultural machinery, is likely to result in either a net reduction, or similar vehicular movements on the local highway network.”

- 10.13 While the above conclusion in the TS is acknowledged, the principal concern with regards to the impact of traffic movements on the safety and amenity of users of the public bridleway is the nature of the vehicular movements along the PROW, rather than any increase in the frequency of traffic movements. Although it is accepted that the current lawful use of the part of the building in question as a B2 workshop (for the repair/servicing of agricultural machinery) would generate a similar or reduced number of vehicular movements, the TS fails to make a quantified comparison between the types of vehicular movements generated by the lawful and current uses, only noting generally at para. 3.3.4 that a Technical Note Report submitted in relation to a similar B2 use (agricultural machinery repair/servicing workshop) application, and only confirming as a general statement at para. 3.3.4 that the most common vehicle types (requiring access to the site) were identified as cars, 4x4 vehicles, rigid vans, articulated lorries and tractors-towing-trailers, and providing an unquantified conclusion that at para. 3.4.2 that the proposed development would result in a reduction of vehicle movements associated with tractors towing a trailer to/from the site (in comparison with an agricultural machinery repair and service workshop use).
- 10.14 Even if it is accepted ‘at face value’ that there is a reduction in the number of tractor-with-trailer vehicle movements, there is no similar comparison (or supporting vehicular movement data) between the number of HGV/rigid/articulated lorry movements between the approved and current B2 uses, which are the larger and potentially least manoeuvrable types of vehicles on the track and which are most likely to raise safety, accessibility and amenity concerns with regards to the various users of the PROW. Even in the absence of such comparable traffic movement data within the TS, it would seem reasonable to conclude that the three (5-day average) HGV trips per day to the site (as provided in table 4.2 of the TS) is more than would be generated by the agricultural machinery repair and service workshop use given the nature of the respective businesses.
- 10.15 Although such trips to site of HGVs of a size capable of accommodating these larger 29 tonnes payloads represent only a small number of the overall trips to site (on average) on a weekly basis, there nevertheless appear to be a consistent operational need of the business, and something which is considered to be unlikely in the case of the agricultural vehicle repair/servicing workshop use. Anecdotal evidence and photographs submitted by local residents would suggest that it is the larger HGVs that have caused the greatest issues in terms of accessibility, obstruction and amenity issues along the track/bridleway due to their relative size and lack of manoeuvrability.
- 10.16 It is also acknowledged that the existing business utilises an area of land adjacent to and to the east of the track as a makeshift turning head of vehicles to be able to manoeuvre up to and into the new east-facing roller shutter door of the building. This inevitably involves the utilisation of the track (and public bridleway) for the turning

and manoeuvring of such HGV vehicles up to/into the building for loading and unloading of steel. In terms of retaining the PROW clear from obstruction, and with regards to the safety and amenity of users of the public bridleway, this is far from a satisfactory arrangement. While it is unclear whether the agricultural machinery repair and service workshop use would require similar turning arrangements for its generated traffic movements, for the reasons explained above, it's likely that the existing business will require the turning/manoeuvring of larger HGVs on a more consistent basis than the extant B2 use, thus having a greater impact on the PROW. The Transport Statement states that the unloading and loading of all vehicles will occur within the building (via the roller shutter door within the eastern elevation of the building), ensuring that no parking or unloading will occur on the access track/PROW. Given the size of the building in comparison with the size (length) HGVs delivering and picking up steel, it appears unrealistic to expect the loading and unloading of HGVs to be undertaken fully within the building, particularly in respect of larger HGVs, and applicant has not provided any plan to demonstrate that 'in-building' loading and unloading is possible for all types of delivery vehicles. The owner has stated that he believes in-building loading and unloading for the larger HGVs is entirely possible and has agreed to provide further information to demonstrate this prior to the Committee Meeting, however at the time of writing such information hasn't been submitted, and concerns in this regard remain. Therefore, given the immediate adjacency of the route of the public bridleway to the eastern elevation (and roller shutter door) of the building, it has not been adequately demonstrated that the loading and unloading of HGVs (likely to be more prevalent with the existing use than the extant B2 use) will not additionally affect the accessibility and amenities of users of the public bridleway.

10.17 Concerns have been raised by both the PROW Team and the BHS regarding the impact on the safety and amenity of horse riders as a result of noise emanating from the building (associated with the business) spooking/frightening horses/ponies. An updated Noise Impact Assessment has been submitted with the application, but this has considered the noise impact of the development on the identified sensitive noise receptor related to residential properties (i.e. Park Farm), rather than a consideration of the impacts of users of the public bridleway. Nevertheless, the updated Noise Impact Assessment provides some information/conclusions that are of wider relevance, not just in relation to the identified sensitive noise receptor:

- Concerns about 'loud audible bangs' were found, on further investigation, to be the result of a fault in the roller shutter door which the assessment considers to be addressable through maintenance works to the door's mechanism.
- Noisy operations within the building are 'sporadic and intermittent' throughout the working day/week.
- Internal sources (i.e. Reverberant Sound Pressure Levels) are identified within the building in relation to both the cumulative operation of machines as well as forklift unloading.
- Noise sources identified from HGV manoeuvre, HGV idling and HGV unloading with forklift.
- The assessment concludes that the overall results of show that there will be no significant impact upon the closest Sensitive Noise Receptor, although the report suggests that further mitigation options could be considered.

- 10.18 While the noise concerns of the PROW Team and the BHS on horse-riders using the public bridleway are acknowledged, in the absence of any specific assessment of noise impact on users of the public bridleway, it is difficult to accurately conclude the nature and severity of the noise impact on horse riders as a result of the internal and external activities of the business. The updated Noise Impact Assessment does suggest that sudden loud noises from the building are now unlikely and not 'par for the course' (with the fixing of the roller shutter door) although as with all commercial activities, such sudden noises can't be entirely discounted. That said, there seems no reason to conclude that the character and level of the noise impact from the business (including incidences of sudden, loud noises) is markedly different from that of an agricultural vehicle repair/servicing workshop use as to have more of an impact on horse-riders using the public bridleway. However, there is considered to be a greater but limited risk of the 'spooking' of horses on the public bridleway due to the increase in the passing, turning and manoeuvring of larger HGVs/articulated lorries within and immediately adjacent to the route of the public bridleway as a result of the current business use and the nature of its operations/traffic movements as analysed above.
- 10.19 Overall, the application has failed to demonstrate that the development applied for either protects or enhances the PROW network for the amenity and safety of its users. On the basis of the evidence available, it is reasonable to conclude that the nature and consistency of the HGV traffic movements generated by the development does result in harm to the amenity value of the existing PROW, to the detriment of the enjoyment and amenities of its users. No proposals have been submitted with the application confirming that the existing route of the PROW (public bridleway) is proposed to be diverted to mitigate this harm and to protect the amenity value of the PROW network, therefore the development is considered to be contrary to the relevant parts/criteria (as referred to above) of policies IC2, IC3 and E4 of the Local Plan.

Highway safety, traffic and parking

- 10.20 Paragraph 85 of the NPPF states that planning decisions should recognize that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).
- 10.21 Policy IC2 of the Local Plan states that all proposals for new development must include provision for sustainable forms of transport to access the site, and within the development. Measures commensurate with the development proposed must be incorporated as an integral part of the design of all development proposals, and could include where appropriate: i. footpaths, cycleways, safe provision for cycle parking and cycle shelters; ii. bus stops/shelters and transport information; iii. support for sustainable forms of transport (e.g. community transport schemes, workforce buses); iv. preparation and implementation of Travel Plans; v. minimum

levels of car parking, commensurate with road safety, the reduction of congestion, and the availability of alternative means of transport.

- 10.22 On site parking (for employees) takes place in the area of curtilage adjacent to the northern gable of the building. Although not formally laid out as designated parking for the business, it is located sufficient distance from the access track/bridleway as to not cause an obstruction, while providing sufficient on-site parking and manoeuvring space to adequately serve the employee parking needs of the business within the curtilage of the building.
- 10.23 Having been consulted and reconsulted on the application (including on the submitted Transport Statement), the Local Highway Authority have raised concerns within their representations regarding the size of the larger vehicles (e.g. articulated lorries) accessing the site, particularly given the narrowness of the road leading to the site, and the limited places for larger vehicles to pass. However, the LHA consider that the submitted Transport Statement shows that the development generates a low level of traffic in a typical day/week, and notwithstanding their outstanding concern, do not object to the application.
- 10.24 Paragraph 3.2.6 of the Transport Statement accepts that typically the delivery and collection of steel is undertaken by HGVs (rigids or articulated lorries), although on occasion smaller vehicles (i.e. vans and vehicles with trailers are used) No breakdown has been provided within the application regarding the proportion of trips generated in relation to HGVs and those of smaller vehicles, although given the nature of the business and the stated sizes of the payloads involved, it is reasonable to expect that a substantial proportion of the vehicle movements involve HGVs. Table 4.2 in the Transport Statement provides the following summary of the predicted 'payload' vehicle trips for the business:

Processing Capacity per Month	500 tonnes					
	<u>15 tonnes</u>			<u>29 tonnes</u>		
Average Vehicle Payload						
Vehicle Movements	In	Out	2way	In	Out	2way
HGV trips per month	33	33	66	17	17	34
HGV trips per week	8	8	16	4	4	8
HGV trips per day (5-day average)	2	2	4	1	1	2

- 10.25 The cumulative average trip generation of the business figures (which includes employee trips) are provided at table 4.4 of the Transport Statement with a total average two-way cumulative vehicle trip generation per week of 56 vehicles and per day of 12 vehicles. However, given the size of the vehicles and relatively small

number of trips generated, the more significant impact on the local road network are the generated trips involving HGVs, as detailed above.

10.26 Section 3.3 of the Transport Statement has made a comparison between the trips generated by the existing business, and the predicted trip generation of the extant use of this part of the building, i.e. as a B2 workshop for the repair/servicing of agricultural vehicles/machinery. The basis for the predicted trip generation of the extant B2 use is the reliance on vehicular trip information submitted as part of a similar use subject to application 21/00730/FUL at Great Busby: 'during spring and summer, the maximum number of vehicle movements is 30 two-way trips per day, reducing to approximately 10 two-way trips per day during autumn and winter', although it is noted in the Transport Statement that the trips involved a range of vehicular types including cars/4x4s, rigid vans, articulated lorries and tractor/trailer, although no trip breakdown by vehicular type has been provided, although the Transport Statement does state that the existing use (in comparison with the extant B2 use) would result in the reduction of tractor/trailer vehicle movements.

10.27 Overall, the Transport Statement concludes at para. 3.4.1 that:

“The vehicular trip generation associated with the proposed development in isolation is considered to be minimal, and when considered in tandem with the potential traffic generation associated with the extant permission for a B2 workshop for agricultural machinery, is likely to result in either a net reduction, or similar vehicular movements on the local highway network. It is therefore considered that the proposed development does not have the potential to result in a severe impact on the local highway network.”

10.28 Given the nature of the business, its location and the relatively small number of employees, there are limited opportunities in practical terms for improving non-car modes of accessibility to the site, although it is recognised that the building is sited immediately adjacent to the PROW network. If Members are minded to approve the application, it is recommended that the provision of secure cycle storage (for existing and/or future employees) is required via condition.

10.29 While the existing use is likely to have a greater reliance on larger HGVs for deliveries and pick-ups than the extant B2 agricultural vehicle repair/maintenance workshop, given the relatively small number of such HGV movements generated (as well as overall generated traffic movements) and taking into account the representations of the Local Highway Authority, it is agreed that the development does not have an unacceptable or severe impact on the local highway network. Overall, the development is considered to comply with Policy IC2 and the NPPF in this regard.

The impact on the current operations of Sexhow Park Farm and other businesses

10.30 Paragraph 187 of the NPPF states that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable

restrictions placed on them as a result of development permitted after they were established. Similarly, Policy E2 (Amenity) of the Local Plan expects all proposals to provide and maintain a high standard of amenity for all user/occupiers, including existing occupants and users of neighbouring land and buildings.

- 10.31 The building/site is located to the south of a 3 acre paddock associated with Sexhow Park Farm which has extant planning permission (ref. 20/01430/FUL) for its use as an outdoor, secure dog 'exercise and discovery' facility. The planning permission also includes the use of an agricultural building as an indoor dog walking area.
- 10.32 While it is acknowledged that the owners of Sexhow Park Farm have raised concerns in their representations regarding the detrimental impact of the development on the operation of their dog 'exercise and discovery' facility/business as a result the noise generated by business operations (including traffic movements), it can't be concluded that the difference in the nature of business operations and deliveries/pick-ups (i.e noise and the nature/frequency of traffic generation) between the existing use and the extant B2 agricultural machinery/vehicles repair/maintenance use would result in any marked additional impact on the existing business, and an other businesses within the local area. Overall, the development is considered to be in compliance with para. 187 of the NPPF and Policy E2 of the Local Plan in this regard.

The impact on residential amenity, including noise impacts

- 10.33 Policy E2 (Amenity) of the Local Plan states that all proposals will be expected to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use. A proposal will therefore be required to ensure (*inter alia*):
- (c) there are no significant adverse impact in terms of noise (particularly with regards to noise sensitive uses...), including internal and external levels, timing, duration and character;
 - (d) that impacts from contamination, dust, obtrusive light and odour (*inter alia*) will be made acceptable.
- 10.34 Policy E2 adds that where mitigation is necessary to ensure that the above requirements are met their compatibility with all other relevant policy requirements will be considered when determining the acceptability of the proposal.
- 10.35 An updated Noise Impact Assessment has been submitted during the course of the application. This has considered/assessed noise contributions from the business in relation to the identified Noise Sensitive Receptor, i.e. the residential property of Park Farm where an assessment of the predicted noise contributions to both ground and first floor windows was undertaken. The Assessment has considered the comparative noise impact (on the Noise Sensitive Receptor) between the current use of the site and proposed use of the site as well as the assessment of HGV Noise, considering both 'noise breakout' from the building and noise resulting from deliveries and site servicing arrangements.

- 10.36 In relation to deliveries and site servicing, the results of the assessment indicate that noise contributions from site servicing arrangements (including HGV Deliveries), inclusive of a are predicted to be a maximum of +2 dB above existing background noise levels at the residential property of [Sexhow] Park Farm during the operating hours of 0800-1800. Noise impacts arising from site servicing operations are therefore predicted to be below the Lowest Observed Adverse Effect Level (LOAEL) for the assessment. In addition, noise contributions from noise breakout from the building are predicted to be a maximum of 2dB below existing measured background noise levels at Park Farm during the operating hours of 0800h - 1800h, Monday to Friday. Noise impacts from the internal operations at the site are therefore predicted to be below the LOAEL. For clarification, noise levels below the LOAEL are an indication that it is less likely that the specific sound source will have an adverse impact.
- 10.37 It is noted that one of the 'operational assumptions' of the Noise Impact Assessment is that deliveries will occur between 08:00-18:00 and will be internal within the building. As explained in para. 10.16 above, it is considered unrealistic to expect all deliveries to be unloaded and uploaded fully within the building, especially deliveries involving larger HGVs. As this assumption may be inaccurate and could potentially affect the results of the assessment in relation to (Sexhow] Park Farm, it is not considered that an accurate consideration of the noise impact of the development on the aforementioned residential property can be made based on the updated Noise Impact Assessment. This matter has been raised with the applicant, but failure to accurately demonstrate that the development will not have a significant adverse impact in terms of noise on residential properties (in accordance with Policy E2 of the Local Plan) would represent a reason for refusal of the application.
- 10.38 Given the relatively close proximity of the residential property at Sexhow Park Farm to the priority junction of the access with Sexhow Lane, there is the potential for any increase and changes in the nature of the traffic movements to additionally affect the amenities of the occupants of this property, although in consideration of the nature and frequency of the traffic movements associated with the extant (partial) B2 workshop use of the buildings, any resulting impacts on the residential amenity of occupants of this property (and those of occupants of properties locate further from the junction) are not considered to be so different as to materially affect the existing amenity levels enjoyed by residents
- 10.39 In terms of dust, the supporting statement confirms that the shot blasting machinery is operated within the building and operates by recycling and filtering the shot used, creating 'an almost dust free environment'. A site visit by the Case Officer confirmed that there were no external ventilation or exhaust. It is also confirmed that the development under consideration does not include any external lighting. Should planning permission be granted, Environmental Health have recommended several planning conditions (see para.7.8 above) primarily recommended to mitigate any noise impacts form the development on nearby properties.

Waste and storage

- 10.40 Criterion (e) of Policy E2 (Amenity) states that adequate and convenient provision should be made for the storage and collection of waste and recycling. Little information has been supplied regarding waste storage, collection and recycling. Officers have requested that details of waste storage and collection are provided, and this information will be available for Members to view prior to the Committee Meeting. Although any waste and recycling storage and collection details submitted by the applicant will be considered in due course against the requirements of Policy E2, there is no reason to conclude at this stage that the development is not capable of providing acceptable waste and recycling storage on site or is incapable of meeting the Council's waste and recycling collection requirements.

Heritage

- 10.41 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving and enhancing the character and appearance of a Conservation Area. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving the Listed Building(s) or its setting or any features of special architectural or historic interest which it possesses.
- 10.42 Policy E5 (Development Affecting Heritage Assets) of the Local Plan (in accordance with the NPPF) states that a proposal will only be supported where it ensures that (*inter alia*): (i) those features that contribute to the special architectural or historic interest of a listed building or its setting are preserved; (j) those elements that have been identified as making a positive contribution to the special architectural or historic interest of a conservation area and its setting are preserved and, where appropriate, enhanced, having regard to settlement character assessments and conservation area appraisals.
- 10.43 Also in accordance with the NPPF, Policy E5 states that any harm to, or loss of, the significance of a designated heritage asset will require clear and convincing justification. Less than substantial harm to the significance of a designated heritage asset will only be supported where the harm is outweighed by the public benefits of the proposal including, where appropriate, securing its optimum viable use. Substantial harm to, or total loss of, the significance of a designated heritage asset will only be supported where it is necessary to achieve substantial public benefits that outweigh the harm caused, or in the exceptional circumstances set out in the NPPF.
- 10.44 The nearest listed building is the Grade 2* listed Old Hall Cottage (Sexhow Hall) located on the north side of Sexhow Lane, while the nearest Conservation Area is at Hutton Rudby. The settings of these heritage assets (as well as those a heritage assets further distance away from the site) are not considered to be affected by the development due to the lack of external alterations to the building and external lighting.

Design and impact on the character and appearance of the rural landscape

- 10.45 Policy E1 (Design) states that development should be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and helping to create a strong sense of place.
- 10.46 Policy E7 states that the Council will protect and enhance the distinctive landscapes of the district. A proposal will be supported where it: a. takes into consideration the degree of openness and special characteristics of Hambleton's landscapes; b. conserves and, where possible, enhances any natural or historic landscape features that are identified as contributing to the character of the local area; c. conserves and, where possible, enhances rural areas which are notable for their remoteness, tranquillity or dark skies; d. takes account of areas that have been identified as being particularly sensitive to/or suitable for certain forms of development; e. protects the landscape setting of individual settlements and helps to maintain their distinct character and separate identity by preventing coalescence with other settlements; and f. is supported by an independent landscape assessment where the proposal is likely to have a detrimental impact on the landscape
- 10.47 Given the commercial nature of the use and the building's countryside setting, there is the potential for the development to harm the rural and landscape character and of the area, including increases in noise in a tranquil location and alterations to the character of traffic movements.
- 10.48 With the exception of the installation of the roller shutter door within the side (eastern) elevation of the building, the operation of the existing business has not resulted in, or required, external alterations to the building. There are some external items associated with the business that are sited externally (e.g. a portable toilet) , although the minor nature of these items and their close association with the building means that their impact on the character of the rural landscape is minimal and not harmful to the wider rural setting/character. As mentioned above, the development results in a degree of change to the locality in terms of noise and the character/nature of traffic generation, however these are not considered to be markedly different in general character to cause additional harm the tranquillity of the rural surrounds, particularly in comparison with the extant B2 use of this part of the building.
- 10.49 Overall, the development is considered to meet the requirements and expectations of Policy E1 and E7 of the Local Plan.

Protected species, off-site habitats and biodiversity net gain

- 10.50 Paragraph 174 of the NPPF seeks minimising impacts on and providing net gains for biodiversity. The Local Plan policy E3, requires all development will be expected to demonstrate the delivery of a net gain for biodiversity and all development must have as a principal objective, the aim to protect, restore, conserve or enhance biodiversity or geodiversity and deliver a net gain for such objectives which accord with all other relevant policies.

- 10.51 The development in question involves a change of use of part of an existing modern building (with no external extension or alterations, except for a new roller shutter door already installed). The building was originally constructed for agricultural use, with a relatively modestly-sized, non-landscaped curtilage. The remaining southern element of the building remains in agricultural use, while the northern part of the building has an extant use as an agricultural machinery/vehicle repair and serving workshop. Although no Ecological Appraisal, species surveys or BNG metric have been submitted with the application, it is within this context that the impact on ecology and Biodiversity Net Gain needs to be considered.
- 10.52 The building is located approximately to the south-west of The Ings SINC and approximately 468m to the south-east of the Sexhow Meadows SINC. However, given the nature of the development and its location, no material impacts on these off-site local conservation sites are considered likely. In addition, the limited landscaped curtilage and the modern form and construction of the building means that there is not considered to be any significant adverse impact on any protected species or habitats on-site. The commercial use, existing form of the building and its hard-surfaced curtilage is not conducive to achieving any notable BNG, and given the nature and size of the development, it is considered unreasonable to require BNG through off-site provision in this particular instance. Overall, the development is considered to comply with paragraph 174 of the NPPF and Policy E3 of the Local Plan.

Green infrastructure

- 10.53 Policy E4 (Green Infrastructure) states that the Council will seek to protect existing green infrastructure...and secure net gains to green infrastructure provision by requiring development proposals to (inter alia): (a) incorporate and where possible enhance existing green infrastructure features as an integral part of the design; (b) capitalise on opportunities to enhance and/or create links between green infrastructure features within the site and, where possible, with nearby features beyond the site; (c) where the site is located within, or in close proximity to a green infrastructure corridor, or a component of green infrastructure, enhance or create links within, to and between the site and the corridor and to enhance the functionality of the corridor.
- 10.54 The building and its curtilage are located within Green Infrastructure Corridor, as designated within the Proposals Map of the Local Plan. As with BNG, given the nature of the development and the limitations of the building and its curtilage, there is not considered there to be any reasonable opportunities to enhance, or improve links between, green infrastructure features.

Flood risk and surface water management

- 10.55 Policy RM2 (Flood Risk) states that the Council will manage and mitigate flood risk by (amongst other less relevant considerations): avoiding development in flood risk areas...(criterion a.); requiring flood risk to be considered for all development commensurate with the scale and impact of the proposed development and mitigated where appropriate (criterion c.), and reducing the speed and volume of surface water run-off as part of new build developments

(criterion d.) Policy RM3 (Surface Water and Drainage Management) of the Local Plan states that a proposal will only be supported where surface water and drainage have been addressed such that it complies with the relevant requirements/criteria listed within the policy.

- 10.56 The site is located within Flood Zone 1 of the Environment Agency's flood maps, and as such is in an area at the lowest risk of fluvial flooding. There is no indication that the change of use of the building had required any change/alteration of the surface water drainage system for the building/site. The development is considered to comply with policies RM2 and RM3 of the Local Plan.

Land contamination and pollution

- 10.57 One of the seven 'Sustainable Development Principles' within S1 is to ensure that development takes available opportunities to improve local environmental conditions, such as air and water quality (criterion f.) In order to maintain a high standard of amenity, part d. of Policy E2 (Amenity) states that proposals are required to ensure that any adverse impacts from various named sources are made acceptable, including air and water pollution, and land contamination
- 10.58 No 'phase 1' environmental assessment has been submitted with the application to assess any potential sources, pathways or risks relating to contamination. However, the building has a solid concrete floor with shot blasting and steel coating activities taking place within the building with external openings closed. There is no external ventilation. Therefore, the risk of contamination of land and the water environment is considered to be below.

11.0 Planning Balance and Conclusion

- 11.1. Local Plan policy, in accordance with the expectations of the NPPF, supports the sustainable re-use/conversion of existing rural buildings for commercial development, therefore the locational principle of new economic development in this countryside location (due to the partial re-use of an existing building) is considered to be acceptable in relation to the strategic and economic policies of the Local Plan, specifically criterion (b) of Policy EG7.
- 11.2. In terms of economic benefits, the business currently employs two full time staff, although has until recently employed three full time workers, and represents a relatively successful local business providing steel shot blasting and coatings for a range of companies, including some multi-nationals. These economic benefits, although relatively small in scale, nevertheless should be given reasonable weight within the planning balance given that they represent economic growth within the Plan Area.
- 11.3 The building/business in question is accessed by and located immediately adjacent to an unsealed track with a priority T-junction off Sexhow Lane. This track also forms part of the route of a public bridleway (ref. 10./28/7/1) While it is accepted that the submitted Transport Statement concludes that the lawful extant use of the northern element of the building (i.e. as a agricultural vehicle/machinery repair and

servicing workshop) in question is considered to generate a volume of traffic movements not dissimilar to the predicted number of traffic movements for existing business use, it is considered reasonable to conclude that the existing use will generate a proportionally higher number of traffic movements (on average) involving larger HGVs (i.e. rigid and articulated lorries) While such traffic movements and deliveries (including turning/manoeuvring, loading and unloading) of larger HGVs generated by the business are low in number, they are nevertheless considered to have an unacceptable additional adverse impact on the amenity and enjoyment of various users of the aforementioned public bridleway, including horse riders, pedestrians and cyclists, contrary to the relevant parts/criteria of policies IC2, IC3 and E4 of the Hambleton Local Plan. In the overall planning balance, this adverse impact on PROW network and its users is considered to outweigh the economic benefits of the development.

- 11.4 While the applicant has submitted an updated Noise Impact Assessment which concludes that the internal 'breakout' noise and noise from servicing and delivery activities meet the relevant acceptable noise levels in relation to the Noise Sensitive Receptor (i.e. the residential property of Park House), it is noted that the Assessment is based on what Officers considered to be an unrealistic assumption, i.e. that all loading and unloading of steel deliveries will take place within the building (with the roller shutter door shut) As such, the results and conclusions of the updated Noise Impact Assessment (as based on this assumption) does not allow for an accurate determination of the noise impact of the development on Park House. Policy E2 of the Local Plan expects development to maintain high standards of amenity, particularly for residential properties. Therefore, unless resolved, the inability to accurately assess the amenity (noise) impact of the development on Park House will constitute a reason for refusal and is given moderate weight in the planning balance.
- 11.5 While the locational principle of the development, in planning policy terms, is considered acceptable, and there are clear but small-scale benefits of the development with regards to the local economy, these considerations would not outweigh the adverse impact of the development on the existing PROW (and the amenities and enjoyment of its various users) as well as the potential (noise) amenity impacts of the development of the residential property when considered within the overall planning balance.

12.0 Recommendation

- 12.1 That planning permission be **REFUSED** for the following reasons:
- i. The building/business in question is accessed by and located immediately adjacent to an unsealed track with a priority T-junction off Sexhow Lane. This track also forms part of the route of a public bridleway (ref. 10./28/7/1) While it is accepted that the submitted Transport Statement concludes that the lawful extant use of the northern element of the building (i.e. as a agricultural vehicle/machinery repair and servicing workshop) in question is considered to generate a volume of traffic movements not dissimilar to the predicted number of traffic movements for existing business use, it is considered reasonable to conclude that the existing use will generate a

proportionally higher number of traffic movements (on average) involving larger HGVs (i.e. rigid and articulated lorries) While such traffic movements and deliveries (including turning/manoeuvring, loading and unloading) of larger HGVs generated by the business are low in number, they are nevertheless considered to have an unacceptable additional adverse impact on the amenity and enjoyment of various users of the aforementioned public bridleway, including horse riders, pedestrians and cyclists, contrary to the relevant parts/criteria of policies IC2, IC3 and E4 of the Hambleton Local Plan.

- ii. While the applicant has submitted an updated Noise Impact Assessment which concludes that the internal 'breakout' noise and noise from servicing and delivery activities meet the relevant acceptable noise levels in relation to the Noise Sensitive Receptor (i.e. the residential property of Park House), it is noted that the Assessment is based on what Officers considered to be an unrealistic assumption, i.e. that all loading and unloading of steel deliveries will take place within the building (with the roller shutter door shut) As such, the results and conclusions of the updated Noise Impact Assessment (as based on this assumption) does not allow for an accurate determination of the noise impact of the development on Park House. Policy E2 of the Local Plan expects development to maintain high standards of amenity, particularly for residential properties. Therefore, unless resolved, the inability to accurately assess the amenity (noise) impact of the development on Park House will constitute a reason for refusal.

Target Determination Date: 07.07.2022

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